

Potential

Judy Hammond



As a matter of protocol and respect for First Nations readers from the multiple nations colonised as Australia, JoCAT advises that this contribution contains the name and link to video footage of someone who has died. We note that for all of us, this material is of necessity confronting and may elicit distress.

Every life has great potential, however, here in Australia this is not the case for all life. I share this as one of many unjust examples of 'Deaths in Custody' here, with many of us, Australian First Nations People, being murdered in senseless acts through police and prison guard brutality and neglect. What I share here aligns with the current worldwide 'Black Lives Matter' movement and protests into police brutality and the strikingly similar murder of George Floyd in the USA. David Dungay, our Dunghutti brother, from Grafton NSW, was murdered as crazy as it sounds over refusing to stop eating biscuits in a Long Bay jail cell on 29 December 2015. David who had schizophrenia and diabetes was dragged to another cell where David too was forcibly held down, face down by five prison guards his last words

also pleading "I can't Breathe" twelve times before losing consciousness and dying, as documented in harrowing prison cell footage (Guardian, 2018). At the time he also was given a sedative injection by a nurse from Justice Health, but that wasn't the determining cause of death (Allam, 2019).

Last November 2019, with David's family and Professor George Newhouse from the National Justice Project, I was astounded by the decision of Derek Lee, NSW Deputy Coroner at the inquest into David's death (NSW Coroner, 2019). Lee's conclusions are a dismissal, a biased, unfair, unjust decision with no transparency, no accountability of those hands literally responsible for David's Death and indeed Murder.¹ Lee reports that he's aware that David should never have been approached that day

in his cell by guards, stating, “it was neither necessary nor appropriate for David to be moved... [given that he was already] contained within his cell and did not pose a security risk” (NSW State Coroner, 2019, p.85). But then Lee fails to recommend that any of the five Prison Guards who held David down until his death should face any disciplinary action. Instead Lee excuses them by stating that their conduct “was limited by systemic deficiencies in training” and was not motivated by “malicious intent” but rather was “a product of their misunderstanding of information that was conveyed at the time” (NSW State Coroner, 2019, p.114). As David’s Mum our Elder Leetona Dungay said outside the court, “If Aboriginal Men held down a White Man until he was dead, where do you think we would be? In jail for life!” (Allam, 2019). Yet until recent protests, many other Australians were unaware of these Murders of our People here in their own backyard.

So I ask do we all have similar Potential in our lives? The 432 documented in my artwork is the 432+ Deaths in Custody, since the Royal Commission in 1991,² already increased since doing my artwork. Ngana, Yimba and Danali! is Look, Listen and Stand Up! in my Gunggari Language.

Please take care of yourselves, our land and us all, so we can all live to our life potential.

Acknowledgements

I dedicate *Potential* to David and his Family, especially Mum, Elder Leetona Dungay. I also hope this contributes to a better world for my children Jasper and Araya in their and their children’s life as well as your children.

Endnotes

1. I use capitals and compress language throughout this piece to underscore injustices, give voice to resistance and advocate the potential for change.
2. See Gannoni & Bricknell (2019).

References

- Allam, L. (2019). David Dungay inquest: Guards who restrained Indigenous man before his death won’t be disciplined. *The Guardian*, 22 November 2019. <https://www.theguardian.com/australia-news/2019/nov/22/david-dungay-inquest-guards-who-restrained-indigenous-man-before-he-died-wont-be-disciplined>
- Gannoni, A. & Bricknell, S. (2019). *Indigenous deaths in custody: 25 years since the Royal Commission into Aboriginal Deaths in Custody*. Statistical Bulletin no.17. Australian Institute of Criminology. <https://www.aic.gov.au/publications/sb/sb17>
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