



AUSTRALIAN
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MEDIA RELEASE

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HUMAN RIGHTS LAWYERS CALL ON NSW GOVERNMENT TO ACT FOLLOWING FIRST INDIGENOUS DEATH IN POLICE CELL CUSTODY IN 16 YEARS.

NSW has recorded its first Indigenous death in police cell custody for 16 years. On 19 July 2016, Ms. Rebecca Maher, a 36-year-old Wiradjuri woman and mother of four, was detained for apparent intoxication and placed in a holding cell at Maitland Police Station. Tragically, between 5 and 6 hours later Ms. Maher was found deceased in that cell.

Australian Lawyers for Human Rights (**ALHR**) Vice President, Kerry Weste said, "ALHR is deeply troubled to learn of the first Indigenous death in custody in NSW since the introduction of the very effective Custody Notification Service (**CNS**) in 2000. Our thoughts are with Ms. Maher's loved ones."

"ALHR strongly supports calls from the Aboriginal Legal Service for an urgent review of the legislation relating to the detention of intoxicated persons. We call on the New South Wales Government to extend procedures that require police to notify the CNS when an Aboriginal person is arrested so that they apply equally to persons held for intoxication."

"We are very concerned that there may have been failures on the part of NSW police to enact certain pathways to ensure the welfare of Ms. Maher. It is unclear whether, during the 5-6 hours that she was held, police have complied with their legal obligation to continually seek to place Ms. Maher into the care of a responsible person, provide her with adequate care appropriate to her needs and not place her in a cell unless it was necessary or impracticable hold her elsewhere."

Ms. Weste continued, "Indigenous Australians are among the most highly incarcerated peoples in the world, being 15 times more likely than other Australians to be imprisoned. The vulnerability of Aboriginal Australians to death whilst in police custody has been well documented. 25 years ago, the CNS was a key recommendation of the Royal Commission into Aboriginal Deaths in Custody for precisely this reason."

The CNS is a 24-hour phone service operated by Aboriginal Legal Services NSW (**ALS**). It not only enables immediate legal advice to be given, but importantly ensures swift enquiries can be made as to the health and welfare of Indigenous peoples detained in police custody. Presently police are not required to call the CNS if an intoxicated person is held but not charged.

Ms Weste said, "This needs to change. The success of the CNS speaks for itself - following its introduction 16 years ago there had been no indigenous deaths in custody in NSW, until now."

"It is very upsetting to contemplate that Ms Maher may still be alive had the CNS been notified."

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ALHR was established in 1993 and is a national network of solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and a secretariat at La Trobe University Law School in Melbourne. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.