

Submission
No 68

**INQUIRY INTO HIGH LEVEL OF FIRST NATIONS
PEOPLE IN CUSTODY AND OVERSIGHT AND REVIEW OF
DEATHS IN CUSTODY**

Name: Name suppressed

Date Received: 24 August 2020

Partially
Confidential

Re: Inquiry into the high level of First Nations people in custody and oversight and review of deaths in custody

I would like to add my support to the First Nations voices calling for greater accountability with regard to reviewing deaths in custody, and addressing the unacceptably high levels of First Nations people in custody.

Recent protests and media discussions regarding the Black Lives Matter movement have highlighted the ongoing unacceptable high rates of incarceration for First Nations Australians; the level of racism that they face from police, custody officers and public servants whose role should be to protect them; and the concomitant tragic level of deaths of in custody since the *Royal Commission into Aboriginal Deaths in Custody*. Associated with this is an apparent lack of accountability for these deaths.

For years there have been calls to implement the recommendations from the Royal Commission, many based on self-determination and the addressing of beliefs of superiority by non-Indigenous Australians, as well as the need to pay attention to the treatment of Aboriginal people by the police. Included in this are the calls by First Nations Australians to be treated with everyday humanity, to be treated as equal citizens of the country and for police to be accountable in their actions. Recommendations to decrease rates of incarceration included addressing the relationship between police and Aboriginal people.

The examples of police racism and statistics regarding premature deaths have been spelled out both in academia and the media (see for instance *Guardian Australia's* series, "Deaths Inside", <https://www.theguardian.com/australia-news/series/deaths-inside>; the Melbourne University Law School's *Black Lives Matter Webinar*, <https://www.youtube.com/watch?v=dugoCP3wgLI>; the UTS *Black Lives Matter* webinar, https://www.uts.edu.au/sites/default/files/2020-06/UTS_Black-Lives-Matter_webinar.pdf; or this year's Thea Astley Address by Marcia Langton, "It seems that every generation needs to be told why Black Lives Matter, here we are again", <https://byronwritersfestival.com/digital/byron-writers-festival-2020-thea-astley-address-marcia-langton-black-lives-matter/>). These sentiments have been echoed at Black Lives Matter rallies across Australia, including in my home town in the Mid North Coast. Here First Nation speakers talked of the targeting of Aboriginal youths and adults by police, violent and intimidating treatment at the hands of police, and the impact of the memory of

these kinds of personal experiences. Initiatives to decrease incarceration will also affect how Indigenous people are criminalised, and its flow-through to how victims are treated.

There is much that can be done that is effective in lowering the incarceration rate (and hence deaths in custody) through measures addressing this racism and bias. Aboriginal Affairs NSW has transforming the relationship between the NSW Government and Aboriginal peoples as part of their research agenda for 2018-23

(<https://www.aboriginalaffairs.nsw.gov.au/pdfs/research-and-evaluation/Aboriginal-Affairs-NSW-research-agenda-2018-2023-FINAL-FEB-2018.pdf>) . Within this agenda is a need for public servants to be culturally capable, and able to engage in a sustainable way with Aboriginal communities. In meeting this agenda also is the need to address structural processes impacting power being retained by the dominant culture, and the need for leadership. In addition, there is a need to address the deficit narrative that exists within the media, changing the national narrative being a concern of the Royal Commission.

Both within the research agenda and the commentary noted above is the need to address the right to self-determination when looking at these issues, and an awareness that expertise to find solutions can be found within First Nations communities and organisations.