



Speech by

# Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard Thursday, 2 November 2006

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## MINISTERIAL STATEMENT

### Palm Island, Death in Custody

**Hon. PD BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.46 am): The final matter that I want to deal with today is a very serious one. It is the government's response to the coroner's findings in the Mulrunji inquest. I table the government's response to the Acting State Coroner's findings in the inquest into the death of Mulrunji in the Palm Island watch-house on 19 November 2004.

*Tabled paper:* Document dated 2 November 2006 titled 'Queensland Government response to coroner's comments in the inquest into the death of Mulrunji'.

The coroner made 40 comments in total. The bulk of the coroner's comments are policy recommendations. The government generally supports them. Indeed, many are already in place. Some of the comments are findings of fact. The response generally notes these, rather than accepting or rejecting them as many of the findings may become relevant in criminal or disciplinary proceedings against individual officers. It would be inappropriate for the government to prejudge those proceedings by accepting or rejecting those findings of fact until certain matters are determined by the DPP.

The government is already addressing the coroner's recommendations. I will go through these. Comments 1 to 10 relate to arrest and policing. The coroner recommended a re-emphasis of the principle that police should use arrest as a last resort. The government's response is that the government has always supported this principle. The Police Powers and Responsibilities Act 2000 will be amended to insert an example to reinforce the principle. The Queensland Police Service's operational procedures manual will be likewise amended. Police training in arrest and custody issues, particularly relating to Indigenous people, will also be reviewed.

I want to be clear about this: this is not about being soft in any way. We have very tough laws and if people break the laws, they are arrested and they go to jail. However, there are appropriate procedures to be followed prior to that and we endorse that.

Comments 11 to 17 relate to diversionary centres and community patrols. The coroner recommended enhanced diversionary services on Palm Island. Our response is that the government has already established a cell visitors' program. An integrated diversionary services model, including community patrols, will be developed in consultation with the community.

Comments 18 to 26 relate to health assessment, supervision and monitoring. The coroner recommended improved assessment and monitoring of watch-house detainees. Our response is that the Queensland Police Service will review current processes with advice from relevant departments and Indigenous groups. The service cannot commit to the coroner's recommendation that watch-house detainees are never left unattended in all instances, particularly in remote areas. However, the service will minimise this situation as much as possible. I think that is a fair response. Basically, we are saying that in some remote communities that will be very difficult to achieve. As a matter of principle we will endeavour to do it, but we have to be realistic that in some places it is not practical. That is what we are talking about. I think that we can achieve the thrust of what the coroner recommended.

Comments 27 to 40 relate to the investigation of Mulrunji's death. The coroner recommends a range of improvements to investigations of deaths in custody. Our response is that the Queensland Police Service had previously entered into an MOU with the State Coroner and the Crime and Misconduct Commission about the investigation of custodial deaths. The service will seek to review the MOU to take account of the coroner's findings. The government remains committed to working with the Palm Island community—and Indigenous people generally—to avoid similar tragedies in the future.

Mr Speaker, I know that as the local member you have a personal interest in this. As a cabinet we have worked through this response and come up with what we believe is a positive response. As best as we can, we have sought to endorse as many of the coroner's recommendations as we can, bearing in mind that many of them were already in place. In essence, there are only two where we have any significant difference. One relates to supervision, and I have just dealt with that. The other relates to public drunkenness. In my humble view, there has been some misinterpretation about what the coroner said. We have consistently taken a view about the criminalisation of public drunkenness. We take the view that it should remain an offence. That has been the government's position for some time and we will not change that.