



Hon Neil Roberts MP
Member for Nudgee



**Minister for Police, Corrective Services
and Emergency Services**

Ref: 11558 P1 TA

8 MAY 2010

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to petition number 1413-10 lodged with the Legislative Assembly by Mr Jason O'Brien MP, Member for Cook, on 14 April 2010.

The petition seeks an urgent and wide-ranging Royal Commission into the arrest rates of Aboriginal people, the imprisonment rates of Aboriginal people and the deaths in custody of Aboriginal people.

The Bligh Government acknowledges there is more work to be done to improve the life outcomes for Indigenous people and the underlying factors contributing to their incarceration rate.

The over-representation of Indigenous people in prison is a complex issue facing every jurisdiction in Australia. The Bligh Government is committed to addressing this issue.

In 2007, the Council of Australian Governments committed to closing the gap in life outcomes and opportunities between Aboriginal and Torres Strait Islander and non-Indigenous Australians. The first *Closing the Gap* report was released in 2008 and contains information on the gap in life outcomes between Indigenous and non-Indigenous Queenslanders. The *Closing the Gap* report can be found at <http://www.atsip.qld.gov.au/government/programs-initiatives/closing-gap/>.

In addition, the National Indigenous Law and Justice Framework, endorsed on 6 November 2009 by all States and Territories, provides a comprehensive response to the many issues that drive Indigenous disadvantage in law and justice. The goals of the Framework include improving all Australian justice systems so that they comprehensively deliver on the justice needs of Aboriginal and Torres Strait Islander peoples in a fair and equitable manner; and reducing over-representation of Aboriginal and Torres Strait Islander offenders, defendants and victims in the criminal justice system.

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Further information about the NILJF response is available at http://www.ag.gov.au/www/agd/agd.nsf/Page/Indigenouslawandnativetitle_Nativetitle_NationalIndigenousLawandJusticeFramework.

Also, in 2000 the Justice Agreement (the Agreement) was reached between the Government and the then Torres Strait Islander Advisory Board. The Agreement aims to reduce the rate of Aboriginal and Torres Strait Islander people coming into contact with the criminal justice system to at least the same rate as other Queenslanders. The Bligh Government remains committed to the aims of the Agreement and will continue working towards reducing the incarceration rates of Indigenous people.

On the issue of deaths in custody, of the 339 recommendations in the Report of the Royal Commission into Aboriginal Deaths in Custody (15 April 1991), the Queensland Police Service had sole responsibility for implementing 25 and joint responsibility with other agencies for another 75.

Apart from six recommendations, the Service's implementation of the Royal Commission's recommendations was accepted as finalised by the then Queensland Aboriginal and Torres Strait Islander Legal Services Secretariat, as the Government-appointed independent monitoring body. The Secretariat also noted that further action on some of the remaining recommendations would necessarily be a long-term commitment.

All deaths in custody are reported to and monitored by the Australian Institute of Criminology's (AIC) Deaths in Custody Monitoring Program. The AIC has adopted the Royal Commission's broad definition of a 'death in custody', as set out in the attached document 'What is a death in custody?'.

The AIC publishes yearly reports and the latest report, *Deaths in Custody in Australia: 2008 National Deaths in Custody Program Annual Report*, is scheduled to become available in mid-2010. The yearly reports can be accessed at <http://www.aic.gov.au/meta-data/categories/classification/criminal%20justice%20system/deaths%20in%20custody.aspx>.

An examination of the total national deaths occurring since 1990 (Categories 1a, 1b and 2) shows the number of deaths occurring each year remained stable between 1990 and 2000, peaked in 2002 and then has declined since.

All deaths in custody are rigorously investigated and overviewed by external agencies and ultimately examined and determined by the State Coroner.

The petitioners may be aware of recent comments by consultant criminologist Professor David Biles, that deaths in police custody have reduced significantly and is this is almost certainly due to efforts by police in providing visitors in watchhouses and bailing or transferring prisoners out as soon as possible. Professor Biles is a former professorial associate at Charles Sturt University and Head of research with the Royal Commission into Aboriginal Deaths in Custody. Further details of Professor Biles' comments as reported in *The Australian* on 15 April 2010 can be found at <http://www.theaustralian.com.au/news/opinion/aborigines-less-likely-to-die-in-prison-than-others/story-e6frq6zo-1225853790410>).

The petitioners' request for a Royal Commission is not supported. However, the petitioners can be assured the Queensland Government regards all preventable deaths in custody as a tragedy and is gravely concerned at the increasing incarceration rate.

Routine use of discretion, problem solving, diffusion and de-escalation, frequently and successfully applied by police, positively influences the outcomes for Indigenous offenders and victims.

Cautioning of young offenders by police is subject to an admission of guilt to the offence in accordance with the Juvenile Justice Act [s16(1)(a)]. The current policy of legal services in discouraging admissions does not assist in increasing the number of young offenders eligible for cautions.

The Queensland Police Service will continue to maintain existing programs aimed at reducing Indigenous incarceration, whilst meeting legislative obligations and protecting the community.

The Queensland Government maintains a strong focus on improving outcomes for Indigenous people in Queensland and is strongly committed to reducing incarceration rates of Indigenous persons. This will only be achieved by identifying and implementing best practice programs with a strong evidence base.

The Queensland Government and its agencies have cooperated with and participated in several recent Australian Government inquiries into Indigenous issues, including impacts of the criminal justice system on Indigenous people.

The Queensland Government has opened permanently staffed Probation and Parole reporting centres in Doomadgee, Mornington Island, Normanton, Thursday Island, Weipa, Aurukun and Woorabinda. In April 2009 a new Probation and Parole reporting centre opened in Cooktown. The Cooktown centre services the communities of Hope Vale and Wujal Wujal.

These offices have been established to provide greater sentencing support to the Judges and Magistrates who visit these centres. Many of these offenders can be more appropriately dealt with through supervision and monitoring in their own community.

Queensland Corrective Services is seeking to reduce the recidivism rates of Indigenous offenders by implementing programs that are specifically designed for Indigenous Offenders. These programs address domestic and family violence and aim to reduce offending generally.

Custodial centres coordinate programs for Elders, respected persons and spiritual healers for Indigenous prisoners. A number of centres are also working with Aboriginal and Torres Strait Islander organisations, including community justice groups, to provide support and assistance to Aboriginal and Torres Strait Islander prisoners.

Queensland Corrective Services will also continue to address the overrepresentation of Indigenous people in custody in Queensland.

Inspector John Fox, Cultural Advisory Unit, Office of the Commissioner, Queensland Police Service, is available on telephone on 3364 6872 for any further assistance required on policing issues associated with the matters raised by the petitioners.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Neil Roberts', with a stylized, sweeping flourish at the end.

Neil Roberts MP
**Minister for Police, Corrective Services
and Emergency Services**

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