



Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and
Public Affairs
Parliament House
Perth WA 6000

Dear Mr O'Brien,

RE: Petition No. 81 – Death in Police Custody of Ms Dhu

Thank you for the opportunity to make a submission in regards to Petition No. 81 – Death in Police Custody of Ms Dhu.

I respectfully encourage the Committee to support the Dhu and Roe families' call for an independent inquiry into the circumstances surrounding Ms Dhu's death.

At a public rally calling for justice for Ms Dhu, the Premier Colin Barnett promised Ms Dhu's mother he would ensure the full truth regarding the circumstances surrounding her daughter's death would come out (Channel 9 News). I believe she is still waiting.

I believe the Committee should make recommendations to the Government to adopt the changes to the custodial procedures of the police and other authorities, as outlined in the 1991 report of the Royal Commission into Aboriginal Deaths in Custody.

Many of these have still not been implemented, for example: Recommendation 92. *Imprisonment should be utilised only as a sanction of last resort*, and Recommendation 161. *Police and prison officers should seek medical attention immediately if any doubt arises as to a detainee's condition*. There are many, many more.

Since the commission's final report was handed down, the rate of imprisonment of Aboriginal people has actually increased, from 8 times more likely to be imprisoned than non-Aboriginal people to 15 times more likely to be imprisoned than non-Aboriginal people.

In Western Australia, which has the highest Aboriginal imprisonment rate in the country, Aboriginal people are 20 times more likely to be imprisoned than non-Aboriginal people.

During that same period of time, there have been more than 340 Aboriginal Deaths in Custody. The high rate of incarceration and Deaths in Custody continues to have a devastating effect on whole communities.

I urge the Committee to review the process of imprisonment for fine default. For a number of reasons, the fine default mechanism impacts Aboriginal people far more than it does the broader community.

One of the problems that my office has identified is that fine default notifications are sent by regular mail, in many cases to the nearest post office box of the last known address of the defaulter.

PORTFOLIO AREAS:

ENERGY & CLIMATE CHANGE; MINES AND PETROLEUM; STATE DEVELOPMENT & INDUSTRY; NUCLEAR ENERGY; LOCAL GOVERNMENT; WASTE MANAGEMENT; PORTS; PASTORAL ISSUES; ABORIGINAL ISSUES; RACING AND GAMING; AND REGIONAL SUSTAINABILITY.

POSTAL ADDRESS: PO BOX 94 WEST PERTH WA 6872 | OFFICE ADDRESS: 41 HAVELOCK STREET WEST PERTH

Given the transient nature of many Aboriginal people the notices are, in many cases, never received. Indeed, the first time a defaulter becomes aware of notice issue is often when they are picked up by the Police for fine-defaulting.

I refer the Committee to the Custody Notification Service (CNS). This is a 24-hour legal advice and RU OK telephone line for Aboriginal people who are taken into police custody. It was recommended by the Royal Commission into Aboriginal Deaths in Custody.

The CNS, which is federally funded, operates in New South Wales and the Australian Capital Territory. There have been no Aboriginal deaths in police custody since the CNS began.

According to the Aboriginal Legal Service in NSW, the Custody Notification Service:

1. decreases preventable injuries or deaths in police custody
2. increases legal and health protections for a person in custody
3. increases Aboriginal family and community safety
4. reduces Aboriginal incarceration rates
5. affords legislated State protection of fair and equitable access to justice to vulnerable Aboriginal people.

I ask that the Committee recommend to the Government that it accepts Senator Scullion's offer to fund the CNS in WA. In my view, and in the view of many others, the CNS would have saved the life of Ms Dhu by ensuring she was not detained in custody on unpaid parking fines. The current system is obviously not working.

Yours sincerely



The Hon Robin Chapple MLC
Member for the Mining and Pastoral Region

10th April 2015