



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

9 April 2021

FOR IMMEDIATE RELEASE

MEDIA RELEASE: 30 years and over 474 Black deaths - Join us on a National Day of Action on Saturday 10 April as we demand urgent action from Government to stop our people dying in custody

We are the families, the human faces and remnants of loved ones who have died in custody, lost in the grips of the very systems that should be protecting our basic human rights as Aboriginal and Torres Strait Islander people - the first custodians of the land. We, the families, are left with a profound void and emptiness that can't be remedied. The spiritual and emotional unrest of knowing that our loved ones won't be coming home is immeasurable. We live with this ongoing trauma day to day.

Next Thursday April 15, it will have been 30 years since the Royal Commission into Aboriginal Deaths in Custody. Yet we as your First Nations people are still the most overrepresented and incarcerated peoples on the face of the planet.

The Royal Commission found that there are many social injustices like child removal, family violence and lack of housing which mean that our people are more likely to get caught in the justice system. The ongoing effects of colonisation and dispossession, discriminatory policies and systemic racism, have pushed our people to be the most imprisoned people on earth. This means we're also more likely to die in police or prison custody.

There have been at least [474](#) deaths since the Royal Commission. These are our Elders, mothers, fathers, children and siblings. This last month alone, we saw five Black deaths in custody in Australia. Everytime there is a death, we relive the loss of our loved ones, and another family must experience this never ending pain. This system is killing our people and our future.

This Saturday is a national day of action to end Black deaths in custody. We will march the streets for the loved ones lost to us. We welcome the Australian public to walk with us on this journey to stopping deaths in custody. Our voices will not be silenced.

Our 15 families have united together in solidarity to lead a campaign that will end this injustice once and for all.

In honor of the legacy of our loved ones who have died, we call on governments to sit down with us in transparent, open and honest conversations about solutions and proactive measures to effectively

eradicate Black deaths in custody for future generations. We call on governments to listen to us and work with us to action our demands; so that no other family has to experience the injustice of living without their loved ones.

Our communities have had the solutions to end this injustice for 30 years but Governments have chosen not to prioritise saving Black lives. Enough is enough.

We demand that governments:

1. Implement all recommendations of the Royal Commission into Aboriginal Deaths in Custody meaningfully, with the involvement of all the families who have lost loved ones in custody.
2. Replace the practice of solely internal police and prison inquiries by implementing an independent investigative body to inquire into police, prison officer and other employee conduct in relation to deaths in custody.
3. All levels of government to urgently prioritise the reallocation of public funding away from violent, punitive policies or on the expansion of prisons (particularly for-profit prisons), and rather focus on strengthening and improving our communities with Aboriginal and Torres Strait Islander-led, grassroots solutions. We need more excellent schools, community healthcare and healing programs by and for our people to be funded nationally, and within states and territories.
4. Police services need to allow all of our people access to Custody Notification Services, without exception or delay. These services must be fully publicly funded and properly resourced. It must be mandatory for police to immediately notify ATSILS when an Aboriginal and/ or Torres Strait Islander person is in custody for any reason, including “protective” custody.
5. End the physical restraint, abuse, torture (including spit hooding and solitary confinement) of all people in police and prison cells through legislative safeguards and by urgently establishing independent bodies to monitor the conditions and treatment of people detained; in accordance with our obligations under the Optional Protocol to the Convention Against Torture (OPCAT) and the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) subcommittee.
6. Families deserve to know that if their loved one dies in custody they will be heard; that a timely, thorough, independent investigation will occur, and they will be told of the progress of this inquiry. They deserve to witness any public investigation of their loved one’s death. This includes being provided with the means to attend all hearings. Families also deserve to know that their deceased family member’s body is being treated in a culturally competent and respectful manner, and where possible that they have access to their loved one’s body to conduct ceremonial arrangements in a timely manner.
7. Reduce imprisonment of Aboriginal and Torres Strait Islander peoples by repealing punitive bail laws, mandatory sentencing laws, and decriminalising public drunkenness. Likewise, place a moratorium on building new prisons, growing bed capacity and redirect operational funding

- from prisons to Aboriginal and Torres Strait Islander-led community-controlled health, housing, youth, and legal services to ensure the contingency of a self-determined and empowered future.
8. All levels of government across Australia to commit to raising the age of criminal responsibility to at least 14 years of age, as well as implement a minimum age of detention of 16 years. Moreover, all governments must end the criminalisation of our children and young people in out-of-home “care” and child “protection” residencies, and provide a range of culturally appropriate programs and other alternatives to imprisonment.
 9. All Australian governments, in partnership with our people and our organisations, must urgently implement decarceration strategies including:
 - a. Ending the imprisonment of our people, including children, who have not been sentenced for a crime.
 - b. Ensuring that our communities have easy access to income support- including keeping the higher rate of JobSeeker, providing appropriate healthcare, and prioritising the provision of affordable basics like medications and nutritious food in rural and remote areas.
 - c. Ending homelessness in Australia by increasing affordable public and community housing placements, and by upgrading and maintaining existing homes. This includes ending the policing of homeless people in spaces like parks and reserves, ending punitive dry-zone legislation and ending imprisonment for unpaid fines relating to the criminalisation of poverty.
 - d. Strengthening justice reinvestment programs and place-based interventions by prioritising public spending on communities and culturally safe support services that are strong in our culture and led by our Elders.
 - e. Increased funding and support for Aboriginal and Torres Strait Islander community-led prevention and early intervention efforts to reduce violence against our women who come into contact with the legal system.
 - f. Ending the removal of our kids from our communities and supporting our families to take care of their needs. There must be proper resourcing and supports directed at the kinship care system and Aboriginal and Torres Strait Islander carers, to keep our kids connected and end the abuse of our kids in out-of-home residencies.
 10. Federal funding for policing and prisons must be repurposed to meet the needs of all communities, including Aboriginal and Torres Strait Islander communities. Such as housing, raising Newstart to \$80 a day, health and other community needs in place of western socio-legal-based programs.

The families involved in the petition and demands include:

Family of Cherdeena Wynne and Warren John Cooper
Family of Christopher Drage and family of Trisjack Simpson
Family of David Dungay Jnr
Family of Gareth Jackson Roe
Family of Joyce Gladis Clarke

Family of Ms Dhu
Family of Nathan Reynolds
Family of Raymond Noel Thomas
Family of Stanley Inman
Family of Tane Chatfield
Family of Aunty Tanya Day
Family of Aunty Sherry Fisher-Tilberoo
Family of Wayne Fella Morrison.

[Statements from the families calling on the PM to meet with them.](#)

END OF RELEASE.

NATSILS Media contact: Lucy Brown, natsilsmedia@vals.org.au, 0435 866 462