



Smarter Justice. Safer Communities

MEDIA RELEASE: Action still needed on Deaths in Custody Royal Commission recommendations

FOR IMMEDIATE RELEASE

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Change the Record has questioned the report released by the Minister for Indigenous Affairs Nigel Scullion yesterday, which claims that the majority of recommendations from the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) have been implemented.

"In 2015, Clayton Utz and Amnesty International found that the implementation of most recommendations had been inadequate," said Damian Griffis, Co-Chair of Change the Record.

"The report released by the Minister yesterday is only based on self-reported actions by government agencies. This report seems to be a whitewash of the inadequate, half-hearted response to RCIADIC over the last 27 years. It doesn't show a meaningful picture of the whole response to the Royal Commission because it excludes the voices of Aboriginal and Torres Strait Islander communities," said Mr Griffis.

"Incarceration rates and deaths in custody are increasing, which the report acknowledges," said Mr Griffis. "It shows that the actions reported have fallen short of the intentions of the Royal Commission, especially where it comes to ensuring self determination," he said.

"It's extraordinary for the Government to claim most recommendations are implemented. Unfair laws and policies remain on the books that disproportionately target Aboriginal and Torres Strait Islander people, like mandatory sentencing and imprisonment for unpaid fines," said Cheryl Axleby, Co-Chair of the National Aboriginal and Torres Strait Islander Legal Services. "The Federal Government is yet to respond to the 35 recommendations of Australian Law Reform Commission, many of which echo earlier Royal Commission findings. In our view, there's a long way to go before the Royal Commission's recommendations are implemented".

In 2015, an Amnesty International commissioned review by Clayton Utz found that "the development of strategic plans to incorporate the RCIADIC Recommendations as well as the reporting on the implementation of these strategic plans by justice agencies has been highly inconsistent."

"We challenge some of the claims in the report," said Mr Griffis. "It cites initiatives like the Indigenous Advancement Strategy (IAS) as examples of self-determination, when several inquiries and reviews have shown that IAS disadvantaged Aboriginal and Torres Strait Islander Community Controlled Organisations, and the Government didn't even consult sufficiently with Aboriginal and Torres Strait Islander communities when establishing the IAS," he said.

"The Royal Commission into Aboriginal Deaths in Custody was silent on Aboriginal and Torres Strait Islander women," said Antoinette Braybrook, National Convenor of the National Family Violence Prevention Legal Services Forum. "Since the Royal Commission, the rates of Aboriginal and Torres Strait Islander women being imprisoned have skyrocketed by nearly 250 per cent, but there has been no action by Government to put solutions in place to prevent this. Claiming that most of the Royal Commission's recommendations have been implemented does nothing to help the women in our communities being criminalised," said Ms Braybrook.



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Recommendation 223 of the RCIADIC recommended establishing protocols where police notify Aboriginal and Torres Strait Islander Legal Services when an Aboriginal or Torres Strait Islander person is arrested or taken into custody.

"Two solutions that governments can implement immediately are to legislate and fully fund mandatory Custody Notification Services across Australia, and set national justice targets," said Ms Axleby. "Custody Notification Services have been shown to save lives. National justice targets are needed for progress on reforming justice across Australia."

Change the Record is advocating for justice targets to be established as part of the Closing the Gap strategy, which include targets to reduce rates of incarceration and rates of family violence affecting Aboriginal and Torres Strait Islander people.

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