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National Aboriginal and  
Torres Strait Islander Legal Services  
TRUE JUSTICE FOR OUR PEOPLE



**FOR IMMEDIATE RELEASE**

**2 June 2020**

**JOINT MEDIA RELEASE: Here and in America, we must end Black deaths in custody**

Change the Record calls on state, territory and Commonwealth governments to commit to end Aboriginal deaths in custody in the wake of George Floyd's death in America - which followed two fatal police shootings here in Australia late last year.

**\*\* Change the Record has called on the Prime Minister and National Cabinet to implement five key recommendations, below. \*\***

The Prime Minister yesterday distanced Australia from the police brutality in America, and downplayed the ongoing injustice of the mass-incarceration of Aboriginal and Torres Strait Islander peoples in Australian prisons, and the preventable and tragic deaths of over 400 Aboriginal people in police or prison custody since the Royal Commission into Aboriginal Deaths in Custody.

**Change the Record Co-Chair, Cheryl Axleby:**

“432 Aboriginal people have died in custody since the 1991 Royal Commission into Aboriginal Deaths in Custody was held, which was meant to put an end to our people dying in cells. Instead, its recommendations have largely been ignored.”

“Aboriginal and Torres Strait Islander peoples are dying in police and prison cells for two reasons - the discriminatory policies which see us arrested at extraordinary rates, and the discriminatory treatment we are subjected to by police and correctional authorities. This must change.”

**The family of Tanya Day, a proud Yorta Yorta woman and much-loved sister, mother, grandmother and advocate who died in police custody:**

“Hundreds of Aboriginal people have died in police custody, yet no police officer has ever been held criminally responsible. This is a stain on this country. Our families and communities are being decimated by the racism that infects police. We know that our mum would have been treated differently and would still be alive today if she was a non-Indigenous person. We lost our

mother in the cruelest of circumstances. No family should ever have to go through that. Aboriginal deaths in custody must end.”

**National Aboriginal and Torres Strait Islander Legal Services Co-Chair, Nerita Waight:**

“The Prime Minister, like others before him, has chosen to ignore this country’s legacy of Aboriginal deaths in custody. Only last week, a police officer entered a not guilty plea for the murder of Yamatji woman Joyce Clarke, who was fatally shot in Western Australia. This was the second fatal police shooting in the last year, including 19-year-old Walpiri man Kumanjayi Walker in the Northern Territory. There have been 432 black deaths in custody in Australia since the Royal Commission and not a single conviction for authorities involved or any sense of accountability. National leadership is needed to end this injustice and begin to write the wrongs for our communities.”

**Human Rights Law Centre Senior Lawyer, Shahleena Musk:**

“Hundreds of Aboriginal and Torres Strait Islander people have died in custody in the last three decades, yet governments continue to sit on their hands and have failed to act. Our governments can choose to end the racial injustice and violence in this country by committing to end the mass imprisonment of Aboriginal and Torres Strait Islander peoples, by following through on recommendations of coroners, independent experts and the Royal Commission, and by holding police to account for wrongdoing.”

**Amnesty International Australia National Director, Sam Klintworth:**

“Australia has a shameful record in its treatment of Indigenous people in custody, and has compounded the trauma of dispossession by allowing kids as young as 10 to be locked up, condemning them to the brutalising effect of the youth detention system which sees children caught in the quicksand of the justice system, instead of with family in community.”

**END DEATHS IN CUSTODY:**

1. **End the mass imprisonment of Aboriginal and Torres Strait Islander peoples** by repealing punitive bail laws; mandatory sentencing laws; and decriminalising public drunkenness.
2. **Stop imprisoning Aboriginal and Torres Strait Islander children** and raise the age of legal responsibility from 10 to at least 14 years.
3. **End racist policing and require police accountability** by ending the practice of police investigating police, and legislating for independent investigations of deaths in custody and resourcing independent police oversight bodies.
4. **Implement all recommendations** from the Royal Commission into Aboriginal Deaths in Custody and the countless independent investigations, coronial inquests and reports that have been published in the three decades since.
5. **End the abuse, torture and solitary confinement** of Aboriginal and Torres Strait Islander people in police and prison cells through legislative safeguards and by urgently establishing independent bodies to oversee the conditions of detention and treatment of

people; in accordance with our obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

Endorsed by: Change the Record, National Aboriginal and Torres Strait Islander Legal Services, Human Rights Law Centre, Amnesty International Australia, ANTaR, First Peoples Disability Network and Community Legal Centres.

**END OF MEDIA RELEASE**

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