

Australia: Northern Territory Labor government pushing harsher bail laws for children

Maya Hunt
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In the latest of a series of “law and order” measures, the Northern Territory (NT) Labor Party government announced last month plans to introduce more stringent bail conditions for children, including those who have been convicted of petty offences. In this, Labor is collaborating closely with the Country Liberal opposition.

Chief Minister Michael Gunner outlined “tougher than ever” repercussions for children aged 10-17 who breach bail conditions or re-offend while on bail. The government also plans to increase the number of offences for youth where bail may not be granted. “Bail is a privilege, not a right,” Gunner provocatively stated.

The proposed measures would overturn limited reforms made to the Youth Justice Act and Bail Act in response to the findings of the 2017 Royal Commission into the Detention and Protection of Children in the Northern Territory.

The Royal Commission was called as an exercise in damage control after a 2016 “Four Corners” program revealed the systemic abuse of children in juvenile prisons, particularly the Don Dale Youth Detention Centre.

Footage in the episode showed guards beating detainees. One child was placed in a “spit garb” for hours, reminiscent of the brutal devices used against inmates at the US military prison on Guantanamo Bay. Guards and police had also responded with brutality to disturbances at Don Dale, which were branded as riots.

The commission came to the conclusion that:

- “Locking kids up does not stop them breaking the law and does not make the community safer. Many kids that end up in detention suffer from trauma and other social and emotional issues. The current system does

not help kids with special needs or problems to change their behaviour.”

- “All the youth detention facilities the Commission looked at in the Northern Territory were not fit for purpose and should be closed.”

- “Detention should be the last option for children who are in trouble with the law. Before locking [up] kids, we should be making sure they can do programs and activities that help fix the underlying reasons for their behaviour.”

The report also called for “Raising the age of criminal responsibility to 12 and only allowing children under 14 years to be detained for serious crimes.” The United Nations Committee on the Rights of the Child recommended 14 as the minimum age in 2019, and 31 UN member states called on Australia to increase the age earlier this year.

Only the Australian Capital Territory has indicated an intention to implement this recommendation. A recent Victorian bid was shot down last month by the Labor government of Premier Daniel Andrews.

To head off anger over the Don Dale revelations, the NT Labor government implemented some of the changes recommended by the commission, including the creation of youth-specific bail criteria and the removal of some barriers to diversion programs.

These alterations were largely cosmetic. They dovetailed with the role of the Royal Commission as a whitewash of successive Labor and Country Liberal Party governments in the NT, as well as the ruling elite as a whole, which has responded to a mounting social crisis caused by its pro-business policies with increasingly police-state measures.

The fraudulent character of the hand-wringing at the

time is underscored by the fact that the territory Labor government, in office since 2016, has ensured that the inhuman Don Dale facility, where many of the abuses occurred, remains open. Labor this month announced that its measures could require an expansion of Don Dale, due to an anticipated “surge” in youth incarceration.

The changes would include the automatic revoking of bail for a “serious” breach such as failure to attend court, reoffending while on bail or failure to comply with a curfew. The increased list of offences where bail may not be granted would include unlawful use of a motor vehicle, unlawful entry and assault. In other words, children who trespass could be locked up without the prospect of bail.

The proposal would allow police to electronically monitor young people who are granted bail. Youth who failed to comply with this would have their bail automatically revoked.

The NT is notorious for having the highest rates of youth detention in the country, with indigenous youth disproportionately represented. Most are detained for petty crimes, such as breaking and entering, theft or drug offences, which reflect the dire social conditions they face.

As of March 29, indigenous youth represented 31 of the daily average of 33 youth in detention centres across the NT.

The Australian Bureau of Statistics found there were 693 offenders aged between 10 and 17 years in the NT in 2019-20, a decrease of 9 percent from the previous year. The fall shows that the proposed changes are not a response to increased crime. Instead they are part of a turn by governments to authoritarian measures in response to mounting social tensions.

The proposed changes have been denounced by the principal lawyer of the North Australian Aboriginal Justice Agency, David Woodroffe. He stated last month, “we know knee-jerk responses to crime don’t work.”

Amnesty International Indigenous Rights Advocate Rodney Dillon called the proposals “reactionary, political and wrong” and warned that the denial of bail only “entrenches recidivism, which is what all the politicians say they want to address.”

State governments across the country are taking repressive measures against youth in detention. In

2016, the Victorian Labor government illegally transferred youth accused of “rioting” from a detention centre in Parkville to the adult maximum-security Barwon prison.

The social crisis confronting workers and youth in the NT, especially those who are indigenous, is particularly sharp. Poverty and unemployment are endemic, social programs minimal, and the health and education sectors have been gutted.

These conditions are increasingly being forced upon the working class as a whole. The ending of the JobKeeper wage subsidy last month threatens an avalanche of job cuts, on top of the highest levels of unemployment in decades.

Official youth unemployment rose to 15.6 percent last year, but the real figure is far higher. In many working-class areas of the country, it likely approaches 50 percent. Those who have a job are frequently in casual, precarious and low-paid positions that do not offer any certainty or future prospects, aside from a life of poverty.

At the same time, tax cuts, massive cash handouts and other pro-business policies have resulted in a huge increase in the fortunes of the ultra-wealthy during the pandemic. The *Australian* newspaper’s “Rich List,” released in April, found that the 250 wealthiest individuals had a combined worth of \$470 billion, up from \$377 billion last year, which was almost double the increase from 2019 to 2020.

As seen internationally, this mounting inequality is incompatible with basic democratic rights. As big business governments intensify their assault on the social conditions of the working class, they are adopting increasingly authoritarian measures in a bid to suppress mounting discontent.



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