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NATSILS MEDIA RELEASE: Repeal of public drunkenness offence a step closer to justice for Tanya Day's family

The National Aboriginal and Torres Strait Islander Legal Service (NATSILS) welcomes the Victorian Government's decision to repeal the offence of public drunkenness, replacing it with a health-based response. Attorney General Jill Hennessy made the decision days before the Coronial Inquiry into the death of Tanya Day is set to begin in Melbourne.

"The Attorney General's decision to repeal the offence of public drunkenness shows the power of the tireless advocacy of Tanya Day's family, while they have been grieving," said Nerita Waight, co-chair of NATSILS. "The Victorian Government must move quickly to finalise these critical changes and put in place an Aboriginal-led, co-designed, public health response, so no more families endure this pain."

Tanya Day was a proud Yorta Yorta woman who was greatly respected within the Victorian Aboriginal community. In December 2017, she was asleep on a train when police arrested her for public drunkenness. While in custody, Tanya Day suffered a traumatic head injury and passed away several days later. She was only 55 years old. In a landmark decision, Acting State Coroner Caitlin English has agreed to consider systemic racism in the scope of the inquest which is set to begin next week.

The Victorian community has shown support for the repeal. Earlier this year, NATSILS joined key organisations signing an open letter from the Day family, urging Premier Andrews to abolish the offence. In addition, the Day family collected thousands of signatures on a petition to the Victorian Government.

"While we welcome this historic reform, Tanya Day should never have been in police custody. If the Victorian Government had implemented the recommendation of the Royal Commission into Aboriginal Deaths in Custody when it was made 28 years ago, she would still be with her family today," said Ms Waight.

Since the Royal Commission into Aboriginal Deaths in Custody recommended the change, all jurisdictions except Victoria and Queensland have repealed the offence. In that time, approximately 514 Aboriginal and Torres Strait Islander people have died in custody across Australia.

"The Royal Commission set out solutions to end these injustices, but the majority of recommendations have been ignored. NATSILS supports the family's calls for accountability for their mum's death through the coronial process, independent investigations into deaths in custody, and eradicating systemic racism from justice institutions," stated Ms Waight.

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