



CONTACT: Michael Hayden 0409 612 302
OUR REF: 12/1322

Ms Margaret Quirk MLA
Chair
Community Development and Justice Standing Committee
Legislative Assembly Committee Office
Level 1, 11 Harvest Terrace
WEST PERTH WA 6005

Dear Ms Quirk

SUBMISSIONS FOR INQUIRY INTO CUSTODIAL ARRANGEMENTS IN POLICE LOCK-UPS

Thank you for your letter dated 20 June 2013 inviting the Department of Aboriginal Affairs (DAA) to provide a submission regarding the Inquiry into custodial arrangements in Police lock-ups. The DAA referred your letter to the Western Australian Aboriginal Advisory Council (WAAAC) for advice and the matter was discussed at the WAAAC meeting held on 22 July 2013.

The WAAAC is established under section 18 of the *Aboriginal Affairs Planning Authority Act 1972*. Its statutory role is to advise the Minister for Aboriginal Affairs on matters relating to the interests and wellbeing of persons of Aboriginal descent. The concerns of the WAAAC relate to the conditions of detention for Aboriginal people.

In 2011, Aboriginal people made up only 3.1 per cent of the State's total population; as at June 2012, 40 per cent of all adult prisoners in Western Australia (WA) were Aboriginal. Due to the high level of over-representation of Aboriginal people in the Justice System and the impact that contact with custodial services can have on individual and family outcomes, this is an important area of concern for the WAAAC.

The WAAAC supports the following recommendations:

1. A review or position paper be prepared on the current status of the implementation of recommendations of the Royal Commission into Aboriginal Deaths in Custody and the Optional Protocol to the Convention Against Torture. Quantitative comparative data analysis should be included in position paper findings.

2. There should be continued negotiations between the Department of Corrective Services and the Inspector of Custodial Services to ensure that appropriate services are provided to offenders including Aboriginal Health Services and Mental Health Services. An undertaking should be provided that prison medical services equal services that are provided outside the WA prison system.
3. There is compliance with the *Inspection Standards for Aboriginal Prisoners* under the scrutiny of the Inspector of Custodial Services. This includes consultation of relevant Aboriginal community groups to ensure a culturally appropriate environment.
4. All prison staff, administration and contractors undertake compulsory Aboriginal Cultural Awareness Training and Ethical Decision Making training leading to a better understanding of issues affecting Aboriginal people and compliance requirements.

Thank you for your consideration of this submission. I look forward to the results of your Inquiry and wish to advise that the WAAAC would be prepared to participate in any efforts by the State Government to address compliance of recommendations made through this Inquiry. The extreme level of over-representation of Aboriginal people in the Justice System is completely unacceptable and a targeted approach to preventative programs should take priority.

Yours sincerely



MICHAEL HAYDEN
CHAIRPERSON

31 July 2013