



# Deaths In Custody Watch Committee (WA) Inc.

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**ONE YEAR ON – NO JUSTICE, NO ANSWERS FOR MS DHU**

**NATIONAL DAY OF ACTION ON 4 AUGUST 2015**

A SECOND National Day of Action seeking justice for Ms Dhu is being held on 4 August 2015, on the one-year anniversary of her death in custody in Port Hedland.

Rallies are being held in Perth and Geraldton in Western Australia and in the eastern states.

The date of the coronial inquest into Ms Dhu's death has been set for November 23, some time after the mid-year date promised by WA Premier Colin Barnett to Ms Dhu's family. The inquest is expected to last two weeks and will take place in Port Hedland.

Speakers at the rally in Perth include Greens Senator Rachel Siewert and a member of Ms Dhu's family.

The rally will call for a moratorium on imprisonment for non-payment of fines and the introduction of a 24-hour custody notification service, as well as an end to mandatory sentencing laws.

The premier has recently announced a range of proposals to reduce the mass incarceration of Aboriginal people in Western Australia, including a custody notification service, though it is unclear how this will be funded.

The Deaths in Custody Watch Committee is calling on people to contact MPs Liza Harvey, Joe Francis and Michael Mischin, who are part of the new Justice Ministers Working Group, to discuss with them the importance of a custody notification service and a moratorium on imprisonment for fines.

Yamatji woman Ms Dhu died in the Port Hedland lock-up on 4 August 2014, three days after being taken into custody for non-payment of fines totalling \$1000. She had twice been taken to the Hedland Health Campus complaining of pain and fever, and was declared fit for custody each time. She was 22 years old.

**Date:** Tuesday 4 August

**Time:** 4:30pm

**Venue:** Forrest Chase, Perth city centre

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## Glossary

**Coroner:** Pursuant to s 25(2) of the *Coroners Act 1996* (WA) ('Coroners Act'), the Coroner is permitted to comment on any matter connected with a death including 'public health or safety or the administration of justice'. Pursuant to s 25(3), the Coroner 'must comment on the quality of the supervision, treatment and care of a person while in that care'. The Coroner cannot decide that any person has committed an offence or determine any question of civil liability – that is for other courts.

**Coronial inquest:** a public hearing into a death conducted by a coroner.

**Custody notification service:** a telephone advice and wellbeing-check service to notify legal services when an Indigenous person is taken into custody. This program was introduced in New South Wales in 2000 as part of the implementation of recommendation 224 of the Royal Commission into Aboriginal Deaths in Custody. Under the CNS system the police *must* contact the Aboriginal Legal Service (ALS) whenever they detain an Indigenous person and give that person an opportunity to talk to a qualified lawyer. The person is advised about their rights in custody and legal situation and will be asked if they are OK. The ALS lawyer can talk to the police on behalf of the person and also contact family and friends. This service is regarded as a critical lifeline in NSW and has been highly successful in preventing deaths in police custody.

**Decarceration:** An active process that sees incarceration as a socially harmful and ineffective means of addressing social problems. It stresses the need to build communities, not prisons: by strengthening social and cultural institutions that foster individual and community wellbeing, the number of people being jailed will diminish.

**Justice reinvestment:** The practice of diverting funding away from prisons and into community programs with the aim of reducing the number of people being put in prison.

## Statistics and figures

Indigenous people as a percentage of the population: Nationally: **2.5%** In WA: **3.8%**

Indigenous people as a percentage of people in custody: Nationally: **26.1%** In WA: **38.5%**

Indigenous women as a percentage of all women in custody: Nationally: **29.3%** In WA: **51.5%**

Total number of people imprisoned for fine default in WA in 2013: 1358

Number of Aboriginal people imprisoned for fine default: 590

Number of women imprisoned for fine default: 358

Number of Aboriginal women imprisoned for fine default: 223

## Sources

L. Bartels, *Indigenous women's offending patterns: a literature review*, Research and Public Policy Series No. 107, Australian Institute of Criminology, Canberra, 2010.

Community Development and Justice Standing Committee, *In safe custody: inquiry into custodial arrangements in police lock-ups*, Report 2, Parliament of Western Australia, Perth, 2013.

P. Papalia, 'Locking in poverty: how Western Australia drives the poor, women and Aboriginal people into prison', WA Labor Discussion Paper, Perth, 2014.