

## Aboriginal families condemn Scott Morrison for 'ignoring' deaths in custody crisis

*Man, 37, who died in his cell on Tuesday morning adds to at least six other Aboriginal people dying in NSW jails in past two months*



*Apryl Day, whose mother Tanya Day died in police custody in 2017, has joined other bereaved families in accusing the prime minister Scott Morrison, of ignoring the crisis of Aboriginal deaths in custody.*

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Bereaved Aboriginal families have accused the prime minister of continuing to ignore the “ongoing crisis” of Aboriginal deaths in custody after news of two more deaths this week.

At least six Aboriginal people have died in custody across Australia in the past two months. Four were in New South Wales jails, and another involved NSW police.

NSW authorities confirmed a 37-year-old man was found dead in his cell at Cessnock correctional centre on Tuesday morning. The death of another man at Port Phillip prison in Victoria is still under investigation.

These follow the deaths of a 45-year-old Aboriginal man in Perth on 3 April; a 37-year-old Barkindji man, Anzac Sullivan, in a police pursuit in Broken Hill on 18 March; an Aboriginal man in Melbourne’s Ravenhall prison on 7 March; an Aboriginal woman in Silverwater women’s prison on 5 March; a 35-year-old Aboriginal man at Long Bay hospital on 2 March.

Apryl Day, whose mother died under horrific circumstances in a Melbourne police lockup, said it was “disheartening and upsetting” that Scott Morrison has had nothing to say to families seeking a meeting with him about deaths in custody.

Tanya Day died in hospital on 22 December 2017 from a brain haemorrhage sustained when she fell and hit her head in the police cells 17 days earlier. She had fallen asleep on a train and been arrested for public drunkenness – an offence the royal commission into Aboriginal deaths in custody recommended be removed 30 years ago.

“It just goes to show the lack of care that the government has towards our people dying at the hands of the system and the state,” Apryl Day said.

“We’re at close to 480 deaths [since the end of the royal commission]. And there’s been no public acknowledgment from the government. There’s been no commitment in working towards ensuring that our people aren’t dying in custody or that our loved ones are going to receive justice and accountability.

“We’re just being ignored. We continue to die in custody, and it’s a national crisis.”

The news of more deaths comes as two high-profile coronial inquests are under way. Wayne “Fella” Morrison, 29, died in hospital in September 2016, three days after an altercation with staff at Adelaide’s Yatala prison left him brain dead. At one point during the incident he was restrained by more than 14 officers.

In NSW, an inquest has begun into the death of 20-year-old Bailey Mackander, who fell from a wall while trying to escape from police custody at Kariong correctional centre in November 2019.

Greens senator for Victoria, Lidia Thorpe, said Aboriginal people were “heartbroken”.

“What kind of country asks that its First Peoples bear this kind of pain and trauma? What kind of government refuses to act in the face of this kind of crisis? Our grief is constant. It is never ending,” Thorpe, a Gunaai Gunditjmarra DjabWurrung woman, said on Tuesday.

On 15 April the NSW government received a cross-parliamentary committee report into the incarceration of Aboriginal people which recommended the state’s police watchdog, the Law Enforcement and Conduct Commission, investigate deaths in custody.

Police investigate all custodial deaths and prepare a brief of evidence for the coroner and Aboriginal families and activists have long demanded a more independent process.

The committee, set up at the height of the Black Lives Matter protests in June 2020 with Liberal, Labor, Greens, Nationals and One Nation MPs, made recommendations aimed at reducing the rate of imprisonment, including raising the age of criminal responsibility from 10 to 14.

It also recommended reforms to the Summary Offences Act to exclude “obscene language” as grounds for arrest. It said police discretionary power was often used to arrest and detain young Aboriginal people. It also recommended the bail act be overhauled.

Aboriginal defendants are 20.4% more likely to be refused bail by police than non-Aboriginal defendants in similar cases, a recent NSW Bureau of Crime Statistics and Research study of more than 500,000 bail decisions made in NSW between 2015 and 2019 found.

At the time of its release, committee member Nationals MP Trevor Khan said the recommendations were “not pie in the sky” and were “deliverable”. The chair, Labor MP Adam Searle, said the recommendations were “easily” achievable and the “ball from today is in the government’s court”.

The Berejiklian government has six months to formally respond but committee member Greens MP David Shoebridge said in light of the news of more deaths in custody, the government needed to respond “in days or weeks, not months”.

“Business as usual would see a response in six months, but we know business as usual would see more First Nations deaths in custody,” he said.

“We’ve seen in the last year just how quickly the governments can respond to a crisis when they decide to do so.

“We need this same urgency to address the crisis of deaths in custody.”

The NSW attorney general, Mark Speakman, said the Berejiklian government is carefully considering the report’s findings and recommendations.

“The overrepresentation of Aboriginal people in the criminal justice system is a national tragedy,” Speakman said. “That so many more Aboriginal people, as a proportion of the population, come into contact with the criminal justice system, is a product of many complex factors for which there is no single or simple solution.”

Speakman said the NSW government has made “record investments” to reduce reoffending, as well as reforms to sentencing, parole and driver licence disqualification and has expanded the Youth Koori Court.

The national Aboriginal and Torres Strait Islander legal service said it was “beyond devastated” to learn of yet another death in custody.

“We urgently need to see culturally safe supports and Aboriginal-led solutions to stop our people dying. Governments must stop avoiding responsibility and act now to ensure these injustices for our people end and there is accountability for those responsible,” its chair, Priscilla Atkins, said.

It supported the 15 Aboriginal families whose loved ones had died in custody in seeking a meeting with Morrison, a call “which has so far gone unanswered”, Atkins said. Its petition has more than 33,000 signatures.

Apryl Day – who is also a founder of the Dhadjowa Foundation to support bereaved families and call for change – said Aboriginal and Islander people across the country were grieving and calling out for national leadership.

“Mob all around the nation, you can see it takes a massive toll on our mental health,” she said. “It has you reliving your trauma from your own family members who have

died in custody, or that are still in custody. You're fearful and you're scared that your other family members or someone you love is going to be next.

"To have our mob reliving this trauma every day, to then have it ignored by the governments, it's really difficult, knowing that they're ignoring them or ignoring your family's struggle."

On 15 April it was 30 years since the royal commission into Aboriginal deaths in custody. As of today, at least 475 Aboriginal people have died in police and prison custody since then.

Federal Labor has promised \$92.5m to address Aboriginal deaths in custody, with \$39m for justice reinvestment in 30 communities.

Federal Indigenous Australians minister Ken Wyatt and the prime minister have been contacted for comment.