

Justice groups issue five-point plan to reduce Indigenous imprisonment

Pat Dodson says holding police and prison officers personally responsible may be the most effective way to reduce Aboriginal deaths in custody

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Thousands of people march in a Sydney Black Lives Matter protest. A coalition of justice groups has outlined five reforms that ‘could be made tomorrow, if the political will is there’. Photograph: Isabella Moore/The Guardian

Holding police and prison officers personally responsible for their treatment of Aboriginal people may be the most effective way to reduce deaths in custody, Labor senator Pat Dodson said as a coalition of justice groups issued a five-point plan to reduce Indigenous incarceration.

Police and custodial officers need to have a better understanding of the duty of care they have to those in detention, Dodson said.

“And we’ve done nothing to look at why there haven’t been charges or penalties imposed for neglect or for dereliction of duty,” he said.

“In any other employment situation, there’d be some clear set of guidelines that if you breach, there’s a penalty incurred.

“Police are trained to assert authority and to control situations,” Dodson said on Thursday. “They’re not trained as medical clinicians. They’re not there to put someone in custody and observe them like you would if you’re a nurse.

“So practices will continue until you change that and remind them of those obligations and responsibilities.”

A large coalition of justice groups, including the Law Council of Australia, also outlined five reforms they say “could be made tomorrow, if the political will is there”.

The groups, representing more than 100 legal services, from Change the Record, National Aboriginal and Torres Strait Islander Legal Services, Human Rights Law Centre, Amnesty International, ANTaR, First Peoples Disability Network, Community Legal Centres, Family Violence Prevention Legal Services, AcoSS, Oxfam and Law Society of Australia have jointly issued a five-point plan to:

- Repeal punitive bail laws, mandatory sentencing laws and decriminalise public drunkenness.
- Stop imprisoning Aboriginal and Torres Strait Islander children and raise the age of legal responsibility from 10 to 14 years.
- Legislate for independent investigations of deaths in custody and the resourcing of independent police oversight bodies.
- Implement all recommendations from the royal commission into Aboriginal deaths in custody, the Australian Law Reform Commission’s Pathways to Justice report and the “countless independent investigations, coronial inquests and reports that have been published in the three decades since”.
- End the solitary confinement of Aboriginal and Torres Strait Islander people in police and prison cells through legislative safeguards and by setting up independent bodies to monitor the conditions and treatment of people detained.

“We are still waiting for a response from government to the seminal Pathways to Justice report , more than two years after its publication. This simply is not good enough,” the president of the Law Council of Australia, Pauline Wright, said.

“The Law Council supports the implementation of strong, national justice targets to see an end to the gross overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system. This is a national tragedy on our own doorstep which cannot be ignored.”

Shahleena Musk, from the Human Rights Law Centre, also called for the government to respond to the Pathways to Justice report.

“If Australian governments valued Aboriginal lives, they would act on the countless recommendations of inquiry after inquiry and repeal those laws that lead to mass imprisonment,” Musk said.

In parliament, Scott Morrison said it was an “extremely important issue”.

“Every death in custody, and particular Indigenous deaths in custody, is an absolute national shame and tragedy,” Morrison said. “And what the minister for Indigenous

Australians has been working to do is also to address the contributing factors which find Indigenous Australians in custody”.

Indigenous affairs was one of two major issues that the national federation reform council would address, he said.

“We all agreed, premiers, myself, chief ministers, that they were the issues that needed constant national priority and attention by the National Federation Reform Council, which brings all the key decision-makers together and for progress to be tracked against the successes that we hope to achieve in that area. So our government is very committed to action in this area.”