

Commissioner defends daughter's role - Australian, The /Weekend Australian, The /Australian Magazine, The (Australia) - July 30, 2016 - page 5

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Malcolm Turnbull has stood by his choice of former Northern Territory chief justice Brian Martin as royal commissioner into the Territory's juvenile justice and child-protection systems, as Justice Martin was forced to address allegations of conflicts of interest that included the suggestion his own daughter could be called as a witness.

Indigenous leaders and Labor yesterday blasted the commission as a rushed job, saying the Prime Minister and Attorney-General George Brandis should have consulted more widely with the indigenous community and pursued a broader inquiry, with different terms of reference and an indigenous commissioner.

The calls came as it was revealed that the Territory government is counter-suing two of the boys who appeared in footage on the ABC's Four Corners program on Monday, being stripped naked, teargassed and strapped to a mechanical chair, for \$208,000 damage they allegedly caused at Darwin's Don Dale Youth Detention Centre.

Northern Territory Chief Minister Adam Giles also accused the lawyers who appeared on the program of being Labor Party members, as he admitted he had previously viewed footage of the teargassing, contradicting what he has said since Tuesday and sparking calls for his resignation.

The Prime Minister defended the terms of reference and his choice of Justice Martin.

"It is my judgment that we have hit the right balance in terms of the terms of reference, and we have a very experienced, very capable and respected royal commissioner," he said.

Justice Martin was forced to issue a statement after it was revealed that his daughter, Joanna Martin, had been employed as a justice adviser to Territory Labor attorney-general Delia Lawrie from late 2009 to March 2011.

Some of the most serious Four Corners footage, of juvenile inmate Dylan Voller being stripped naked and dragged down by guards, was shot in 2010.

"It is my daughter's memory that during the period of her employment with the Northern Territory government, she had no involvement in the Northern Territory child-protection or child-detention systems," Justice Martin said, adding that responsibility for those matters was held by correctional services and child-protection ministers, including Malarndirri McCarthy, who is now a federal Labor senator.

"I am unable to discern any possibility that my daughter could be a witness before the royal commission," he said.

"I disclosed this matter to the Attorney-General prior to my appointment ... and we were both

satisfied that it would not compromise the independence or appearance of independence of the royal commission." Yesterday, it was also revealed that Justice Martin had been appointed to preside over the inquiry into the establishment of a Territory Anti-Corruption, Integrity and Misconduct Commission in December, with sacked Territory corrections minister John Elferink, who remains Attorney-General, signing his name "Elf" on the commissioning documents.

A spokeswoman for the office of the royal commission said it was "common practice for Mr Elferink to sign documents in this way" and "no indication of any particular relationship to the commissioner".

The founding director of Darwin indigenous charity the Bulunia Foundation, **David Cole**, said Justice Martin was "too close to the boys' club" in Darwin, and had alienated the Territory indigenous community with previous sentences, including maximum non-parole periods of four years handed to the two worst offenders among five white men found responsible in 2010 for the bashing death of Alice Springs **Aboriginal** ranger Kwementyaye Ryder.

Bill Shorten will return from leave today and will visit Darwin to meet with indigenous, child welfare and justice leaders and groups before attending the Garma festival tomorrow with Pat Dodson and Senator McCarthy.

He said he would be doing what Mr Turnbull had failed to do, and listening to the views of relevant parties. "This royal commission can't be another exercise where **Aboriginal** voices are ignored," the Opposition Leader told *The Weekend Australian*. "If we don't listen to the experts, advocates and communities in the NT, we will just repeat the failures of the past." *Inquirer* P18

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