

\$30m payout over Palm Island riot over Doomadgee death in custody



We're almost at the end of the road: Palm Island local Lex Wotton yesterday.

- The *Australian*
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- Charlie Peel

Hundreds of residents in the impoverished Aboriginal community of Palm Island will share in \$30 million compensation over the heavy-handed police response to a riot that followed a 2004 death in custody.

In one of the largest payouts of its kind, the Queensland government yesterday confirmed it had reached a settlement with more than 440 Palm Islanders in a class action that will also include a formal apology.

It follows a damning 2016 Federal Court ruling that Queensland Police had seriously breached the Racial Discrimination Act with a biased probe into the death in custody of Cameron “Mulrunji” Doomadgee and in its response to the riot that followed.

The police station and courthouse were razed during the riot, with officers fleeing for their lives.

The claimants on Palm Island, off the coast of Townsville, will receive differing payouts over their treatment, with some expected to be paid hundreds of thousands of dollars after their children were taken into custody in dawn raids by armed police.

Deputy Premier and Minister for Aboriginal and Torres Strait Islander Partnerships, Jackie Trad, said the payouts would be drawn from the state’s insurance fund and be

accompanied by a formal apology. “The money will allow many people who have felt aggrieved — that the Federal Court has found have substance to their grievances — to move on with their lives, and they’ll do so in a way they see fit,” she said.

The class action was instigated in 2013 by convicted riot ringleader Lex Wotton, who already has received more than \$400,000 for himself and his family, and later expanded to other members of the estimated 2000-strong Palm Island community.

The riot followed the death of Doomadgee, 36, from injuries sustained in a scuffle with Senior Sergeant Chris Hurley on the steps of the watch-house after his early-morning arrest for alleged drunkenness on November 19, 2004.

A botched police investigation followed before Sergeant Hurley was found by a coroner to have caused his death. He was later acquitted of criminal charges.

The riot started soon after the results of an autopsy were read out in the town square.

Palm Island Mayor Alf Lacey said he hoped the negotiated payout would put an end to “the long saga that has plagued our community”.

“I would hope it draws a line in the sand for our community and Queensland Police,” he said.


“What transpired should never have happened, it was full on, helicopters were flying over and cops wearing balaclavas were storming into people’s homes.

“It was like watching a movie.”

Mr Lacey urged the class-action members to be cautious with how they spent the money.

“It is quite a significant amount of money and it is up to each family how they handle it, and my advice is to deal with it wisely and not overdo it,” he said.

THE PALM ISLAND CASE



19 November 2004: 36-year-old Aboriginal man Cameron “Mulrunji” Doomadgee dies in police custody on Palm Island, off Townsville in north Queensland, after a struggle and fall with Senior Sergeant Chris Hurley.

26 November 2004: protests, fires and riots on Palm Island by residents protesting Mulrunji’s death.

27 and 28 November 2004: Armed and masked Special Emergency Response Team police officers break into the houses of 18 families on Palm Islands, with assault rifles, confronting unarmed men, women and children. Lex Wotton is tasered, arrested and later convicted for rioting.

June 20, 2007: Senior Sergeant Chris Hurley acquitted of manslaughter and assault charges, after testifying he did not mean to cause Mulrunji’s death

14 May, 2010: After a number of previous coronial inquiries, investigations and court actions, Coroner and Deputy Chief Magistrate Brian Hine finds Mulrunji died after his liver was cleaved in two as a result of a fall with Hurley. He’s unable to say if the force inflicted by Hurley was deliberate or accidental.

5 December, 2016: Federal Court judge Debbie Mortimer finds the Queensland Police Service breached the Racial Discrimination Act after the Palm Island riots and orders compensation for Lex Wotton and his relatives, paving the way for the class action settlement.

Lex Wotton yesterday

Cameron Doomadgee

Chris Hurley

ZAK SIMMONDS

The Australian exposed the heavy-handedness of police following the riot on November 26, and later unearthed details about the biased investigation in more than 100 reports.

In a damning 560-page ruling in December 2016, Federal Court judge Debra Mortimer said police officers acted with “impunity” in the wake of the death and “did not act impartially and independently” when conducting the investigation into the death.

Justice Mortimer also found police launched a “disproportionate response” with Special Emergency Response Team officers armed with assault rifles raiding the homes of 18 families, terrifying young children.

Lawyer for the class action, Levitt Robinson Solicitors partner Stewart Levitt, said the settlement had to be approved by the court, likely to be next month.

“It is probably the most significant decision in world history in terms of compensation of the whole community for racial discrimination,” Mr Levitt said.

“This is compensation for the community for the insult and injury they suffered as a result of the insensitivity of the Queensland government to the events and the way they dealt with them with SERT raids and so forth.”

Mr Levitt said the negotiations had ruled out putting the money in a trust or spending it on public amenities. Nearly \$4m will be set aside to pay for legal and administrative fees.

Mr Wotton still lives on Palm Island and works for the council. “It’s been a long process but I’m glad we’re at this point. We’re almost at the end of the road.”