

Queensland Crime & Misconduct Commission

Inquiry into Policing in Indigenous Communities

Submission by 1st June 2007

From Barbara Ashby, 6 Soudan St, Bardon 4065

I am pleased that there is this timely inquiry into policing in Indigenous communities. I am a white Australian who is one of many who are very concerned about the many inequalities between Indigenous and white Australians.

I am a member of Amnesty International Australia Qld Indigenous Human Rights Support Group and also of ANTaR and Reconciliation Qld. So human rights and social justice are values I consider very important in Australia.

I have spoken to Indigenous people in the community and have read the Recommendations in the Black Deaths in Custody Report 1991 and later recommendations from HREOC and Amnesty International. My comments are based on these and my own observations, but my submission is far shorter than the inquiry deserves as my time is limited.

1. The CMC inquiry needs to have a look at the situation of policing for urban Indigenous people as well as rural and remote communities. Many of the problems stem from issues of deprivation and lack of self determination which are the same wherever the community.

2. Possible changes to police policies and procedures that would improve relations between the police and people in remote Indigenous communities

Working with Indigenous liaison teams should be a priority. The Indigenous team members should be chosen by the community and there should be regular perhaps monthly meetings which all police should attend. The community team should have some powers to assist in keeping local justice – perhaps by being able to refer community members for counseling or similar.

Any concerns should be raised at these meetings first.

All police working with Indigenous communities should attend cross cultural training with the local community.

I believe the situation of arresting someone for drunkenness and swearing is inconsistent with previous police recommendations. The Aboriginal Deaths in Custody Royal Commission recommended that arrest and imprisonment should only be used as a last resort. Police need to ensure they are working together with Indigenous people on confidence building projects and alternatives to prison sentences.

3 Police practices regarding detention in police custody, including the monitoring of people in watch houses and whether community justice groups or other could do this monitoring.

See the reference to community liaison teams in the previous paragraph: they would be able to help in decisions re monitoring of people.

Duty of care must extend to all people in detention and include health. Police in Indigenous communities (and elsewhere) need to be competent at First Aid and probably also in recognising possible health problems. This is particularly so for Indigenous people who lack equal access to primary health care and may be a more vulnerable group. The shocking fact of the low life expectancy for Indigenous people makes their well being a high priority for anyone working with them.

Recommendations from the Black Deaths in Custody Inquiry should be implemented. Recommendations 99 and 100 have recommendations on the use of interpreters in court. If there is doubt as to whether the person has the ability to fully understand proceedings or express themselves in the English language a competent interpreter is to be provided without cost to that person. The government is to take positive steps to recruit and train Aboriginal people as court staff and interpreters in locations where Aboriginal people appear before the courts.

4. How to make the best use of government resources in delivering criminal justice services in remote Indigenous communities

I have heard reports that Qld Judges who visit rural and remote communities are concerned that there are people coming before them over and over again because they feel they do not understand what they are being charged with and what they should /should not do. The Aboriginal people do not speak fluent English and there are no interpreters. As I have mentioned above this may be solved with the use of 'Murri Courts' and interpreters.

Again working with Indigenous communities as to how best to deliver a police service which helps them live in an equal manner to other Australians is the only way to achieve justice. The situation of access to suitable housing and health care and education is part of all problems for Indigenous people.

Education in human rights would be useful for communities in helping reduce violence.

Education for police in human rights would be useful for achieving a justice system which serves everyone.

Again the Royal Commission report focused on the necessity to reduce Indigenous over representation at every stage of the criminal justice system. The Commissioners stated that a focus on the criminal justice system alone is not going to change the circumstances which draw Indigenous people into the criminal justice system. Everything so far has

been based upon an assumption of superiority and relations tend to be based on inequality and control.

They went on to state the necessity of a fundamental change in relations to one based on equality and respect.

Finally this submission is mine alone and I know it does not cover all the things necessary to address the problem but it does represent my deep concern that Queensland police should fulfill a role which helps Indigenous communities experience their rights. We, as Australians whether Indigenous or not, are entitled to a police force who work with us, to protect us.

The history of Indigenous people in Australia must be taken into account when planning police policies as there are many past wrongs which have led to attitudes of distrust that have to be addressed.

There needs to be no more deaths in custody and Queensland police should take a proactive position in helping Indigenous communities and their own officers experience their own, and value others, human rights.

Barbara Johns
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