

# Decriminalisation of public drunkenness in Victoria

The Victorian Government is preparing to decriminalise public drunkenness and has committed to implementing a health-based response to replace police powers to arrest.

**For change to be successful, APSU believes increased investment into outreach and support services must happen across all of Victoria.**

Decriminalisation of public drunkenness is not a new or radical shift in policy. It was recommended by the Royal Commission into Aboriginal Deaths in Custody over 30 years ago, and it will align Victoria with most other states and territories. However, Victoria's response differs in that NO NEW POWERS have been granted to police to arrest people who are drunk in public.

Comprehensive data has been collected and reviewed in multiple reports, including ['Seeing the Clear Light of Day: Report of the Expert Reference Group on Public Drunkenness'](#) (August 2020) reiterating recommendations from earlier reports:<sup>1</sup>

*"The data tells us that the criminalisation of public drunkenness discriminates against certain cohorts of people, in particular Aboriginal people, culturally and linguistically diverse communities, people experiencing homelessness, people with a substance use issue and people experiencing mental illness or distress."*<sup>2</sup>

Instead, Victoria aims to implement "...an effective health-based approach demanding a cultural shift in the characterisation of intoxication as a health rather than a law enforcement issue."<sup>3</sup>

The Victorian Government's commitment to adopt an evidence-based approach to reform demonstrates its willingness to cooperate with community groups and stakeholders who have been adversely impacted by this outdated law.<sup>4</sup>

Criticism from the Police Association of Victoria revolves around what it views is a loss of power and increasing risk to public safety<sup>5</sup>, while the Victorian Ambulance Service has raised concern<sup>6</sup> that health services are lacking capacity. Police retain alternative means for enforcing authority in public spaces and an arrest can still be made when an offence is being committed.

APSU endorses the removal of the current police powers in the case of public drunkenness. We are pleased to see community perception around drunkenness/intoxication is shifting away from a criminal lens to position the problem in the health space.

APSU agrees and would like to highlight that the health sector is currently stretched.

**While we fully support the shift to implementing a health-based approach to public drunkenness, for reform to be effective the Victorian Government must invest responsibly in expanding state-wide health and outreach services.**

## Footnotes

1. Earlier reports with similar recommendations:
  - Delivering A Health-Based Response to Public Drunkenness, 2022 <https://www.premier.vic.gov.au/delivering-health-based-response-public-drunkenness>
  - Drugs and Crime Prevention Committee 2001, Inquiry into Public Drunkenness: Final Report, June, Parliament of Victoria, [https://www.parliament.vic.gov.au/images/stories/committees/dcpc/Public\\_drunkenness/2001\\_Jun\\_Final\\_Report\\_Public\\_Drunkenness.pdf](https://www.parliament.vic.gov.au/images/stories/committees/dcpc/Public_drunkenness/2001_Jun_Final_Report_Public_Drunkenness.pdf)
  - Commonwealth Government of Australia, Royal Commission into Aboriginal Deaths in Custody Final Report, 15 June 1991 <https://www.naa.gov.au/explore-collection/first-australians/royal-commission-aboriginal-deaths-custody>
2. The Victorian Government's response to the report [viewed 18/01/2023] <https://www.justice.vic.gov.au/public-drunkenness>
3. Key Findings from 'Seeing the clear light of day: expert reference group on decriminalising public drunkenness', Report to the Victorian Attorney-General Nov 2020 [viewed 18/01/2023] <https://apo.org.au/node/309812>
4. Human Rights Law Centre, No further police powers once public drunkenness is decriminalised: Day family statement 17/01/23 [viewed 18/01/2023] <https://www.hrlc.org.au/news/2023/1/16/day-family-statement>
5. Wayne Gatt, "New public drunkenness laws are a tragedy waiting to happen" (published in the Herald Sun, 17/01/2023, and on the Police Association of Victoria website) at <https://tpav.org.au/news/news-coverage/2023-news-coverage/new-public-drunkenness-laws-are-a-tragedy-waiting-to-happen>  
See also Jack Latimore & David Estcourt (16/01/2023) "Police union labels move to abolish public drunkenness laws reckless", The Age, [viewed 18/01/2023] <https://www.theage.com.au/national/victoria/police-union-labels-move-to-abolish-public-drunkenness-laws-reckless-20230116-p5ccx2.html>
6. Ashleigh Barraclough, "Decision not to give Victoria Police new powers when public drunkenness is decriminalised draws union criticism", Tue 17 Jan 2023 ABC News [viewed 19/01/2023] <https://www.abc.net.au/news/2023-01-17/public-drunkenness-decriminalisation-victoria-police-powers/101861744>

## Useful links and further information:

- VALS 2022, Decriminalisation of public intoxication must be done right, Media Release, 25/04/2022, viewed 18 January, 2023, <https://www.vals.org.au/decriminalisation-of-public-intoxication-must-be-done-right/>
- VALS (August 2022) Community Factsheet: decriminalising public intoxication <https://vals73.wpengine.com/wp-content/uploads/2022/08/Community-fact-sheet-Decriminalisation-of-public-intoxication-August-2022.pdf>
- [Dhadjowa](https://dhadjowa.com.au/) Foundation <https://dhadjowa.com.au/>
- [VACCHO](https://www.vaccho.org.au/policy-and-advocacy/alcohol-and-other-drugs-2/), Alcohol and other Drugs, <https://www.vaccho.org.au/policy-and-advocacy/alcohol-and-other-drugs-2/>
- [Media](https://www.vaccho.org.au/news-media/) Release: VACCHO Deeply disappointed by criticism of commitment to decriminalisation of public drunkenness, 17 January 2023 [viewed 18/01/2023] <https://www.vaccho.org.au/news-media/>

Self Help Addiction Resource Centre Inc. ABN: 18 052 525 948

140 Grange Road, Carnegie VIC 3163 Telephone 03 9573 1700 Facsimile 03 9572 3498 Email [info@sharc.org.au](mailto:info@sharc.org.au) Website [www.sharc.org.au](http://www.sharc.org.au)

Association of Participating Services Users ■ Family Drug and Gambling Help ■ Peer Projects ■ Residential Peer Programs