



WOTTON V QUEENSLAND (NO 5) [2016] FCA 1457



Facts:

- Mulrunji Doomadgee died in police custody in 2004 on Palm Island.
- Following publication of his autopsy there was civil unrest on the island.
- A state of emergency was declared.
- The QPS investigated the death and a particular officer's involvement.
- SERT officers were deployed to conduct searches and arrests of people involved in the unrest.



In issue:

- QPS' duty to remain impartial in their investigation of the relevant officer.
- The decision not to suspend the relevant officer from duty.
- Whether culturally appropriate policing measures were used and whether police had adequate cross-cultural skills.
- Whether the community was consulted with and their concerns addressed.
- The decision to declare an emergency and whether it was an overreaction.
- The use of SERT teams to search and arrest suspects.



Found:

Justice Mortimer found that certain conduct contravened section 9(1) of the *Racial Discrimination Act*, including:

- The lack of impartiality in the investigation into the relevant officer's conduct.
- Substantial failures to communicate with the Palm Island community.
- The emergency declaration was part of an excessive and disproportionate policing response.
- SERT was unnecessary and used as a show of force.