



## Royal Commission into Aboriginal Deaths in Custody Recommendation

### 84. Negotiation of issues related to public drinking

*That issues related to public drinking should be the subject of negotiation between police, local government bodies and representative Aboriginal organisations, including Aboriginal Legal Services, with a view to producing a generally acceptable plan.<sup>1</sup>*

<b>Background<sup>2</sup></b>	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised the need for issues related to public drinking to be negotiated between police, local government bodies, and representative Aboriginal organisations, including Aboriginal legal services. The Commission highlighted the importance of monitoring the effects of decriminalisation and new forms of regulation of public drinking to ensure they do not lead to increased detentions or discriminatory practices against Aboriginal people.
<b>Intent</b>	Negotiate issues related to drinking in public with police, local governments and Aboriginal organisations.
<b>Responsibility</b>	All state and territory governments.
<b>Key contacts</b>	Liquor Control Victoria, Department of Justice and Community Safety; Local Government Victoria, Department of Government Services; Victoria Police; Victorian Aboriginal Legal Service (VALS).
<b>Key action taken</b>	
<b>2005 Review<sup>3</sup></b>	Victoria Police assessed Recommendation 84 as <b>not implemented</b> and advised that public drinking was not an offence but could be restricted through council by-laws.
<b>2018 Review<sup>4</sup></b>	Deloitte concluded that Recommendation 84 was <b>fully implemented</b> in Victoria, noting that Victoria Police consulted with local government and representatives of Aboriginal organisations at a 2013 roundtable to discuss policy options in response to public intoxication. Deloitte's assessment appears to be based on a single event, rather than any evidence of ongoing arrangements for consulting with Aboriginal community representatives about local laws relating to the public consumption of alcohol.

<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 3, 29 ('RCIADIC').

<sup>2</sup> Ibid vol 3, 25-28, [21.1.73]-[21.1.76].

<sup>3</sup> Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 384 ('2005 Review').

<sup>4</sup> Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 168-169 ('2018 Review').

## 84. Negotiation of issues related to public drinking

### Since then

#### Liquor Control Victoria<sup>5</sup>

Their 2023 response considered this recommendation **fully implemented**.

#### Victoria Police<sup>6</sup>

In June 2023, Victoria Police assessed this recommendation as **partially implemented** stating that its acquittal required coordination by the Department of Justice and Community Safety, in collaboration with the Minister for Local Government.

Victoria Police noted the following:

#### Enforcement

Police officers can only enforce council by-laws if they are authorised officers, which is not the case for every council. Enforcement of drinking in public spaces sits in the remit of local government via the creation of by-laws. This is a matter for local government consideration.

#### Neighbourhood Policing Model

Negotiation on public drinking issues occurs through Victoria Police's Neighbourhood Policing Model (NHP), which supports community-based crime prevention and public safety. NHP uses tools such as the Community Issues Register to track and respond to community concerns, with police addressing issues directly or in partnership with other organisations where needed. Local Safety Committees are established in each Police Service Area, bringing together police, local government, community, and business stakeholders to develop Local Safety Plans focused on prevention through both policing and non-policing activities. NHP is a place-based model led by the Local Area Commander and emphasises community engagement, structured problem-solving, collaboration with government and community organisations including Aboriginal groups, and appropriate responses.

Neighbourhood policing builds trust and confidence with community through Victoria Police:

- being highly visible and accessible
- prioritising collaboration by working with community and partner agencies
- developing effective responses that meet local needs
- strengthening our focus on crime prevention
- adopting a problem-solving approach to community safety issues.

### Evidence of impact

#### Authorising documents

#### Victoria Police Neighbourhood Policing Model

Neighbourhood policing uses community engagement to identify safety issues and work together with government and non-government partners to design and deliver solutions to improve community safety.

<sup>5</sup> Gaming and Liquor Integrity Regulation and Legal Services, '2023 Response to Aboriginal Justice Caucus Request for Liquor Control Victoria Information'.

<sup>6</sup> David Jones and Tyler McRae, 'Victoria Police Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody' (Tranche One).

## 84. Negotiation of issues related to public drinking

<b>Outputs</b>	<b>Victoria Police</b> The Victoria Police Neighbourhood Policing Model supports negotiation between police, local governments and community organisations on community safety matters which can include those related to consumption of alcohol in public. The NHP model aims to build trust with communities through discussions of local needs and agreed responses.
<b>Outcomes</b>	While issues related to public drinking could be negotiated between police, local governments and Aboriginal organisations under the NHP model, there is little evidence of this occurring.
<b>Community views</b>	<b>Regional Aboriginal Justice Advisory Committees</b> None of the nine Regional Aboriginal Justice Advisory Committee (RAJAC) Chairpersons could recall issues related to public drinking being discussed or negotiated through their committees, or neighbourhood policing in their areas: <i>They keep talking to us about self-determination, well they're not giving us any opportunities... When are we going to call these people out and get them to come and see us? Sit with us at the table and listen to us.</i> <sup>7</sup> (Jemmes Handy, Chairperson, Loddon Mallee RAJAC)

### Related recommendations

<b>2005 Review<sup>8</sup></b>	<b>Recommendation 57</b> That Victoria Police: (a) report on the reasons for the lack of progress on Recommendation 84, and (b) provide a report to the Aboriginal Justice Forum on (a). That the Victorian Government continue to implement and monitor Recommendation 84 through any monitoring process established as a consequence of this Review.
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### Assessment summary<sup>9</sup>

The intent of recommendation 84 is for issues related to drinking alcohol in public to be negotiated with police, local governments and Aboriginal organisations.

Victoria Police noted their implementation of the Neighbourhood Policing Model (NHP) which is designed to address local needs and focus on crime prevention. Through this model, there is the potential for issues related to public drinking to be negotiated between police, local governments, and community organisations, which could include Aboriginal community organisations, however the model is not specifically tailored to Aboriginal communities. We were not provided with any examples of negotiations of this type occurring in practice.

To support the NHP, a Community Issues Register has been introduced to capture, track, and report on Victoria Police's responses to community concerns. Police are tasked with addressing these issues or collaborating with

<sup>7</sup> Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 10 October 2024) ('Working Group Meeting (10 October 2024)').

<sup>8</sup> 2005 Review, vol 1, 446.

<sup>9</sup> Working Group Meeting (10 October 2024). Meeting with Aboriginal Justice Caucus (Project Team, In Person, 11 December 2024) ('AJC Meeting (11 December 2024)').

## 84. Negotiation of issues related to public drinking

community safety partner organisations when the issues are more complex. They do this by forming a Local Safety Committee in each Police Service Area, bringing together community groups, government representatives, and business stakeholders. Each committee develops a Local Safety Plan based on the concerns raised by the community.

There is a significant lack of Aboriginal voices in these committees. There were few examples of any Aboriginal organisations being invited to speak at these forums to discuss community concerns. None of our Regional Aboriginal Justice Advisory Committee (RAJAC) Chairpersons could recall issues related to public drinking being discussed or negotiated through these committees.

*They keep talking to us about self-determination, well they're not giving us any opportunities... When are we going to call these people out and get them to come and see us? Sit with us at the table and listen to us.*  
(Jemmes Handy, Chairperson, Loddon Mallee RAJAC)

Despite the aim of the NHP to include Aboriginal communities in negotiations around local issues, including public drinking, actions taken to date do not align with the intent of this recommendation and there is little evidence of the desired outcome - issues related to public drinking being negotiated between police, local governments and Aboriginal organisations.

Recommendation 84 remains relevant. In several regions, RAJAC membership already includes representatives from Victoria Police, Aboriginal organisations (including legal services) and local government so issues related to public drinking could be discussed or negotiated through those meetings.

## Assessment of Recommendation 84

**Is the intent of the recommendation accurately described?**

Yes  No

**Does the action taken align with the intent of the recommendation?**

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

**0.5**

(Score out of 3)

**Is there evidence of the desired impact or outcome/s?**

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

**1**

(Score out of 3)

**How relevant is the recommendation in the current context?**

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

**3**

(Score out of 3)

**Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?**

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

**1**

(Score out of 3)

### Potential actions for further work

#### Proactive engagement by local government in Regional Aboriginal Justice Advisory Committees

Promote more proactive involvement by local governments in RAJACs to enable issues— including those relating to public drinking— to be discussed, negotiated, and addressed collaboratively with police and Aboriginal communities.

### Moderate priority for further work

#### Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			
	Moderate (3-4)			
	Low (0-2)		Rec 84	

## **Bibliography**

Meeting with Aboriginal Justice Caucus (Project Team, In Person, 11 December 2024)

Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 10 October 2024)

Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005)

Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018)

Gaming and Liquor Integrity Regulation and Legal Services, Department of Justice and Community Safety (Vic) '2023 Response to Aboriginal Justice Caucus Request for Liquor Control Victoria Information' (30 June 2023)

Jones, David and Tyler McRae, Victoria Police Priority and Safer Communities Division 'Victoria Police Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody' (Tranche One, June 2023)

*Royal Commission into Aboriginal Deaths in Custody* (Final Report, 1991)