

Our Monsters

POLICE SHOOTINGS
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Are Real

Joint Standing Committee on Foreign Affairs, Defence and Trade
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Australia's Efforts to Advocate for the Worldwide Abolition of the Death Penalty and Related Matters.^{1 2}

Thank you for the opportunity to contribute to this vital inquiry. While I concur with the esteemed Chair of the Subcommittee, Ms. Maria Vamvakinou, who aptly articulates, "there is no place for the death penalty in the modern world. State executions are cruel and are often associated with miscarriages of justice; all too often, innocent people are put to death and around the world, minorities and those with disabilities are disproportionately sentenced to death," I believe the most compelling position from which to advocate is one rooted in Leadership, Example, and Trust.^{3 4 5}

Australia's middling performance in Safety from the State, when juxtaposed with other high-income OECD nations, indicates that a considerable number of individuals are not shielded from arbitrary arrest, torture, ill-treatment, forced disappearance, deaths in custody and police shootings.⁶



¹ Committee to inquire into Australia's global efforts to abolish the death penalty – Parliament of Australia
https://www.aph.gov.au/About_Parliament/House_of_Representatives/About_the_House_News/Media_Releases/Committee_to_inquire_into_Australia's_global_efforts_to_abolish_the_death_penalty

² Inquiry into Australia's efforts to advocate for the worldwide abolition of the death penalty – Parliament of Australia
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/DeathPenalty

³ Advocacy Leadership
https://justassociates.org/wp-content/uploads/2007/08/new_weave_en_ch16.pdf

⁴ How Leaders Build Trust | Harvard Business Publishing
<https://www.harvardbusiness.org/good-leadership-it-all-starts-with-trust/>

⁵ Senator Jordan Steele
<https://vt.tiktok.com/ZSYwX9787/>

⁶ Australia
<https://rightstracker.org/country/AUS>

The ongoing political tumult over Deaths in Custody, adverse justice findings of the recent Disability Royal Commission and the conspicuous absence of a Criminal Cases Review Commission or other appropriate mechanisms which detect and address wrongful convictions and judicial reform severely undermine our credibility and dilute our global stance against the death penalty. It is imperative to address these domestic issues to uphold our integrity and moral authority.^{7 8 9 10}

As the States and Territories advance and digitise their judicial systems, AI (artificial intelligence), emerges as a beacon of hope for the regular auditing and monitoring of both policing and justice processes. AI holds the potential to discern patterns of deleterious practices, policies, and procedures that might lead to the abuse and even torture of vulnerable individuals. It's capability to cut through data at speed, a class action's dream. However, we must be vigilant against willful resistance to reforms and advocate for necessary changes at the national level. This entails respectfully listening to lived experiences and leveraging their insights and subtleties to effectively address existing gaps.

¹¹

Acknowledging the voices of domestic violence victims has been a recognized priority, with substantial funding allocated to support their needs across Australia. Despite these significant efforts, gaps and inequities persist for other victims, as evidenced by their lived experiences. Notably, three categories of violent death victims that face discrimination in Victim support and assistance programs include:

1. Police Shootings
2. Mental Health Review Tribunal (MHRT) orders
3. Murdered missing persons, whose perpetrators have passed away.

Reflecting on the recommendations of the 2017 Joint Standing Committee on Foreign Affairs, Defence and Trade report, "A World Without the Death Penalty: Australia's Advocacy for the Abolition of the Death Penalty," one is compelled to question how much can be accomplished by first investing in the health and well-being of our own citizens before admonishing others to 'do as I say, not as I do.' The mere absence of the death penalty in our legislation does not equate to a foolproof system that guarantees the right to life. Hypocrisy is a costly folly, both in terms of advocacy resources and public trust.¹²

⁷ Commonwealth Closing the Gap 2023 Annual Report and 2024 Implementation Plan | NIAA

<https://www.niaa.gov.au/resource-centre/commonwealth-closing-gap-2023-annual-report-and-2024-implementation-plan>

⁸ Aboriginal deaths in custody: the royal commission and its records | naa.gov.au

<https://www.naa.gov.au/help-your-research/research-guides/aboriginal-deaths-custody-royal-commission-and-its-records>

⁹ Final Report - Volume 8, Criminal justice and people with disability | Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

<https://disability.royalcommission.gov.au/publications/final-report-volume-8-criminal-justice-and-people-disability>

¹⁰ An Australian Criminal Cases Review Commission: An Interview With Former High Court Justice Michael Kirby

<https://www.sydneycriminallawyers.com.au/blog/an-australian-criminal-cases-review-commission-an-interview-with-former-high-court-justice-michael-kirby/>

¹¹ Commonwealth Secretary-General appoints Prof Richard Susskind Special Envoy for Justice and |Commonwealth
<https://thecommonwealth.org/news/commonwealth-secretary-general-appoints-prof-richard-susskind-special-envoy-justice-and-ai>

¹² Australian Government response to the Joint Standing Committee on Foreign Affairs, Defence and Trade report - A world without the death penalty: Australia's Advocacy for the Abolition of the Death Penalty | Australian Government Department of Foreign Affairs and Trade

<https://www.dfat.gov.au/about-us/publications/Pages/aus-gov-response-iscfad-t-report-a-world-without-the-death-penalty>

Lastly, in our campaign against the death penalty, do we uniformly address all countries that practise it? While trade agreements primarily aim to boost economic prosperity, their ripple effects on domestic law enforcement and criminal justice systems cannot be ignored. Like Yin and Yang, the push and pull of these agreements have the potential to influence police-related deaths and incarceration rates, thereby impacting the broader human rights landscape, including the advocacy for or against the death penalty. It is incumbent upon policymakers, advocates, and international partners to navigate these complexities with a keen eye towards justice and human dignity.^{13 14 15 16}

¹³ Private Prisons in Australia: The Second Phase Richard Harding
<https://www.aic.gov.au/sites/default/files/2020-05/tandi084.pdf>

¹⁴ Prison Privatisation in Australia: The State of the Nation Accountability, Costs, Performance and Efficiency Associate Professor Jane Andrew, Dr Max Baker and Dr Philip Roberts
https://www.pc.gov.au/_data/assets/pdf_file/0020/204266/sub140-human-services-identifying-reform-attachment3.pdf

¹⁵ Australian authorities once embraced privately operated prisons. But some governments are taking back control | Prisons | The Guardian
<https://www.theguardian.com/australia-news/2023/dec/24/australian-authorities-once-embraced-privately-operated-prisons-but-some-governments-are-taking-back-control>

¹⁶ NSW could see end of 'prisons for profit' as troubled facility returns to public hands in 2025 | Prisons | The Guardian
<https://www.theguardian.com/australia-news/2023/nov/03/nsw-correctional-facility-prisons-privatisation-reversal-junee-parklea>