



COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:

Ms CP McMillan MP—Chair
Mr SA Bennett MP
Mr MC Berkman MP
Mr MA Robinson MP
Mr RCJ Skelton MP

Staff present:

Ms L Pretty—Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE DECRIMINALISATION OF CERTAIN PUBLIC OFFENCES, AND HEALTH AND WELFARE RESPONSES

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 6 SEPTEMBER 2022

Mareeba

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The committee met at 9.34 am.

CHAIR: Good morning. I declare open this public hearing for the Community Support and Services Committee's inquiry into the decriminalisation of certain public offences and appropriate health and welfare responses. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we are all so fortunate to share. Thank you for your interest and for your attendance here this morning.

On 24 June 2022 the Legislative Assembly agreed to a motion that the Community Support and Services Committee inquire into and report on the decriminalisation of certain public offences and the appropriate health and welfare responses with a reporting date of 31 October 2022. I note that Queensland will be the last state in Australia to endorse this should this inquiry be passed and it move to the stage of a bill being presented to the Queensland parliament.

My name is Corrine McMillan. I am the member for Mansfield and chair of the committee. The other committee members here today are: Mr Stephen Bennett, the deputy chair and member for Burnett; Mr Michael Berkman, the member for Maiwar; Mr Robert Skelton, the member for Nicklin; and Dr Mark Robinson, the member for Oodgeroo. On our committee we are very fortunate to have Ms Cynthia Lui, the member for Cook and the first Torres Strait Islander elected to the Queensland parliament. However, sadly, she cannot be with us today and sends her apologies.

The purpose of today's hearing is to assist the committee with its inquiry into the decriminalisation of certain public offences and health and welfare responses. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard—thank you, Bonnie. A transcript will be published on the committee's webpage in due course.

Media may be present and will be subject to the chair's direction at all times, although I know if there was going to be media here the mayor would have let us know. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you may be filmed or photographed during the proceedings and images may appear on the Queensland parliament website. I ask everyone present to turn mobile phones off or to silent mode. The program for today has been published on the committee's webpage.

FRANKS, Mr Peter, Chief Executive Officer, Mareeba Shire Council

TOPPIN, Ms Angela, Mayor, Mareeba Shire Council

CHAIR: I now welcome representatives from Mareeba Shire Council. I welcome a wonderful former colleague of mine, Ms Angela Toppin, who is the mayor of Mareeba and formerly the principal of Cairns State High School. Welcome to you, Mayor Toppin, and thank you for your wonderful service to the children of this area over many years and now, of course, your tremendous public service to the people of Mareeba. I also welcome Mr Peter Franks, the Chief Executive Officer of the Mareeba Shire Council. I invite you to make a brief opening statement after which I am sure our committee will have many important questions for you.

Ms Toppin: Thank you for that wonderful welcome to today's proceedings. Thank you, Chair, and good morning to all members of the committee and welcome to Mareeba shire. As the mayor of Mareeba shire, I think it is important to have the opportunity to contribute to the inquiry. May I begin by acknowledging the traditional owners of the land on which we meet today, the Muluridji, and I pay my respects to elders past, present and emerging. I also acknowledge all First Nations people here today.

As mayor, it is my role to represent all people in this community. It is my role to share my concerns. It is my role to advocate fiercely for the benefit of this community. Today I will address the committee to discuss the current state in the Mareeba shire and the challenges and issues that our communities are facing.

Public Hearing—Inquiry into the decriminalisation of certain public offences, and health and welfare responses

Mareeba shire is diverse, with 22,858 residents at last count from more than 64 cultures living across more than 50,000 square kilometres of country, which is as diverse as our people. The regional, rural and remote towns within this shire are home to a resident population which is older than the Queensland average. While there is prosperity throughout these communities, there are also pockets suffering extreme socio-economic disadvantage.

The Mareeba shire has a rich cultural history which started with our First Nations people, and this continues today with 14.3 per cent of our population identifying as Aboriginal and Torres Strait Islander at the 2021 census. This shire is expansive but the main incidence of the offences in question, particularly public drunkenness and public urination, occur in the central business districts of the shire's larger towns, being Mareeba and Kuranda, and the impact on the communities' sense of safety is significant. Fortunately, begging is not prevalent in our communities.

The gross regional product of the Mareeba shire is back to pre-pandemic levels and building and development approvals have reached record levels, yet we face a housing and homelessness crisis with a vacancy rate of less than one per cent. In a report commissioned by the Mareeba and Dimbulah community branches of Mareeba back in 2011 entitled *Homelessness in Mareeba: the nature of the problem and what can be done about it*, the author stated—

Housing conditions in Mareeba reflect the town's low socio-economic characteristics with high levels of reliance on rental housing. Indigenous households in particular experience high levels of housing disadvantage, are concentrated in the rental sector, live with significant overcrowding and have a heavy reliance on social housing. In addition, housing options for low-income single people, including young people, are almost non-existent in both private and social rental sectors.

The report goes on—

Within the Mareeba township there is a high demand for affordable rental housing from a significantly disadvantaged low and fixed income community. The private rental market is limited in both volume—

that is availability—

and affordability for this group within the community. This situation normally relies on the public or social housing system to fill the gap.

While the report does not specifically respond to housing issues in Kuranda, it is safe to say that the supply of affordable housing in Kuranda is severely limited and homelessness in its many forms is rife, particularly amongst the Indigenous community. The great shame cannot be ignored as one of the causal factors of the prevalence of public intoxication, public urination and begging.

Through our work with the support services in the shire, we know that the incidence of youth crime and all types of antisocial behaviour are linked not only to homelessness but also to drug and alcohol dependence, mental health issues and domestic and family violence. Some of the most vulnerable people, including people with a disability, are living in a truly abysmal situation.

This inquiry seeks to identify the benefits and issues associated with the decriminalisation of certain offences in consideration of human rights, social and health impacts and culturally appropriate service provision. Clearly, these are complex matters and it is in the interests of this community that we get it right.

CHAIR: Thank you, Mayor. Chief Executive Officer, do you have anything to add?

Mr Franks: Not at this stage.

CHAIR: I will turn to the deputy chair, the member for Burnett, for his first question.

Mr BENNETT: Good morning and thank you very much for your submission to the committee. In the submission you talked about an increased frequency of antisocial behaviour in those communities and the mayor just backed some of those things. Where is that increased population coming from? Are there any identified areas or is it internal?

Ms Toppin: In terms of the population growth here?

Mr BENNETT: You talked about a marked increase in the level and frequency of antisocial behaviour. I am assuming that is numbers and behaviours.

Ms Toppin: Yes.

Mr BENNETT: I am curious about where that migration is coming from. Is it numbers or is it just behaviour?

Ms Toppin: I think it is numbers and behaviour.

Mr Franks: It is a bit of a both. As the mayor has outlined, the low socio-economic impacts within our township with overcrowding, the number of people who are homeless or are in homes where there are too many people effectively is one component. The other component is we are at the Mareeba

crossroads for the cape and the Gulf Country and a lot of the Indigenous communities which are dry. People come down to Mareeba. They have family and connections here. They boost that population as well.

Ms Toppin: Then, of course, it is tacked on the number of persons in a residence very badly such that it means sometimes young children are displaced out on the streets.

Mr BENNETT: Just quickly, on a completely different subject, we are hearing a lot in this inquiry about councils' involvement in redesigning amenities and public spaces. You do mention that you are taking those actions. Are you able to give the committee some examples of what you are doing in that space?

Ms Toppin: Yes, we can. Peter, would you like to add anything?

Mr Franks: I am not quite sure—

Mr BENNETT: Are we building more toilet blocks, for example, or places that people can relax?

Mr Franks: We have redesigned our toilet facilities. We have built three new toilet blocks in Mareeba recently. We have redeveloped existing toilet blocks to make them more accessible and also less vulnerable to graffiti and damage et cetera. We have embarked upon a program across the entire shire, but the concentration has been both here in Mareeba and Kuranda—Kuranda being the critical one because it is a tourist destination. It is about trying to find the balance between not only providing services to the existing people in the community, especially people suffering disadvantage, but also making sure that they are attractive for visitors et cetera. Two years ago we spent a quarter of a million dollars refurbishing the main toilet blocks within Kuranda itself to try to deal with that. We took advantage during COVID to try to improve it while we did not have the number of visitors there.

Ms Toppin: The other thing we do as well is that in consultation with the police—and we work very closely with the police here; they are tremendous people who are a pleasure to work and collaborate with—if there are areas, particularly in the CBD, that are not well lit then we will try and improve them so that that reduces the incidence of people feeling unsafe. We are also embarking on some CCTV in the CBD area, helping businesses by giving them grants to assist with that. They are areas that we are focusing on at the moment to improve safety. Our senior citizens in particular—and we have an ageing community—are petrified. They are terrified. They are the only words that I can use. They feel totally unsafe. That is because of the incidences of youth crime. If they go into the CBD area and there is antisocial behaviour because of drunkenness they are terrified.

Mr Franks: If I can add to that, council a few years back established a meeting place for people in an area called Yumba, which is to the western side of Mareeba. It is close to where there is a lot of social housing et cetera. It is in a big open park. It is an open shed area with a toilet block close at hand where people can gather and drink or whatever in that area. We have provided those sorts of facilities. Then on the other side we have spent a lot of money just recently putting in solar lighting and improving the area just one street back from our CBD area where a lot of these people would gather to drink and cause disruption. We have attacked it from both aspects to provide facilities and somewhere for people to go but also try to make certain areas safer.

CHAIR: To follow on from the deputy chair, are those areas used?

Mr Franks: Yes, by certain groups. It depends really. The locals use it—the people displaced from their own homes. Very often drinking causes problems and the rest of the family kick them out. It is used by those people. However, when we get people coming in from other areas—Kowanyama, Pormpuraaw, wherever—they do not have that linkage and again it is country so they tend not to go into that area and they are the ones who are in the CBD or camping down by the Barron et cetera. It is a bit of a mix.

CHAIR: To continue on our conversation, last night we had the wonderful opportunity of working and moving around Cairns CBD with the police. We visited the diversionary centre and a homelessness service centre earlier in the afternoon. The police alluded to a couple of issues. One was that our First Nations people have gathered in culturally appropriate places for thousands of years. To address that for government, whether it be local council, state government or federal government, is a complex issue. That notion of gathering, particularly for those people who do not live in the area but come from outside, is an interesting concept that we grapple with in order to be respectful of culture. The other issue that we grapple with, and certainly that the police were able to share with us, was those First Nations peoples who live in social housing tend to gather in public places because they are quite fearful of being kicked out of their social housing residence for being drunk. That was another reason that our First Nations people gave to the police, which comes to your issue, Mayor Toppin, around the shortage of housing. These are big issues. In order for us to move

towards a medical model of health and a social model of health rather than seeing public drunkenness and urination et cetera as a criminal offence, if we are to move towards seeing it more as a social or medical model of intervention that is required, help us understand how we tackle and be respectful of some of these long-held cultural issues?

Ms Toppin: Possibly one of the things I need to flag is that we are advocating for the implementation of a local liquor accord. We have been working very hard in that space.

CHAIR: What does that look like?

Ms Toppin: There are three hotels in this town, and two of them are in agreement but one of them is not.

CHAIR: Is that to limit the sale of cask wine?

Ms Toppin: Yes.

Mr SKELTON: There is one in Cairns.

Ms Toppin: The one in Cairns is working very well.

CHAIR: Is that for certain hours?

Ms Toppin: Certain hours, yes. We are striving for that. I wrote to the liquor licensing commission. They came to town. We went for a walk, just like you did last night, and saw the impacts. We have spoken to Mulungu at length—I think Mulungu may be presenting today. They are very concerned about the health issues that emanate from this. In terms of trying to service some of their people, they cannot find them during the day because they are in the CBD somewhere drunk and disorderly. They need to go to their homes and administer medication, monitor their health, and they cannot do it. They are very strong on having this accord in place. I know that the officers from liquor licensing have been back in town. They have spoken to police. I do not know what stage it is up to now, but our problem is that there is one publican who is opposed to it.

CHAIR: Is that principally a human rights access issue or is it a business decision?

Ms Toppin: From my point of view, it is very much business. The answer we get is, 'If they don't buy it from us they'll buy it somewhere else.' Not really. There is no social conscience behind it, Chair, I am afraid. They will keep working at it, that is for sure.

CHAIR: That is one strategy. I was really enlightened to hear of the public amenities because often where we go in Queensland there is a shortage. That is an issue regardless of who you are and what colour your skin is. We all need to access toilet facilities, particularly when you are drinking. Is there anything else on the burn that you are working on?

Ms Toppin: I am working on a lot in this space, particularly in the youth crime area because, as you know, my background is education. I am working very heavily trying to implement diversionary programs. We know that some of these young people are impacted because their parents are intoxicated and therefore they have no proper supervision. Apart from this area of public intoxication, urination and—

Mr BENNETT: Begging.

Ms Toppin: Begging we do not have as much of here, but antisocial behaviour. I am working big time on the youth crime scenario and looking at funding for diversionary programs, for them re-engaging with education, particularly with the young ones who are being misled big time. There is a big area of work and there is tremendous collaboration with the police, with the education department, with many of the social services areas that support this area. We were successful in the early part of the year in securing federal funding—not us, but Mareeba Community Centre. We supported their submission with letters of support and intervention by talking to political people about it in the federal sphere and we got funding for two youth workers. They have been in place now for a couple of months. Hopefully we will gradually deal with the area of youth crime, but in the area of intoxication we are not making great breakthroughs and it is a worry because not only are there negative impacts on the individual, there are negative impacts on the public, there are negative impacts on the business area—massive—to the extent that we as councillors get asked, 'What are you doing about this sort of thing?' It is probably not in our domain, but we are working collaboratively to try to come up with some solutions.

I have some information here in terms of the police engaged 700 street checks where people were consuming liquor in public spaces. That is in the last 12 months. The issue here is prolific. There were approximately 73 arrests for public intoxication and only 12 of these were situations where the police could divert the person to a place of safety, the rest wound up in the watch house because that

was the safest place to put them. There is no other service provider here that would assist in that capacity. It is not a positive situation. We continue to work with the police in this area. It is of great concern to us. What we are seeing though, instead of an improved sense of community safety, is the growth of fear and division in our communities. In conclusion, any degradation of police powers without a significant investment—and I mean a record investment—in support systems, resourcing and infrastructure, our regional and remote communities will continue to suffer.

Mr BERKMAN: Thank you so much for your time this morning. It has been helpful to hear from you already.

Ms Toppin: We are very appreciative of your time.

Mr BERKMAN: Going to the point you have just raised. It sounds from what you have said that there is no functional diversionary program in place.

Ms Toppin: There is no safe place for the police to take these people at all.

Mr BERKMAN: I am keen to understand, in terms of the other aspect of that health based or social welfare response, whether that is mental health supports or homelessness services, drug and alcohol supports, what of those services are available in the area? I accept completely that they are not council responsibilities, but if you could help us understand what is available and what you think would be the highest priority in terms of delivering that alternative response?

Ms Toppin: My problem is that in my deliberations on this, the police have attempted in some cases to even take them up to the hospital where they think that there is a medical issue, but they just walk out. They do not remain there. Therefore, the medical authorities cannot help them. You have that issue where it is their right to walk out of the hospital. They do not have to participate in whatever is offered there. It is limited, but it is offered.

Mr Franks: Effectively, they are none of those services. Mulungu, you would be speaking to, do attempt to assist where possible. There are a couple of other community organisations which try to assist, but there are no formal structures in place. You may have noticed driving in to Mareeba, about 10 kilometres out of town on the right-hand side, there is construction work going on. That is an alcohol rehabilitation centre being set up by a not-for-profit. Again, it is a voluntary-type arrangement. They will be able to cater for 10 people. It is a step in the right direction, but it is not going to deal with the issue at all. In terms of response, social housing needs to be improved. There has to be more access to it. We have a housing shortage in Mareeba at the moment. You will struggle to rent a place. A lot of people cannot buy a place. The market is booming. That all adds to the problem. There are no major diversionary centres. There is very little help for people who want the help. The concern is real—we recognise that. The police recognise that.

The biggest problem is the people at the extreme who do not want the help; they are quite happy to be drinking on the main streets, abusing people as they are walking up and down. The police use their powers in those sort of circumstances. In general, our police are really good in terms of moving people along in a pleasant, polite way. There is no real animosity. The hardened drinkers tend to congregate in the CBD because that is where they can get their liquor, and they go backwards and forwards into the bottle store using friends et cetera, and then they are causing havoc on the main street. We recognise that is in Mareeba, and the same thing happens in Kuranda. In Kuranda, the hardened drinkers used to go and drink underneath the main bridge which you came over. There was a nice spot there. They got moved on because Main Roads were doing works there. They were pushed out of there, so they moved into the CBD. Then they are harassing tourists, making a nuisance of themselves. There is nowhere convenient for them to go to. Yes, we recognise they want to drink and they want to have a place to go. We have had a look at trying to find a suitable place which is acceptable to them, and in Kuranda we have not been able to come up with that.

Mr BERKMAN: We dropped in yesterday at the Lyons Street Diversionary Centre Cairns which offers a targeted service. From what you have said, it sounds like a service like that would be helpful in either Mareeba or Kuranda or both. Would that be a welcomed step from your perspective?

Ms Toppin: Yes. From my point of view, to erode the police powers by decriminalising these offences would be a step backward. Respectfully, I challenge the committee to consider these offences not be decriminalised and a significant investment made to implement culturally appropriate help and social welfare based interventions to address the underlying challenges that are being faced by these people. As you have heard Mr Franks say, we have very limited resources here. The police do move them on sometimes for their own safety. We have had cases there where people have Mareeba

become very ill and nobody around them, because they are drunk, to recognise that the person is actually needing an ambulance. That is how critical it gets at times. The police then step in and call the ambulance. Otherwise it would just continue.

Dr ROBINSON: Thank you for coming today. I think it is easier to form a view based on reports sitting in Brisbane, and I think it is so important to hear very local stories and the local consequences of changes coming through. I appreciate your openness and candidness about the very real situations that you face and how we go about it. Most of what I wanted to ask has already been discussed, but can you tease out a little bit more the difference between the bigger town centres and some of the rural areas? I think you were making some comment earlier with me about the differences in different parts of the shire in the council area, that these challenges that the legislation looks to address are in particular pockets or particular areas. Is there any more you can provide in that regard?

Ms Toppin: My comment was that one size does not fit all. My concerns, as mayor, are the two townships of Mareeba and Kuranda where this is really an escalating problem. I am not too sure what you are asking there, Mark.

Dr ROBINSON: I think what you are saying is along the lines of what I was inquiring about—being careful with the one-size-fits-all approach.

Ms Toppin: That is right.

Dr ROBINSON: And how we make legislative changes can impact on communities sometimes with good consequence, sometimes with unintended consequence.

Mr Franks: I suppose the big thing is our smaller towns are very small. The local community tends to be able to sort the issues out when they do arise. Yes, there is public drunkenness. There are issues in the smaller towns, but they happen very seldom and the community seems to self-police these and the attraction, whereas you do have it in Mareeba and Kuranda itself. One thing I would like to add in terms of that—and it is a step that this council has put into place—is that a lot of people get caught here. They come down from the cape and from the gulf and, for various reasons—we have Lotus Glen within our shire boundaries—they get released from Lotus Glen and they get their bus ticket out of town, but on occasions they do not leave town; they stay in town. They trade in their bus tickets and they get stuck here, and it creates an issue. We also get people who come down to drink, but eventually they want to go home. Our council has offered, through the police, if they identify someone who wants to go home, we pay for their bus tickets back to country and it enables people to get back. That is not just the Indigenous people. If somebody is from Georgetown or wherever and they are living on the street and they want to get back to the family, we are happy to pay their bus ticket to enable them to do that.

CHAIR: We heard in Cairns, through the department of communities, that funding is available as well, Mr Franks. We also heard in Cairns that the Department of Transport and Main Roads has a funding allocation. So that you are aware, there is some state government funding available there. There being no further questions, I thank you both sincerely for your time. We understand this is not necessarily your core business, but we greatly appreciate your knowledge, your experience, your expertise in this area and certainly the insight that you have been able to provide to our committee. We thank you sincerely for giving up your time. We wish you a good day. Please keep in touch.

Mr Franks: I have a copy of the mayor's presentation, if I can give that to you.

CHAIR: Mr Franks has tabled the report provided by Mareeba Shire Council. Is leave granted? Leave is granted. Thank you to both of you.

Ms Toppin: Thank you so much to all of you and thank you for visiting our shire.

MORO, Mr Joe, President, Mareeba Chamber of Commerce

CHAIR: I now welcome the representative from Mareeba Chamber of Commerce. Good afternoon and thank you for appearing before the committee today, Mr Moro. It is wonderful to have you here and we certainly appreciate the contribution made by the chamber and your submission. We will hand over to you, Mr Moro, for a brief opening statement and then I am sure the committee will have many questions.

Mr Moro: Thank you for allowing me to come and talk to the committee. I appreciate that you have come to Mareeba which is a long way from Brisbane, but it is great that you are here and to see the local, beautiful weather which always welcomes people. As a chamber person, I have to say that—we have 300 sunny days—but also at the same time I am sure you will maybe see some of the social issues that we have in the town. I want to clarify that I am speaking from a business point of view. There are others who will speak from a community point of view. It is not that the chamber does not support those community views, it is just that I think I need to focus from the business point of view.

There are a lot of issues in regards to drunkenness. There has been a long history, going back probably 20 years or more. There have been a lot of things that have happened to our main street over that period and how we manage the main street with the council. The council and Main Roads manage the main street, as in the actual road is the main road and that the council has managed that. From that, we have seen the street become very barren looking because of a number of issues. You will not find many benches anywhere where people can sit because of complaints that have come to council over the years with a number of types of people. It is not necessarily the First Nations people; it is drunkenness and people urinating in public areas. There has been a long history with this community trying to engage.

I was a councillor way back and at that time we also worked with the First Nations people to look at trying to establish places where they could enjoy themselves and have the odd drink or two. We put funds to a barbecue over the years. We support the current council in all its efforts to help. We support strongly the Mareeba Shire Council that have worked with the police force as well. Later today, I am having another meeting with the police on another issue, a bit of a broader issue, but the same issue with drunkenness in public parks with what we refer to as seasonal workers who have come in from the Pacific Islands. It is not singling out any particular group of people. There is an issue of drunkenness.

From the chamber's point of view, we really do not wish to see any reduction in powers that the police have in any form. It is important that they have those. I do not think that they have overly abused their powers over the years. In fact, some people in the community would argue that there has been not enough enforcement. From our perspective, from the business community, we strongly put that comment to you: we do not want to see any changes.

To elaborate further—I think the mayor covered a lot of the issues pretty well in her submission—I will focus predominantly on the main street because that is where most of the drunkenness occurs. You see it, for example, in Anzac Park. For a lot of people who have served, Anzac Park is a sacred area, but there are a lot of problems in that particular area. It is linked to alcohol that comes from one of the shopping centres just up the road. You have heard about the publican in question. The council has tried to bring in restrictions, and we have put that forward to the liquor licensing people as well. There is enough evidence to show that there is a lot of alcohol that comes out of what we call the IGA centre and ends up in that area.

There are a lot of things happening in that particular park. The adjacent businesses are affected pretty dramatically by that. Over the years cameras have been put in and there has been thinning out of trees around that park area so there is more visibility to the whole area. There is a cost not only to the businesses but also to the council to try to help the police to deal with the issues of drunkenness behaviour. I have participated in those discussions with liquor licensing. The police force, in my opinion, has been very supportive of the concerns that have been expressed by the community, the chamber and the council.

From our perspective, like I said, we do not want to see any changes. I think there are some areas that I think would be of interest in regard to health. Recent reports have been done through the PHN program which does surveys here about the level of mental health and also the fact that a number of our community members are affected by alcohol from a health point of view. There are a number of mechanisms that have been put in place over the years to try to help. I think Mulungu has Mareeba

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helped a lot with that particular group in regard to First Nations people. At the end of the day, there is a broader issue there with health. Like I said, this is not to single out any particular group; it is an across-the-board issue.

Some crime or vandalism that occurs is alcohol related; some of it is youth related. They are two separate issues, and we acknowledge that. Basically it is more the drunkenness behaviour, urinating in the wrong places and also in some cases abusing people in the early hours of the morning. For example, one of the places near Anzac Park is where a lot of ladies go and do gym work. They go in pretty early. Sometimes they are verbally abused and sometimes they just fear to go in because you have people lying in front of the business. It is an understandable position. I think the business in question has put more cameras in and the police have helped with move-on orders. I think there is enough evidence there for you to have a good look at it to see that there is a problem in that spot.

The other area I would like to point out is that the chamber has always had a strong interest in what we call the Bicentennial Lakes, which is about another 300 metres heading west from the main street. Again, there has been a perception that people are not safe to travel there. There have been people sleeping in particular secluded spots in the lakes area. The council, with the help of the police, have taken a number of steps. One is thinning out trees so that visibility has been improved. Also, the police have used move-on powers when required—to move on people who have camped overnight. Again, I want to make the point strongly that it is not just First Nations people; it is a wide range of people who end up down there having drinks and then sleeping over. That creates a safety issue. Although there is not much evidence of any crime being committed, it is the perception of it being unsafe and people not being willing to walk or to run around. It has lovely running tracks. Lighting has been put in now. We see it as a great asset for the community, but there is a perception that that particular area is unsafe. The police still need to be able move people on when required.

Sometimes a lot of our First Nations people move out of the cape and come down to Mareeba. Cairns has a similar problem. They move for lots of reasons. Sometimes disputes occur within their community and they move here because of safety issues in that community or they have a drinking problem and the only way they can get access to alcohol is by coming to Mareeba or Cairns. From a business point of view, that has a negative perception. Some of it manifests itself in the main street and at the Bicentennial Lakes but also in the Granite Creek area. We have had a number of discussions with the police and they have exercised their powers when required to move people on, and we strongly support that.

In general, we support the submission of the council very strongly. Again, we really do not support any changes to the current powers. We do not think they are over the top. In fact, some would argue that they are not strong enough. At the end of the day, we do not want to see any reduction. Thank you for giving me the opportunity to say a few words.

CHAIR: Thank you, Mr Moro. We really appreciate you being here.

Mr BENNETT: You mentioned the liquor accord and the community-led strategies that you are working through. Is there anything else that is being considered that may have an impact? This is controversial, but could it be access to finance and things like that? Has that come across the chamber's desk?

Mr Moro: No, the chamber has not. I think some of those things may be of use. Probably the biggest thing that has been discussed—and I think the mayor touched on it—is taking people to a safe place. We do not see the option of just putting people in a jailhouse. It is an across-the-board issue. It is a bigger issue than just drunkenness. There is also a youth issue and trying to break the cycle.

On the issue of youth, it is worth saying that in most cases some of those minors are probably not at home because they feel unsafe at home because of the level of drinking. There are restrictions on what the police can do in that case, but one of the issues there is to protect children who are in a bad environment. I know the mayor has lobbied very hard to try to get some sort of rehabilitation place where people can be taken and feel safe.

There are two issues there. One is people who drink too much and where do you take them to put them in a safe environment. The other issue is children who are no longer able to feel safe at home are finding themselves on the street. They are the ones probably causing some of the vandalism and some of the car theft that is occurring in the town but not necessarily to businesses, although there is the incident of the fire that occurred at one end of the main street. Those children became involved in vandalism and crime and that led to a fire burning a business down. That business Mareeba

was owned by a mechanic. The question is: why are they not at home? I am not suggesting parents should be forced to do things, but at the end of the day they do not feel safe to be at home because of the drinking and probably drugs as well. There are a number of issues.

They are linked in a lot of different ways. There is an underlying social issue here that needs to be dealt with by the police. There also needs to be a social aspect to it: how do we break the cycle in regard to what is happening in people's homes? What you see visibly on the street is what you cannot see: it is what is happening in their homes. I daresay some of the domestic violence levels—I think Mareeba has fairly high levels of domestic violence—are linked to excessive alcohol consumption.

Mr SKELTON: Joe, you and the council touched on the idea that you do need a diversion centre and that you do need some new services. Are you aware of any groups already operating in that space where maybe the state can piggyback on them with a bit of additional funding?

Mr Moro: The PCYC is probably worth noting. I am aware now that there were some issues with funding. They were running a cafe, taking some of the younger children off the street to give them an environment where they can enjoy themselves. It is not directly linked to alcohol, but I think that is one of the flow-on effects. I believe there is a centre out at Shanty Creek Road that does some support in that area. I do think there is room for more. I am not sure how it links to how the police can move them to there or not. There are a number of groups. I am also aware that some of the First Nations people are doing programs wherever they can. There is Rosies, which is run by the Catholic Church. They provide food for some of the people who are on the street who are homeless. There are a number of programs. I think there is room for more.

There is a community housing group here. I think the council mentioned that there is an issue of housing, but I think that is a statewide and an Australia-wide problem. The chamber supports wherever we can to help those groups with whatever we can do. As I said, we focus predominantly on the business side of it. I could not go into the detail but I know there are some groups doing activities. The service clubs do whatever they can. There are a number of other groups as well.

Mr BERKMAN: I think you were here before when I asked the mayor how they would feel about a diversionary centre or the creation of a new safe place that police could take people to or that people could voluntarily go to as well. What is your view on that? Is that something you would welcome?

Mr Moro: We would strongly support that and any of those actions. The police are acting at the end of the problem to some degree. You need enforcement. You cannot walk away from that. I do think that Mareeba, as a community and the council, over a long period of time—Kuranda is included. I was listening to the mayor talk about Kuranda. I am aware of the problems in Kuranda as well. Anything we can do in that social area has to help. To me, the issue is—from my long involvement in this issue as a councillor as well as being involved with the chamber—that we somehow need to break the cycle. It is not an easy road. It will take time as well and we need to be patient.

The PCYC has done a lot of good work in the youth area, but we probably need to spend a bit more time also helping some of the older people who have a long history. I am from a farming community background. We like to employ as many what we refer to as locals as we can. A lot of farmers see it that you might be able to get a period of time with some of these people working. Then they get their first pay packet and maybe their second pay packet sometimes depending on where they are at. We visit their workplace. Unfortunately, because they have these issues—they include drugs as much as alcohol—they are not functioning to the best of their abilities within the community. It is not an easy matter as to how you break that cycle. I am not naive enough to say, yes, we will do all this. It will take time.

Mr BERKMAN: In addition to diversionary centres, additional drug and alcohol supports obviously are very welcome.

Mr Moro: Yes. Mulungu support them as much as they can. I am also a director now—and this has come out of a lot of the health discussion with GPs—of Mareeba community family health care. We have received some funding from the PHN to look at the mental health issue predominantly. The issue of what happens with drugs and alcohol leads into that discussion. We have done a little bit of work in that area, but that is a huge area that could be funded to help to try to break that cycle. That is the critical issue. If we can make homes safer, I think that will also help us with some of the youth crime that is occurring.

Dr ROBINSON: From a chamber perspective, from a business perspective, if the legislation does go through and there is decriminalisation of some of these offences, what could be some of the impacts in terms of your members to businesses—tourism, small and family businesses—and do Mareeba

your members raise these issues with solutions? Obviously you are covering local businesses already, but are there some other dynamics that come from the chamber from the businesses themselves?

Mr Moro: I think we would see more people on the street who are intoxicated. They may not cause any harm, but they will be there. They may be causing harm to themselves. At the same time it depends on the level of intoxication. They will abuse people as they are walking past. We have had a number of businesses be abused. We have had instances within the shopping centre. At the IGA there have been a number of instances where people have been abused. I would imagine there would be more. I was with one of the policemen just recently. He was talking to one of the publicans who was running the liquor shop. A couple of guys who looked like they were pretty intoxicated did a U-turn and walked right out.

Even the presence of the police is sometimes enough to move them on, but that does not mean the problem has gone away. They are going somewhere else. We would definitely like to see—and we had discussions about this recently with the new head of the police in the Mareeba area—more police walking up and down the main street. All that does is move it to somewhere else. I am not naive enough to say that solves the problem; it moves it somewhere else. From a business point of view, that sort of activity in front of your business discourages people coming to your shop. People feel unsafe and sometimes it puts employees in an unenviable position of having to deal with that and trying to get those people out of the shop. Nobody wants to cause any harm to these people. We just do not want them to be affecting our businesses. At the same time, if they are moved on from there, they must go somewhere else. We need to deal with that broader issue of where they are going and then making sure they are not impacting another area in some other way. Just moving them from one location solves one problem but it creates another.

I am not sure I answered your question, but I do think there is a strong desire to have a safe place somewhere we can take some of these people. If the police do not have the powers to do that, that would make performing that function even harder. I am not sure how far the legislation goes. The bottom line is it would have a negative impact. I know a lot of businesses are investing in cameras and those sorts of devices to monitor the level of crime that does occur. Just because someone is drunk does not mean they are going to commit a crime, but at the end of the day it is all part of this issue of people feeling safe as the owner of a business, employees or customers coming in. I would think it would make matters worse.

CHAIR: Mr Moro, we are out of time. The committee very much thanks you for your time this morning. Please pass on our thanks to the chamber of commerce as well. Your insight is very much appreciated. Thank you for your time. We hope you have a good afternoon.

Mr Moro: I hope you guys get the chance to see Mareeba. There are some nice things to see and some nice places. Thank you for your time as well.

CHAIR: Thank you.

SIMPSON, Mr Barry, Mareeba Crime Action Group

CHAIR: I now welcome the next witness. Good morning, Mr Simpson. It is great to have you here with the committee this morning. We will ask you to tell us a little bit about your submission and the context here in Mareeba. Then I am sure our committee will have lots of questions. Over to you.

Mr Simpson: Firstly, thanks for the opportunity to support our submission on the proposed changes. I must apologise for a member of our group, Mr Mick Borzi, who is also a former mayor. He is unwell. He was to come but unfortunately is unwell.

To give you a rough idea where I am coming from, I have been a member of this community since 1963 except for a couple of years south of the border, but we will not go there. However, I have seen many changes in the community as part of what I did; my vocation has always been in media. I served well over two decades as the managing editor of the local Murdoch newspaper which, like most of the publications in regional areas, has ceased. I have a pretty good insight into the changes and effects not only from the media point of view, but through sport, coaching and associates you make.

Public drunkenness has gotten worse in the last decade, predominantly for the reasons which have been expressed: the dry communities in the cape dislodged a lot of people—First Nation and others—and they came down to centres like Mareeba. There are family centres. Public drunkenness was already a significant problem. With that comes brawling. It does not matter who it is; if they are drunk, they are out of control and they will usually find some reason to have a brawl. That creates great divides not only for the people who want to live in a safe community but also among the communities that come down here because you have disparate family groups. If you remove the penalties for public drunkenness, that will exacerbate the problem that is already coming to the surface, but it is not as bad now as it is going to be if that happens.

There is a domestic violence issue as well and sexual assaults, often of minors. The defence of being drunk has been used in defending such charges on numerous occasions. There is a crime level. As Joe said, not everyone who gets drunk commits a crime, but there is a crime section as well. The biggest problem—and I re-endorse what Joe has said—is there is no diversionary centre for people who wish to access rehab or use as a safe refuge till they sober up. There is no diversionary centre or real protection in an organised and safe form for victims, be they female or families, of domestic violence or sexual violence. It is inherent in living with this problem and trying to manage it that those centres are established as a matter of priority.

My group believes that the broad-reaching powers of police will be lessened by the proposed changes as far as public safety and control are concerned. We conducted a public meeting on crime in December last year. It was on a Sunday and it still attracted between 600 and 700 people who were just there to talk about crime. One of the resolutions which was passed on to the state government, the councils and police and everyone else related to the restriction of the sale of cask wine and fortified spirits until after 4 pm within the Mareeba CBD. The reason is public drunkenness and the products of public drunkenness. That did not get any support. As Joe pointed out, quite frankly, there is a problem with a couple of the hotel operators. This liquor accord is an accord that seems rather disparate and has no combined strategy, for want of a better word, to prevent their responsibilities in public drunkenness. I think it comes to acceptable standards as well. That is the drunkenness part.

In relation to the begging powers, there is already begging on the street, often by people who are intoxicated or affected by drugs—but mainly intoxicated. It is very seldom you can walk along the street two days in a row without getting hit up for money. I know that does not happen very often in Brisbane, but it sure as heck happens in regional centres. The crime rate—this is from the QPS figures—per thousand in the Mareeba CBD is 1.85 times more per thousand than in Cairns, and Cairns is a bigger city. The demographics used are per thousand—we are not the first people to do it.

We have a crime lifestyle. Drunkenness is usually part of it as well as stolen cars—all of that sort of thing. The police need support without doubt. Reducing the penalties is not going to support the police in any way. If anything, they need more powers. Public drunkenness is creating a threat to everyday citizens. There have been assaults at ATMs et cetera, often by people who are drunk. There are health issues as well. You do not have to be a Rhodes scholar to realise that. Just last night in a place that is probably 300 metres from here near the town water towers police were called to a group of 15 youngsters, many of whom were either intoxicated or under the influence of drugs, and they

were playing merry hell with the residents. It is a problem not peculiar to Mareeba, but it is a problem that can be managed—and currently is very minimally managed—but it will not be managed by the removal of these offences.

As for urination, it is socially unacceptable, but in Mareeba we have already seen that as well as defecation in the main drag. There is not a heck of a lot. Nowhere is safe in the shopping centres. You do not go in there every day and see it but it does happen. That kind of thing is not on and it is not acceptable in any community.

I do not believe from my experience that throwing money at the problem necessarily solves the problem. Any investment on the part of the state government and/or any other group must be in line with targets and reportable outcomes. There seems to be a funnel of money for various purposes coming into this community, but there does not seem to be a lot of accountability for it.

As for Mulungu, they are doing a very good job. However, you must realise that as part of the culture of First Nations and other ethnic people in this town—we are home to 68 different ethnicities in the Mareeba shire—there are disparate family groups and it is a power push. I say this with 40 years of experience from watching it in various aspects. You would see some people from families will not go to Mulungu because it is the wrong family and they have to go to the hospital and that sort of caper. That exacerbates when they are drunk because it is a turf fight.

In terms of bus stops in the CBD precinct, businesses have closed down and shifted out because people were attacking them or businesses and a lot of them were drunk. It is untenable and it will not be improved by removing the offences from legislation.

CHAIR: Thank you, Mr Simpson. We appreciate your honesty and frankness. I turn to the Deputy Chair for a question.

Mr BENNETT: I will go on record as thanking you for your submission and saying things in your submission that we have not had many people willing to put on paper before. Thank you for doing that. Earlier you mentioned that the last 10 years has seen a significant increase in behaviours. Are there observations around all people who are being charged with public drunkenness becoming more empowered by the laws? If you are proposing to weaken the powers of police, is that a fair statement, that people are becoming more enlightened about what they can do and what they can get away with?

Mr Simpson: Definitely.

Mr BENNETT: At your crime forum you had with the 600 or 700 people, what were some of the other issues that came out in addition to the one motion you talked about?

Mr Simpson: There was a curfew for 16-year-olds. There were eight points all up. It was more power for the police and powers of arrest. There was a submission made to another committee of the state government relating to the court system and the need for change to the youth justice and criminal justice acts because of the revolving door aspect of it. There was also one for greater powers of arrest. A lot of it dealt with the court system. Accountability was the other one. There seems to be, from our observation, a lot of targeted things, but they just seem to go nowhere, even with the community groups. Do not get me wrong, we have people trying their very best to improve the current situation, but they are disparate. We had a Mareeba task force set up in October last year to which, as a life member of the chamber and such and someone who is interested in the community, I had an invitation to and made some submissions to, and it seemed to me to be that there are a lot of groups but none of them are talking to each other. Consequently, because of no accountability, we have a talkfest and it goes nowhere and that does not solve anything.

CHAIR: Is it possible to get a copy of those recommendations?

Mr Simpson: Most certainly it is. I can email them to you.

CHAIR: Would you mind emailing them through to the committee and the committee might even fire that up for us.

Mr Simpson: Please do. I sent it out to the Attorney-General, the Department of Justice, the Minister for Youth Justice and the Police Commissioner—the people you should send them to—and all acknowledged it, but none of them had the wherewithal or desire, it seems, to follow up as you good people have with us.

CHAIR: Our committee oversees youth and youth justice. We answer to Minister Leanne Linard. Certainly our committee would be very happy to receive those recommendations and the report will help us in our deliberations.

Mr Simpson: There is no quick fix, but there is no accountability. You do not get one without it.

CHAIR: You very clearly recognise that we are dealing with a complex issue. Complex issues do not require punitive measures and you recognise that. Thank you.

Mr BERKMAN: We appreciate your time today. Can you share your thoughts on what you think are the root causes of the alcohol and other drugs issues that you have referred to?

Mr Simpson: This is not just for one group, and I am not bulging the elephant in the room in saying that, because First Nations people are the most affected. Anyone who does not realise that is walking around with their eyes shut. I have a lot of colleagues and friends who happen to be of First Nations origin. I see them as friends. I want to make that perfectly clear. Being involved in sport I have seen beautiful young families, particularly over the last 10 years or more, fragmented. The alcoholism is nothing new. They have been fragmented by the lifestyle of easy money. You have to have social support because employment is difficult for unskilled people. I realise that fully. But I really believe in the card system where you are given so much cash, if they want to waste that on booze go for it, but social benefits on a card and it can only be used to support the kids. These kids, no matter what age, it would make you cry to see them. I really can tell you that.

The PCYC, I personally support Mary-Anne and the people down there a heck of a lot, I know they have had to close because of bad behaviour which is endemic in this kind of lifestyle. Bad behaviour has forced her to close a function that was working and well supported through the community. The problem is a social problem. There is no quick fix, but I think if we can funnel the money away from the booze—you cannot dictate where someone spends the money, but if you are providing some of it surely you can make some conditions. Booze is the biggest problem. Employment is another one. Housing obviously affects all sectors of the community. As I said, it makes you cry when you see good families, great families, not only First Nations families, go downhill in the last decade. It is social decay at its worst for people who do not deserve it. I am talking about the people who suffer it, not necessarily the victims.

Mr BERKMAN: There is a section in your submission under the heading 'Proposal for separate consideration for people of First Nations origin'. If I read it correctly, you are essentially saying that you do not think there should be any differentiation in the legal response for First Nations people. My question is what is that a reference to? My understanding is that nothing in the terms of reference for the committee suggest any differential response. I am wondering what the basis for that is?

Mr Simpson: It is not the committee's fault, because you can only judge on what is presented to you, but it seems to me, having lived here for quite a while, not only here, as your colleague mentioned earlier, people have more nous with what they can get away with as far as the law goes. This happens across the broad spectrum of the law. If we allow free range for drunkenness, the same laws should apply to everyone. There is a train of thought from people who made submissions to our committee that there should be special considerations. I was merely reinforcing the belief of my group that there should not be a separate law.

Mr SKELTON: In the submission you express the view that begging should remain an offence and that state citizens are being accosted and suffering verbal and physical abuse from begging, but some submitters to the inquiry have drawn a distinction between passive begging such as holding up a sign and begging accompanied with aggression or violence. Do you draw a similar distinction in terms of that offence?

Mr Simpson: Yes. I guess I had not considered it, to be perfectly honest. I see nothing wrong with street entertainment or someone with a sign saying give us some financial or other support, what I do object to is the decline in standards, which is already happening here, where you are accosted—that does not mean approached, I mean accosted; I know the difference—by people who often are under the influence and who try to get money, cigarettes, lifts to town, whatever. There is a difference between begging and demanding, but the line gets crossed.

Mr SKELTON: There is nothing in that offence that makes that distinction so the police would probably ping them, I would have thought.

Mr Simpson: It depends on their interpretation as well. I really believe that you should be able to walk along a street and of your own volition give something. We have had begging that has turned into robbery at ATMs in our town. We had two instances in one week. In terms of a place like Brisbane that is not that many, but it sure as hell makes the safety of the community become paramount and at risk at the same time.

Dr ROBINSON: I appreciate your contribution, Mr Simpson, coming from a community safety perspective. I think it is important for us to try to approach these things with balance. On that note, we have talked about diversion centres and you have mentioned a few things. Are there some other things that the committee could consider and that government could consider that would satisfy some of the community safety concerns of not only members of your organisation but also those who you relate to in the community?

Mr Simpson: Obviously police presence is part of it. There needs to be a fix in the revolving door approach by the courts on many offences in public areas. Police are thin on the ground, particularly in rural areas, to cover them all. They had a response of just eight minutes, which I think is fantastic, to last night's episode. I believe though more power should be given to the courts under youth justice, and this is going back to the earlier submission: more power should be given to the courts and support for police actions in the interests of community safety. Right now it is like a tumbleweed. It is just rolling along. Does that answer your question sufficiently?

Dr ROBINSON: It is all helpful. Thank you.

CHAIR: There being no further questions, Mr Simpson, we want to thank you for your time today and certainly for your passion for the area and your concern for the issues that you have raised. Thank you very much for your submission and we thank you also for that extra information that you will send through. We wish you a good afternoon and we hope to meet again.

The committee adjourned at 10.58 am.