



Hon Jill Hennessy MP

Attorney-General
Minister for Workplace Safety

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Deputy State Coroner English
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

By email: cpuresponses@coronerscourt.vic.gov.au
Copied to: team4@courts.vic.gov.au

Dear Deputy State Coroner English

I am writing to provide you my response to recommendations 1 and 2 in your findings in the death of Tanya Day on 9 April 2020.

Recommendation 1

I recommend that the offence of public drunkenness be decriminalised and that section 13 of the Summary Offences Act 1966 be repealed.

I accept your recommendation that the offence of public drunkenness be decriminalised.

Tanya Day's passing was an incredible tragedy. The government acknowledges the disproportionate impact Victoria's current public drunkenness laws have had on Aboriginal people and acknowledges the community members who have fought to change the law.

The government announced on 22 August 2019 that public drunkenness will be decriminalised and be replaced by a health-based response, in order to provide vulnerable Victorians with appropriate help and support. This is consistent with your recommendation, as well the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

An Expert Reference Group on public drunkenness has been established to provide advice to government about the decriminalisation and the development of an alternative, health-based response. This group consists of representatives from the Victorian Aboriginal Community Controlled Health Organisation and the Victorian Aboriginal Legal Service, a former Executive Director of the Brotherhood of St Laurence, and a former Assistant Commissioner of Victoria Police. The Group is working closely with police, Aboriginal stakeholders and other groups in developing its advice.

The government is also working to strengthen self-determination and reduce the over representation of Aboriginal people in the justice system under Burra Lotjpa Dunguludja, the fourth phase of the Victorian Aboriginal Justice Agreement (AJA). The AJA has four key objectives, including strong and safe Aboriginal families and communities, fewer Aboriginal people in the criminal justice system, a more effective justice system with greater Aboriginal involvement, and increased self-determination for Aboriginal people in the justice sector. The government is investing a record \$40.3 million to implement this latest phase of the AJA.

Recommendation 2

I recommend legislative amendment to the Coroners Act 2008 that the coroner in charge of coronial investigation may give a police officer direction concerning investigations to be carried out for the purpose of an inquest or investigation into a death being investigated by the coroner, thus legislatively recognising the role of the Coronial Investigator.

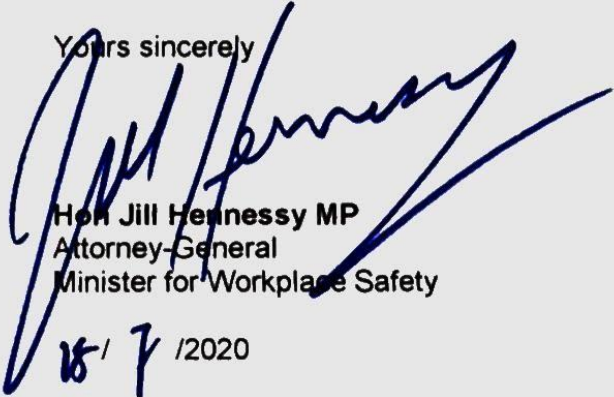
I refer to both the Royal Commission into Aboriginal Deaths in Custody, Recommendation 29 and the Victorian Parliamentary Law Reform Committee Report regarding the Coroner's Act (1985) Recommendation 42.

I have instructed the Department of Justice and Community Safety to commence policy work on this recommendation, which will include consultation with the Court and other key stakeholders.

If you wish to discuss this recommendation further, please contact David Atkinson, Executive Director, Justice Policy and Legislation, Department of Justice and Community Safety on 0417 125 630 or by email to David.Atkinson@justice.vic.gov.au.

We remain committed to improving outcomes for Aboriginal people in contact with the justice system, in particular to reducing over representation and harm. Thank you for your recommendation on these important issues.

Yours sincerely


Hon Jill Hennessy MP
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15/7/2020