

The Hon Daniel Andrews MP  
Premier of Victoria  
1 Treasury Place  
Melbourne, Victoria, 3002

15 April 2019

Dear Premier Andrews,

### **Open letter calling for the offence of public drunkenness to be abolished**

Today is the 28th anniversary of the Royal Commission into Aboriginal Deaths in Custody.

Our Mum – Tanya Louise Day – would still be here with us if the Victorian Government had implemented the Royal Commission’s recommendations and abolished the offence of public drunkenness.

Mum was a proud Yorta Yorta woman who was greatly respected within the Aboriginal community. She was a loving mother, grandmother, sister and aunty to many.

In December 2017 our mum died from a brain haemorrhage caused by a traumatic head injury she sustained while in police custody. Mum was travelling on a VLine train from Echuca to Melbourne when she fell asleep. She was approached by a conductor who deemed her ‘unruly’ and called the police. She was then taken off the train and placed in a Castlemaine police cell for being drunk in a public place.

### **Abolishing the offence of public drunkenness was a key recommendation of the Royal Commission.**

To date, Victoria is one of only two states that have failed to act. Section 13 of the Summary Offences Act still provides that ‘any person found drunk in a public place shall be guilty of an offence’.

Most Victorians have committed this offence, whether it’s coming home from the races, football, or from a party, but not all Victorians are over-policed and over-imprisoned in the way Aboriginal and Torres Strait Islander people are, and not all Victorians are arrested and locked up like our Mum was.

Mum was 55 years old when she died. She was taken from her children and grandchildren as a direct result of this recommendation not being implemented. She had so much more life to give, and so many more hearts to touch.

If there are concerns that somebody is too intoxicated, the appropriate steps should be taken. That person should be cared for at home or at a medical service. If there are concerns about their wellbeing, an ambulance should be called. Drunkenness requires a public health response, not a criminal one.

**The organisations listed below support us and call on the current Victorian Government to act when past governments have failed to: repeal the offence of public drunkenness.**

It's time to put an end to racially discriminatory laws and policies that result in Aboriginal people, like our mum, dying in police custody.

Our mum was not treated with respect, she was not afforded dignity and there was no compassion in how she was treated – the simple fact is, this is because she was an Aboriginal woman.

Please let our family be the last to endure the pain, suffering and heartache of losing a loved one in these circumstances. **The time for change is now.**

Yours sincerely,

Belinda, Warren, Apryl and Kimberly

**Supporting organisations:**

- Human Rights Law Centre
- Victorian Aboriginal Community Controlled Health Organisation
- Djirra
- Australian Council of Social Services
- National Aboriginal Torres Strait Islander Legal Services
- GetUp!
- Women's Health Victoria
- Law Institute of Victoria
- The Criminal Bar Association of Victoria
- Amnesty
- Victorian Traditional Owner Land Justice Group
- Victorian Council of Social Services
- Victorian Aboriginal Childcare Agency
- Colour Code
- Change the Record
- Per Capita
- Asylum Seeker Resource Centre
- Australian Lawyers for Human Rights
- Castan Centre for Human Rights
- Sisters Inside
- Victorian Aboriginal Legal Service
- Koori Youth Council
- Domestic Violence Victoria
- Victorian Branch of the Royal Australia & New Zealand College of Psychiatrists
- Federation of Community Legal Centres
- National Family Violence Prevention Legal Services
- Mental Health Legal Centre
- Women's Property Initiatives
- National Association of Community Legal Centres
- Woor-Dungin
- The Kimberley Foundation
- WEstjustice

- Flemington Kensington Community Legal Centre
- Co-Health
- Fitzroy Legal Service
- Jumbunna Institute
- Domestic Violence Resource Centre Victoria
- Thorne Harbour Health
- Human Rights Arts Film Festival
- Justice Connect
- Grata Fund
- St Vincent DePaul Society
- Public Interest Advocacy Centre
- Victorian Aboriginal Health Service Cooperative
- Catholic Social Services
- National Shelter
- Grandmothers Against Removal Victoria
- Jesuit Social Services
- Mission Australia
- Liberty Victoria
- Aboriginal Catholic Ministry
- Rights Advocacy Project, Liberty Victoria
- Indigenous Allied Health Australia
- Flat Out Inc.
- Youth Law
- Goulburn Valley Community Legal Centre
- Anglicare Victoria
- St Kilda Legal Service
- Youth Projects
- Uniting Church in Australia
- Democracy in Colour
- SNAICC
- Justice Involved Young People Network, Melbourne University
- Robinson Gill
- Springvale Monash Legal Service
- YSAS
- Australian Association for Restorative Justice
- Inner Melbourne Community Legal
- Doogue + George Defence Lawyers
- Darebin Community Legal Centre
- Centre for Excellence in Child and Family Welfare
- Lake Tyers Health and Children's Services
- Njernda Aboriginal Corporation
- Council to Homeless Persons
- Villamanta Disability Rights Legal Centre
- Victorian NAIDOC Committee
- Warriors of the Aboriginal Resistance
- The Equality Institute
- Victorian Aboriginal Education Association Inc.
- Equality Rights Alliance
- Law and Advocacy Centre for Women
- Bup Wilam for Early Learning, Aboriginal Child and Family Centre
- Moogji Aboriginal Council East Gippsland Inc.
- Women with Disabilities Australia