



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: JJ:GUml1186996

29 July 2016

Mr Michael Brett Young
Chief Executive Officer
Law Council of Australia
GPO Box 1989
Canberra ACT 2601

By email: ceo@lawcouncil.asn.au

Dear Mr Brett Young,

Royal Commission into abuse of children in detention

The Law Society of NSW writes to you in relation to the announcement by the Federal Government on 26 July 2016 that it will establish a Royal Commission into the abuse of children in detention in the Northern Territory ("Royal Commission"). The Federal Government's announcement followed the ABC Four Corners program, 'Australia's shame', concerning the mistreatment of child detainees at the Don Dale Youth Detention Centre in Darwin, which aired on 25 July 2016.

The Law Society is deeply concerned by the allegations presented in the Four Corners program. We commend the Prime Minister for his leadership in responding to the concerns outlined in the program by committing to establish a Royal Commission.

The Federal Government has now publicised its Terms of Reference and other details of the Royal Commission. The Law Society notes that the Federal Government has limited the Royal Commission to child detention in the Northern Territory, rather than extended it to the treatment of children in detention in other jurisdictions.

The Law Society advises that some of our members have previously expressed concerns about the treatment of children in detention within NSW. In particular, we have been advised by these members about past practices in which it was alleged that young people were held in isolation for significant periods of time, and were not permitted any peer interaction. This can have serious consequences for many young people, including Indigenous children.

The Law Society notes that the allegations raised in the Four Corners program concern fundamental human rights issues, which are of national concern. As you are aware, Australia is a signatory to the United Nations ("UN") Convention on the Rights of the Child, the UN Convention Against Torture, and the Optional Protocol to the UN Convention Against Torture ("OPCAT"). Once Australia ratifies the OPCAT, it will be required to establish an independent National Preventive Mechanism ("NPM") to conduct inspections of all places of detention. Both the President of the Australian Human Rights Commission, Professor Gillian Triggs, and the National Children's Commissioner, Megan Mitchell, have stated that the

THE LAW SOCIETY OF NEW SOUTH WALES

170 Phillip Street, Sydney NSW 2000, DX 362 Sydney
ACN 000 000 699 ABN 98 696 304 966

T +61 2 9926 0333 F +61 2 9231 5809
www.lawsociety.com.au


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allegations raised in the Four Corners program amount to breaches of Australia's international human rights obligations.

The Law Society would support advocacy calling on the Federal Government to immediately ratify OPCAT, and supports the implementation of OPCAT, the establishment of an NPM and the appointment of suitable bodies to conduct inspections of all places of detention.

In the view of the Law Society, the Royal Commission should have sufficient flexibility to allow for expansion of the inquiry to address any policies, practices or individual incidents concerning the treatment of children in juvenile detention centres in other jurisdictions.

In developing the processes and procedures for the inquiry, it is important to ensure that the Federal Government consults with Indigenous groups, individuals and organisations.

We would welcome the opportunity to contribute to any Law Council submission on this matter.

Should you have any questions or require further information, please contact Meagan Lee, Policy Lawyer on (02) 9926 0214 or email Meagan.Lee@lawsociety.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gary Ulman', with a long horizontal stroke extending to the right.

Gary Ulman
President