

Queensland police appeal against court finding that response to Palm Island riots was racist

Police response was found to be unlawfully discriminatory but commissioner says appeal is based on 'sound legal grounds'



Yvette D'Ath has told the director of public prosecutions to lodge an appeal on behalf of Queensland police after a finding that their response to the Palm Island riots was discriminatory. Photograph: Glenn Hunt/AAP

Australian Associated Press
19 January 2017

The Queensland police service has lodged an appeal after the federal court found officers had been racist in the aftermath of a death in custody on Palm Island in 2004.

The Queensland attorney general, Yvette D'Ath, confirmed on Thursday she had instructed the director of public prosecutions to lodge an appeal on behalf of the QPS. "We believe it's an important case," she said.

The federal court judge Debbie Mortimer awarded \$220,000 in damages to Lex Wotton and two of his family members in December 2016 after she found police were unlawfully discriminatory in their response to the death of Cameron Mulrunji Doomadgee.

Wotton brought a class action on behalf of Palm Island community members for the pain they endured in early morning raids by officers in November 2004.

The raids followed a series of riots by residents after Doomadgee's death, which was deemed an accident even though he had four broken ribs and his liver was almost severed in two.

Mortimer found the use of the QPS special emergency response team in the raids was "unnecessary, disproportionate and undertaken as a show of force against local people who had protested about the conduct of police".

On Thursday the police commissioner, Ian Stewart, said he was grateful the appeal had been lodged with the federal court.

"The appeal is based on, I believe, sound legal grounds but that is to be tested through that process," he said.

Stewart said the exact grounds for the appeal would become known once the matter came before the court.