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MEDIA RELEASE 23rd March 2021

Another Justice failure for Aboriginal people in the ACT

A system meant to protect us continuously loses our trust, hurting people where they're most vulnerable in a system meant to deliver justice.

ACT Special Magistrate Jane Campbell found the arrest of Aboriginal man Luke Marsh unlawful, saying the officer displayed 'a serious misuse of police powers to detain a person'.

Another member of police being called out in court for abusing the imbalance of power between law enforcement and our people.

ATSIEB Chairperson, Ms Katrina Fanning, said, "The system has failed again. It's let this person down and our collective trust is diminished."

Why does this keep happening when government says it wants to work with us? Almost 30 years on from the Royal Commission into Aboriginal Deaths in Custody report, where extensive recommendations outlined the way forward to address fundamental problems in the justice system, the lack of implementation of those recommendations contributes to the system failures we still see in the ACT today.

It must stop. We need a greater community-led voice on justice and for government to listen, learn and take action.

One of our highest priorities is to grow the services offered by the Aboriginal Legal Service here in the ACT, for them to be able to support, advocate and drive accountability whenever these types of issues arise.

Mr Dean Rutherford, managing Solicitor from the Aboriginal Legal Service said, "Luke Marsh's treatment is a disturbing example of police discrimination and violence against Aboriginal people. It's just not

acceptable. We were pleased that Magistrate Jane Campbell agreed this was an unlawful arrest and took a critical view of the police officers' conduct.

“The ACT and Commonwealth Ombudsman released findings just last week showing that ACT Policing is seriously deficient in its interactions with the Aboriginal and Torres Strait Islander community. It's up to ACT Policing to demonstrate accountability here and be answerable to the public. Will the police officers who unlawfully arrested and pepper-sprayed Luke Marsh still be on the streets, interacting with Aboriginal community members? Is this the standard we should expect or accept from police?”

Ms Fanning said, “We will use everything available to us to question and hold government accountable on this matter and the type of service our people get when moving through the justice system.”

We have raised the issue of systemic racism with the ACT Government but have a long way to go for it to be eradicated.

We expect processes to be reviewed more thoroughly so people are held accountable.

For more information and media enquiries

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