

Systemic racism in the coronial inquest into the death of Tanya Day

Background

Tanya Day, Yorta Yorta woman, mother and grandmother, was on a V/Line train on 5 December 2017 when she was reported to police by a V/Line officer who claimed she was being 'unruly'. Other people on the train say they observed Ms Day being compliant.

Ms Day was arrested and taken to Castlemaine police station where she was locked up for being drunk in a public place. She should have been physically checked every 30 minutes, but police failed to do this. Ms Day fell and hit her head on the concrete wall of the police cell at 5pm. She was not taken to hospital until hours later and died on 17 December 2017 from a brain haemorrhage.

There are serious questions about the role of systemic racism within Victoria Police, V/Line and other government agencies involved in Ms Day's treatment. Ms Day's family want the Coroner to look at this.

What is systemic racism?

The phrase 'systemic racism' is used to talk about the written and unwritten policies and practices entrenched in institutions, such as Victoria Police and V/Line, which harm certain racial and ethnic groups and benefit others.

Since colonisation, the rules that have governed Australia, both spoken and unspoken, have privileged whiteness. A clear example of this is the removal of Aboriginal children from their families.

This privileging of whiteness, and the culture and values that came to Australia from England, were built into the colonial laws and institutions that make up Australia today – from police, to courts, to hospitals, to Parliament House. At a time when these key institutions were being created, the humanity, values and culture of Aboriginal people were deliberately excluded and treated as inferior.

Systemic racism doesn't suggest that individuals in these institutions are saying racist things. Rather, it is the rules – spoken and unspoken – by which these institutions run that perpetuate the unfair and harmful treatment of Aboriginal and Torres Strait Islander peoples since colonisation.

Systemic racism is different to '**individual racism**'. Individual racism exists where a person has assumptions or beliefs, whether conscious or unconscious, that means they consider people from certain racial and ethnic groups to be less worthy. The racism in our institutions and systems contributes to these assumptions and beliefs and often allows individuals to hold them without being challenged.

In practice, systemic racism means that a woman like Ms Day, was around 10 times more likely to be targeted for being drunk in public than a non-Indigenous women. This is despite

public drunkenness being an offence that most Victorians commit, whether it's leaving the footy, a pub or a club.

What role did systemic racism play in Ms Day's death?

Some of the points that Ms Day's family will argue include:

- That the coroner should look at whether systemic racism influenced the V/Line ticket inspector's decision to call the police.
- That the coroner should look at whether systemic racism influenced the decision of Victoria Police to arrest Ms Day.
- That the coroner should look at whether systemic racism influenced the police officer's failure to provide adequate care and respect for Ms Day during her time in custody.

What are Ms Day's family asking for?

The Victorian Government should reform laws that have a discriminatory impact on Aboriginal and Torres Strait Islander people. One law that clearly has this negative impact is the offence of public drunkenness. At the first directions hearing on 6 December 2018, Coroner English said she would make a recommendation that the Victorian Government abolish this offence, which was also a key recommendation of the Royal Commission into Aboriginal Deaths in Custody in 1991.

The Victorian Government urgently needs to abolish the offence of public drunkenness and implement a health-informed response. If the Victorian Government does not do this, Aboriginal and Torres Strait Islander people will continue to die tragic and preventable deaths in custody.