

## **The Worst of the Worst (2)**

Apparently, more people watch Four Corners than read this august journal. On 27 July 2015, a year – almost to the day – prior to the broadcast of “Australia’s Shame”, I submitted an article to *Balance* titled “The Worst of the Worst”, a phrase that had been used by then Minister for Corrections John Elferink to label some of the youths named in that broadcast. CLANT drew attention to “our disastrous youth incarceration regime”, and highlighted the incidents and issues that have now at last attracted the attention they deserve. Immediately following the “breaking” of the Four Corners story, CLANT issued this statement:

The Criminal Lawyers Association of the Northern Territory welcomes a meaningful Royal Commission with Terms of Reference broad enough to ensure a thorough enquiry into the treatment of young people who are detained, at risk of detention or fall within the care of the Minister.

Tales of atrocities and abuse directed at young people in detention within the NT have long been the source of frustration for CLANT members.

The inaction and ambivalence by the Northern Territory Government to remedy systemic flaws has been an ongoing concern.

The demonization of young offenders by politicians and sections of the media has served to lend legitimacy to increasingly punitive responses by custodians for the most disadvantaged and vulnerable juveniles. Such actions have only now been condemned after brave and tenacious individuals spoke out on the Four Corners program garnering widespread attention.

The evidence is now clear and unambiguous, an overhaul of the Youth Justice System is essential.

Fragile young lives remain in jeopardy as legal and indigenous organisations struggle with limited resources and funding.

CLANT calls for:

- The establishment of an effective, continuous, independent and strong oversight body backed by the Northern Territory, Commonwealth and international law;
- A purpose built Youth Detention Centre staffed by well trained officers;
- Increased funding from both Commonwealth and Territory Governments for frontline legal services within the NT; and
- Increased accommodation options for young people who are eligible for bail or at risk of homelessness.

The rehabilitation of children must be the first priority for any future government. We must break the cycle, reduce imprisonment and recidivism.

The time has come to effect long term change.

Australia must urgently ratify the *Optional Protocol to the Convention Against Torture* (OPCAT).

Ratification and incorporation of the OPCAT provisions into domestic law will provide additional safeguards against human rights abuses in detention centres and ensure international legal norms and standards are met.

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Over the last few years, I have campaigned fearlessly to introduce more brevity, levity and poetry to the field of law reporting. Herewith, my latest instalment.

### **[2015] NTLimR**

#### ***A Digest of Judgments Delivered in 2015 by the Court of Criminal Appeal of the Northern Territory and the Court of Appeal of the Northern Territory concerning Criminal Law in Limerick Form***

##### ***The Queen v Amital [2015] NTCCA 1***

He dealt dope by the bag (half a gram). It all  
Seemed no big deal. Then he (damn it all!)  
Sold while on bail.  
Man, you're staying in gaol,  
For at least nine long months, Jimmy Amital.

##### ***The Queen v Duncan [2015] NTCCA 2***

She was young, she was reckless and drunk. In  
A rage, drove the blade 'til it sunk in.  
What's "exceptional circs"?  
This, the CCA shirks,  
But they spray Blokland J. (What a dunkin'.)

##### ***The Queen v Rudd [2015] NTCCA 3***

Bikies played PO Rudd for the mug  
That she was, as she needed their drug.  
In her sentence, a flaw  
No-one saw, and what's more,  
No home D. Now she's back in the jug.

##### ***Tilbury v The Queen [2015] NTCCA 4***

You claim that for patent disparity,  
We should cut back your sentence, in charity.  
But *his* term was too light.  
Do two wrongs make a right?  
The big picture: promote regularity.

***Truong v The Queen* [2015] NTCCA 5**

Truong's trouble's the size of his wrong:  
It's as great as the Crown case is strong,  
And the fact that the weight  
Of the drug's not so great  
Needn't be of great weight: q.v. *Wong*.

***Platt v The Queen* [2015] NTCCA 6**

In a trap fell that backpacker, Platt,  
Dealing drugs. Still, at least he's no rat,  
As he did it in aid  
Of a woman betrayed.  
What a prat though, to help her like *that*.

***Noakes v The Queen* [2015] NTCCA 7**

It don't pay to treat judges as jokes.  
Bespoke bail's set, but, boy, she provokes:  
Breaches (five). Okey dokey,  
Just stay in the pokey.  
*Griffiths*<sup>1</sup> strokes for some folks, but not Noakes.

<sup>1</sup> *Griffiths v The Queen* (1977) 137 CLR 293

***O'Neill v Rankine* [2015] NTCA 3**

Prosecution neglect looks like pranking'.  
They're floutin' directions. A spankin'  
Is ordered. The beak  
Is cheesed off. Lots of cheek,  
But no power. Stiff cheddar, Q. Rankine.