



COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:

Ms CP McMillan MP—Chair

Mr SA Bennett MP

Mr MC Berkman MP

Ms CL Lui MP (virtual)

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, 4 OCTOBER 2022

Mount Isa

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The committee met at 10.02 am.

CHAIR: Good morning, everyone. I thank you sincerely for being here. I declare open this public hearing for the Community Support and Services Committee's inquiry into the decriminalisation of certain public offences, and 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 all share. I especially acknowledge Cynthia Lui, who is attending via teleconference. Cynthia is the member for Cook and the first Torres Strait Islander elected to the Queensland parliament.

I thank you immensely for your interest and for your attendance here this morning. I understand that for most of you this is not your core business so you have taken time out of your very busy schedules to be here. We do appreciate that.

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 health and welfare responses, with a reporting date of 31 October 2022. My name is Corrine McMillan. I am the member for Mansfield and chair of the committee. For those of you who do not know, Mansfield is on the southern edge of Brisbane. The other committee members here today include Mr Stephen Bennett, the member for Burnett and deputy chair. Burnett is near Bundaberg. Mr Michael Berkman is the member for Maiwar, which is near Indooroopilly in the western suburbs of Brisbane. Mr Robert Skelton is the member for Nicklin, which is on the Sunshine Coast. Dr Mark Robinson is the member for Oodgeroo, which is on the coast at Moreton Bay and includes some of the islands. Sadly, he is not able to be here due to illness. Ms Cynthia Lui, the member for Cook, is attending via teleconference.

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. I understand that Julia from the ABC is here. Thank you for being here, Julia. 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 might be filmed or photographed during the proceedings and images may also appear on the parliament's website or on social media pages. If you do not want to be filmed or photographed then you can let the secretariat know and we will make sure that those photos do not leave the room. I ask everyone present to turn mobile phones off or to silent mode. Today's program has been published on the Queensland parliament's committees webpage. I now welcome representatives from the Mount Isa City Council.

BARWICK, Mr Phil, Deputy Mayor, Mount Isa City Council

SLADE, Ms Danielle, Mayor, Mount Isa City Council

CHAIR: Mayor Danielle Slade and Deputy Mayor Phil Barwick—it is good to see you again, Phil—thank you very much for appearing before the committee. We are very much looking forward to your insight into this particular matter. After your brief opening statement, I am sure committee members will have many questions for you.

Ms Slade: I would also like to acknowledge the traditional custodians of the land on which we meet, the Kalkadoons, and pay respects to elders past, present and emerging. I extend that respect to any of Australia's First Nations people who are in attendance today. I acknowledge our deputy mayor, Councillor Phil Barwick, and Councillor Peta MacRae and Councillor Kim Coghlan. Councillor Mick Tully is in attendance as well. One of our directors is also here, Chileya Luangala, as well as a few other council representatives. Between us all we have a lot of knowledge about impacts on council.

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As you may or may not know, Mount Isa turns 100 next year. In February 1923 a man called John Campbell Miles came to Mount Isa, which was just some hills at that time, and discovered ore. Very quickly, only a year later, a company called Mount Isa Mines Ltd was established. They paid £10,000 for the mining lease. Within less than six years, a school was established. The community was run from Cloncurry Shire Council at that time.

This is very much a multicultural city. When my family emigrated here in the 1970s, there were 52 nationalities. I came here when I was seven years old. I grew up in Mount Isa and I feel I am as local as you can be. I understand my community and I understand the history. One thing that I do not think people realise until they actually live in Mount Isa is the close connection that the community has with each other and the city. Mount Isa means an awful lot to us—and not just to people living here but to ex Mount Isa people also. If you try to say bad things about Mount Isa then watch out, because we love this city. It means a lot to us.

With any city or town, no matter where you are in Australia, there are unique opportunities and also unique challenges. Sometimes laws and legislation can impact on places in remote areas so it is really important that you have come here to listen to us. I thank you very much for coming here and giving us the opportunity to talk about things that could impact us by changing laws.

One of the things council has done is develop a master plan for the CBD, and we are now waiting for the appropriate funding to become available. We are hoping to give the CBD a face lift. The reasoning behind that is: we want to keep businesses in the CBD and we also want to attract businesses to the CBD. We want residents to come in and we want them to bring their families. We want them to eat, shop and hang out. We want the CBD to be vibrant. We hope that when visitors come to town they will come into the CBD and they will spend their hard-earned dollars eating and drinking and they will spend money in the shops. It is really important to us that we plan now for the next 100 years. We also have master plans happening with Outback at Isa, which is our main tourism facility, the Lookout and the library. We are very mindful that we need to ensure that the next 100 years is looked after.

You are looking at the decriminalisation of public drunkenness and begging. What is unique for Mount Isa is that we are very close to the Northern Territory border and the Northern Territory has different laws to Queensland. If you are in the Northern Territory then you can be put on a banned drinkers register, meaning you cannot purchase alcohol. That is a very good reason to leave the Northern Territory and come into Queensland or Western Australia. Mount Isa is probably the biggest city west of the Great Dividing Range so we do see a lot of people coming to Mount Isa to access alcohol. That is one of the big effects.

During COVID, we had 400 people camped in the Leichhardt River, which is really concerning. At the time we did not have access to accommodation for anyone. During COVID it was very concerning to have 400 people camped in the Leichhardt River. As someone who grew up here, I have never seen numbers swell to the numbers that we have at the moment. As a child there were 52 nationalities here and I definitely saw public drunkenness and begging, but it was never in the numbers that we have been seeing in the past few years. As someone who has lived here all my life, for the first time, in the past couple of years, I am actually rattled walking around my CBD during business hours. If I was to walk around my CBD after hours, again, I would be very careful. That is new. The number of people who are intoxicated is not two or three people walking around the streets; it is 20 or 30. The people who are drinking actually take boom boxes with them to play music. They take different containers to tip alcohol from a can or a bottle into a bottle of soft drink or something that is not so visibly alcohol.

Recently a school come to the council to learn about local government elections and a grade 4 student was mayor for the day. They wanted a place to sit and have their smoko. In front of the Civic Centre it is absolutely beautiful. There are big shady trees. It would have been ideal for the 50 grade 4 kids to sit there but, unfortunately, there were around 20 highly intoxicated people there, drinking and swearing. I was very mindful of that, so we made sure that we put the kids in some other shade and let them stay there. Again, this is new. This is not something that used to happen all the time. I am very concerned. While we used to have a couple of people, the numbers have started growing and it has become really concerning.

The other thing that is a real concern for me is public health. There is human waste now all around the CBD and the council workers are often picking it up and disposing of it. This again is like nothing we have ever seen before. It is happening. I touched on public safety. We want families to come in with their kids and be in the CBD and we do not want them to feel unsafe. I can tell you now, if I am feeling a little unsafe then that is a big deal. There is individual safety as well. If you have someone who is extremely intoxicated—as a mother, I would be happy for the police to pick up my

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child, who could be 30, and put them somewhere safe because we have had fatalities; people who have been very intoxicated have been hit by a vehicle and killed. You have to take that aspect into account. We believe that if these laws are brought in it could increase crime and vandalism, not only within the CBD but also on the outskirts.

One of the things you must know about Mount Isa is that the rate of domestic violence is eight times that of anywhere else in Queensland, and alcohol is the main contributor to this. This has not always been the case in Mount Isa.

I turn to the cost to council of clean-ups. One of the things that has happened in the last three years which has never happened before is, with the amount of people camped in the Leichhardt River, the rubbish. It is costing council \$35,000 every time we do a clean-up. That is \$35,000 we could have given to a school, a charity or a sport. We are very mindful of that. This is not usual for Mount Isa City Council; this is new. In fact, because of the human waste associated with this as well, my CEO has to not give the council workers a heads-up that we are doing the clean-up because they will all not come into work that day. We have to spring the clean-ups on them because that is how bad it is; they just do not want to do it.

The police have given me some stats—and I do not want to rain on their parade, because I do believe they are speaking soon. When you talk to the police, they will tell you they do not arrest people for being drunk as such. They may arrest for public nuisance or public urination or exposure, including obscene exposure. Once they have arrested that person, they will take them in and then do a breathalyser test. They do not breathalyse them on the street; they will take them into the lock-up. They have the stats. Just recently they have made 206 public nuisance arrests, and that is just the tip of the iceberg. There is a lot of common sense with the police. If they can, they will move people on; they will tip out. There is a lot of common sense. They are not grabbing people and locking them up for being drunk, publicly intoxicated or begging.

With regard to suggestions—I think we mentioned it in our submission—we are talking about having more funding for rehabilitation and, with agencies, having a bit more understanding and transparency on what they are funded for and their outcomes. One of the things we have applied for is for our local law people to have move-on powers and tip-out powers. I do not believe we have that at the moment. That is something we are looking at doing so that we can actually tip out and move on.

What would really help is uniform laws. With respect to domestic violence, the same law applies to everyone all over Australia. If you are going to put someone on a banned drinker register, make it for all Australia; otherwise, you are just moving the problem on, and that is really evident from what we are gaining. I know that Western Australia is also feeling the effects of that. Housing is also an issue and there is a housing shortage for our neighbours. A lot of the time we have people overcrowding in Mount Isa. I know it is everywhere, and that is definitely impacting on us.

The answers are not always evident, but we need an approach that looks at local, state and federal government working with traditional owners and bringing them all to the table and working together to get the answers. At the moment it feels like everyone is individually trying to fix the problem instead of all coming together and working on the issues which are completely different, depending on what city or town you are from.

I have brought in the deputy mayor, as our CEOs are unable to attend today. If you do not mind, I was going to give him the opportunity to add anything that I may have forgotten in the opening submission, or we can leave it to when you ask the questions. It is up to the committee.

CHAIR: Thank you, Mayor Slade. I am sure we will have lots of questions. Deputy Mayor, did you want to make a comment?

Mr Barwick: Thank you, committee. I think the mayor has covered it to a great extent. I will add that I am aware that the policy is to try to decriminalise these things in an effort to improve resourcing for police and things like that, but the issue here is unique, as has been pointed out, in that the alcohol that comes into the community here and is drunk in the public space is third world. It is just incredible what goes on. At meetings we have had in the past, we have been advised that 60 per cent—more than half—of serious crime in Mount Isa happens amongst a couple of hundred people who are publicly drinking in the riverbed. If you put that in any other place in Australia, you would have a state of emergency declared. The place would be cordoned off. You would almost have the Army there. This goes on day in and day out here. Out of that comes a whole range of other social problems caused by this supply of alcohol into this cesspit. You get overcrowding in houses. You get kids who do not want to be at home because of the abuse that is going on—all types of abuse—so they are walking the street causing vandalism and that sort of crime around the community. Then the Mount Isa

drivers for this are coming out of the same problem that the mayor has indicated, where people are coming up during the day, they are walking the streets, they are intoxicated and they are doing whatever they like in the city.

The police do their best with the resources they have. They clearly do certain things and move people on. If this decriminalisation takes away the fact that they will be able to move people on, it will make it very difficult for us to do anything at all and this problem will get worse. In fact, it has incrementally increased year by year over the last couple of years to the point where we are getting hundreds of people staying down there. That is not likely to decrease with the way the laws are in Queensland and the way the laws are in the Northern Territory because they do not balance.

If I can leave the committee with anything today it is that we need to stop the supply of alcohol going into this cesspit down here. That will eliminate a lot of social problems in Mount Isa. How you take that back from the work you are trying to do here I do not know, but I hope that has some sort of message in there.

Mr BENNETT: Unfortunately, I can assure you that it is not Mount Isa on its own. There are similar stories in Mareeba and Cairns. Interestingly, in Mareeba there are three pubs—two have agreed to adopt a no-sale policy and one continues, so there are some people trying out there. However, it is across the state, I have to let you know, unfortunately. With regard to the Leichhardt riverbed issue, I like to stay away from bashing the police on this because I think it is a health and welfare issue as well. There are questions about support for those living rough in the Isa. In your submission you talk about the fact that you are not really sure of the success or otherwise of what other agencies or other people in power are doing in that regard. Can you make a comment for the committee to perhaps put that into perspective for us?

Ms Slade: Certainly. Today I will take you past a few of the support agencies that are working right next to the Leichhardt River. Those people who are living rough can access three meals a day and laundry, and there is the Arthur Petersen centre which the police use instead of the watch house.

Mr BENNETT: We are going there this afternoon.

Ms Slade: That is fantastic. My only negative comment with regard to the Arthur Petersen centre is that it is very close to the CBD and to bottle-os and it is up to the individual if they want to stay there. You can walk out and within 500 metres you can be back at a bottle-o. While the work they are doing is very good, it is very close to our CBD and very close to accessing alcohol.

With respect to transparency, we have a great deal of funding coming into Mount Isa to help with lots of different agencies, whether it be for youth or—you name it, we have lots of different agencies. There is no transparency if they have been funded \$3 million to help with delivering support. It is very unclear. Even though we have a list which comes from the state government on who has what, it is still a little bit unclear on what support they are providing, what times they are providing it and how many clients they have. The Salvation Army have an alcohol rehabilitation area out past the airport, but there were not many clients there the last time I visited. The clients are not from Mount Isa; they are from out of town. The Arthur Petersen centre would be a lot more valuable to us if it was somewhere where if the person decided, 'I do not want to be here anymore,' they are not able to walk 500 metres to a bottle-o or into the CBD where they are still very drunk and suddenly arriving in a very public area where there are potentially a lot of families.

CHAIR: Mayor Slade, has there been any work done with the owners of the pubs to restrict alcohol sales at certain times of the day or to certain groups or levels of intoxication et cetera? Has there been some collaborative work done?

Ms Slade: Definitely. That is a great question. We have a local liquor accord. One of the things we did last year, prior to rodeo, is try to get some renewed energy into it. We actually got some police from the Northern Territory and liquor licensing officers over from Townsville and we have tried to get everyone to the table and talk about how important it was for this liquor accord to work. However, again, it is basically a handshake. There is no authority for them to have to obey the rules they are putting in place. It is just a handshake on, 'This is what we will try to abide by.'

One of the things the Northern Territory do well is require people to have identification to buy alcohol. It does not matter who you are or what age you are, you have to show ID. I think this would really help in our pubs as well, but that is not something that you have to do; it is up to the pubs if they want to do that. They do not have to ask for ID. In fact, in the Northern Territory there are usually police near the bottle-os or in the bottle-os making sure these things are happening, whereas it is just a gentlemen's agreement with the liquor accord. I know that one pub was not as committed as the other pubs and that makes more feel like not participating if not all the pubs are doing it, if that makes sense. They feel like, 'Why are we being so strict and other pubs are not?'

CHAIR: Yes, and losing business.

Ms Slade: And losing business. Of course, it should be one rule for everyone. That makes it difficult because you might have tourists come into town and they just want to load up on their supplies, for wherever they are going, and grab their wine and their cartons of beer—they might be out fishing for a couple of weeks. No matter what you do, it definitely impacts on people living here and on visitors.

Mr BERKMAN: We really appreciate your time today. I understand from what you have said this morning and from your submission that the impact that decriminalisation might have on police move-on powers is really key issue. I will try to avoid verballing any police who might give this evidence in a moment, but my understanding of the very broad move-on powers they have is that, where someone's behaviour is disorderly or indecent or offensive or threatening, they already have and would retain that power to move on. Are there circumstances outside of those kinds of behaviour that you are concerned about where those powers might be lost by police, or would that cover the field generally?

Ms Slade: Are you saying if they only had move-on powers?

Mr BERKMAN: Yes, as in if these offences are decriminalised my understanding is they would still have move-on powers for disorderly, indecent, offensive or threatening behaviour.

Mr BENNETT: Is that under the public nuisance part of it?

Mr BERKMAN: No, that is just the move-on powers under the police powers.

Ms Slade: I guess you have to look at where they are going to be moved on to. You are going to go on a tour with me today. We have a high school and at around 2.30 all the kids leave. They have to walk past at least 30, if not more, people who are highly intoxicated. To me that is really dangerous. It is a dangerous situation. They should not have to witness it and they certainly should not have to walk past it.

There is not a plan in place for where to move anyone on to. I think if you are going to bring in laws, you have to have all your ducks in a row and all your plans in place. So if we are going to move people on, where are we moving them on to? If we are not careful, we could be moving them on to another place that is highly populated and then all of a sudden we are causing another problem. Then they move on again, but where does that happen and at what point is their welfare taken into account, because you may have moved them from the CBD to the fun park to closer to the school? What is the plan? That is what I would like to know.

Mr BERKMAN: That is the other main question I would like to put to you. As a committee we are supposed to be considering decriminalisation, but, alongside that, what are the social welfare or health responses that are necessary to be made in parallel. What is your suggestion for the committee? What are the top priorities that are missing in that social welfare and health response?

Ms Slade: If I had an addiction to alcohol and I came to you intoxicated and said, 'I really want help,' what should happen is you would go to the Arthur Petersen centre to sleep it off. Years ago you would be taken out to the Kalkadoon Aboriginal Sobriety House, which is now the Salvation Army. That was a rehabilitation centre. From what I can gather now, you can wait two weeks before the paperwork is done and all the hoops have been jumped through, but this person would be long gone. It is about having something that is more workable and manageable for someone because once you have someone who says, 'Yes, I want help,' you do not want to leave it for two weeks.

We do not want a rehabilitation centre—which is absolutely fantastic, by the way—sitting empty. That is the problem at the moment. Whilst the Arthur Petersen centre is a great facility, it is situated too close to our CBD. If it was out where the Salvation Army rehabilitation centre was, at least by the time they walked back into town they would not be so drunk. It would be a deterrent to not walk out and try to find a bottle-o. However, we are dealing with people with very acute addictions. In fact, they are not just a little bit drunk; they drink till they pass out. I have not seen this, where people are just passed out on the street; it is new to Mount Isa. It has happened in the last couple of years and it is really concerning.

CHAIR: I have some data here. In 2020-21 there were 16 charges in total made around public drunkenness. There were zero non-Indigenous people and 16 First Nations people. Do you want to comment about that in terms of the cultural issues that we are dealing with here, in light of 16 and zero?

Ms Slade: For sure. I think the stats show that the police are using a lot of common sense. They are not just grabbing people and arresting them, and I think it is really important to note that they are using a lot of common sense and they are using places like the Arthur Petersen centre to try Mount Isa

to get some of them to sleep it off. Again, I feel like a lot of our problem is with our dry communities. I do not believe that the dry communities work as a lot of people leave the dry community and come to places like Mount Isa just to access alcohol. The number that is coming into the Leichhardt River—there is a bus that leaves Alice Springs, goes through Tennant Creek and actually drops people into the Leichhardt River. They were doing that throughout COVID, which was really concerning. There are people profiteering from people who have severe addictions. It is really concerning.

While the average is Indigenous people, it does not really matter if you are Indigenous or white Australian; what is happening is not acceptable. It is really not acceptable and people living rough are really living rough. One of the things that really concerned me right at the beginning was children being around this. At the beginning there were tents on Burke Street with little kids in the tents. It was very concerning to me that they were around people who were so intoxicated.

Mr BENNETT: I lived here in the nineties for three years and I do not remember ever feeling unsafe coming into the CBD. However, for the committee's benefit I would like to hear—and if you cannot talk in more detail, the business owners probably could—you tell us a bit more about that.

Ms Slade: Personally, I have gone to a business that is actually three doors down from the council but I could not go in. This was at 11 o'clock in the morning. I had to knock on the window and go, 'Hey,' and then they let me in. I said, 'Are you closed?' and they said, 'No, we're getting hassled by people who are really drunk.' It was a surprise to me that they have now started locking their doors. It is more that someone will come in very intoxicated and yell out, 'Call me a taxi,' or 'I need money,' or 'I need water.' They are very drunk and very aggressive. I would say nearly all the people in the CBD are not our traditional owners; they are not from here. At times they are very aggressive in their language and the numbers. You are not walking past one person who is drunk; you might be walking past 10 or 15 men sometimes who are really, really intoxicated. While I have not had an incident, I have felt rattled and that is new to me.

Ms LUI: In your submission you talked about the decriminalisation of public intoxication and urinating in public and the impact that is having on the community and people, especially with regard to community safety. Could you please advise how the council is currently approaching those three offences and whether or not you are aware of any move-on powers that are currently being used by police for those three offences?

Ms Slade: As a council we have very little powers. That is why we have applied for our local laws to have the move-on powers. What our council staff are seeing is human waste. It is not just urination; it is also human faeces. Not only are they going around picking these up; we also have shop owners contacting us saying, 'Please come and clean this up for us.' That is a pretty awful thing for our staff to have to do. It is very new. We are doing our best to clean up. The amount of litter is actually really surprising. It is not only in the Leichhardt River, but we are getting a lot of people who are intoxicated moving on and leaving all their litter behind them—that is just more work for our council staff—and destroying things. At the back of my office I had a few people who were very intoxicated and they just decided to smash all their bottles against the wall. It is just something else our staff have to clean up.

What we were hoping to do is, once we have local laws that have these move-on powers and tip-out powers, work with the police and also the Indigenous liaison officers to walk around and not just move people on and do tip-out but also say, 'Are you okay? Can we get you somewhere? How can we get you home?' That is the sort of plan we were hoping to do. Again, I am not sure if that will work either. That is what we are looking at doing as a council, and that might also help with some of the youth that are around town. We would say, 'Hey, what are you doing? Do you need to get home?' and that sort of thing. That is the sort of plan. Again, 12 months ago we talked to the police about doing this but we still do not have the powers yet to do that.

Ms LUI: You mentioned a number of social issues associated with transient people in the Leichhardt River in relation to public health. You also mentioned homelessness and domestic violence. I was wondering if you are aware of any interagency collaboration happening in the community. Is there a good response to this complex issue? What are your views on how well it is working?

Ms Slade: Firstly, I will say that all the agencies involved are doing the best they can—there is no doubt about that—but I do not believe it is working. I do believe that there needs to be more of a response with the state and federal government working together with local councils, with local agencies and the traditional owners. I believe that is really important. The way it is set up with agencies is that they are very reliant on funding. If they are failing, instead of saying, 'Hey, what we are doing is not working and we have lost clients,' there is a chance they could lose funding and

resources. Instead of, 'Look, we've tried this and it's not working' and getting some support, they are very careful about what they say and probably are not seeking the assistance they need because they are terrified of losing funding. Again, I will say that they are doing the best they can with the resources they have. I am not trying to throw anyone under the bus, but whatever they are doing is not working.

Mr Barwick: The services are there. They are doing what they are contracted to do and providing services. However, I think we all need to step back and have a bit of a look, because there is a degree of enablement going on to support this public drunkenness. That might sound harsh, but if you go down there people are getting free food, they are getting Centrelink services and I am sure they are getting other types of services too, which I am not aware of. I am saying that that all comes together to create that type of a community down there that is largely driven by alcohol. There are some human rights mixed up in all that of course, and we have to look after people to some extent, but that whole thing needs a really good microscope passed over it.

The final thing I want to say is: at the moment we have a certain balance of police responses to public drunkenness, and clearly they have to maintain people's lives and all that type of thing in the mix of this. We have all been down that road. If decriminalisation is added to this, it will soften the responses we do have at the moment and I do not think that will do us any good. I think it will exacerbate the problem.

CHAIR: Thanks so much. Folks, we have come to the end of our time together, sadly. We could certainly glean so much from you, Mayor and Deputy Mayor. Thank you for the great work that you do here in the community of Mount Isa and also what you do for local constituents and the work you are doing already in addressing this issue. Thank you for your time this morning. We do wish you a good day. You are more than welcome to stay on.

BLACKLEY, Mr William, Cultural Compliance and Community Engagement Manager, North West Queensland Indigenous Catholic Social Services

CHAIR: Good morning, Mr Blackley. It is lovely to have you here today. The committee welcomes you and thanks you immensely for appearing before us. I will ask you to make a brief opening statement and then I am sure our committee will have many questions for you.

Mr Blackley: My name is William Blackley. I am the Cultural Compliance and Community Engagement Manager for NWQICSS. NWQICSS is a social services provider under the Catholic Church banner. We have many services in town and some of them were probably spoken about a minute ago. I do not really have much of an opening statement. I have been here in Mount Isa for 20-odd years. I am a traditional owner of this country. My grandmother was sent to Palm Island but I have been back here living on country for 20 years. What I have witnessed in the community over the past 20 years is that the amount of public drunkenness and antisocial behaviour has increased. I guess we will hear your questions but I am opposed to the decriminalisation of these laws.

Mr BENNETT: Welcome, Will. This question is similar to the first question I asked last time. From a health and welfare perspective, which obviously you guys see every day, if drunkenness is increasing, as we are hearing, what other services would you like to see in the Isa?

Mr Blackley: As part of NWQICSS, we run the APDC, the Arthur Petersen Diversionary Centre. I believe you guys are going to have a look at it. We have only 40-odd beds there. Unfortunately, it is also situated right in the traditional area that they call the 'dinner camp', where a lot of these problems occur. I would love to see our diversionary centre moved to the outskirts of town. That would be a much better option, I believe. Unfortunately, I do not think there is the funding available for that at the moment.

Mr BENNETT: Staying with public drunkenness, although I know that there are other issues we are talking about, what are your observations about how that is being managed now on the ground? We are hearing that the police are not using a heavy hand as much—they are, but they are hamstrung as well. What are your observations on how severe public drunkenness is being dealt with?

Mr Blackley: Like you say, the police have not really taken a heavy hand because obviously we do not want to see lots of Indigenous people, who are mostly the ones who are offending, caught up in our court systems because of public drunkenness. Our RAGOSS team, the Riverbed Action Group Outreach and Support Service, goes out and works with the people living in the riverbed. We do have stages where we are trying to get other services involved. We want to assess the people in the river—where they are up to: are they able to move into housing and so on. That sort of work goes on in addressing and trying to get people out of the riverbed.

Mr SKELTON: Will, you made the point that a lot of the people are transient from the Northern Territory. There are opt-in schemes where people can get a bus to go back to where they are from. Does that have any effect here? Have you tried anything similar?

Mr Blackley: We have had several meetings about this at council. There is a real lack of buses to start with. The option is there, but where are the buses to take them home? The Return to Country funding only lasts so long and I believe that has run out for us, so that is not really an option for us at the moment. We do ask the question. I do not know if we can get interstate agencies involved with housing and so on. Obviously if you have a house back in the NT then you should be going back to that house and not getting housing here and having two houses. The shortage of buses is an issue.

Mr SKELTON: You raise another relevant point in that the two jurisdictions are not cooperating with each other or there is no avenue to have a conversation and find out more information and share information between the state and the territory.

Mr Blackley: It does not appear so. The conversations that we have had through our Indigenous networks and traditional owner networks—and these are not officially from the Kalkadoon Native Title Aboriginal Corporation; these are just people in our organisation who have relationships with Aboriginal people in the other state. They have said that their elders look for these people to come home and they send messages across: 'Have you seen so-and-so? Can you get them to come home?' It is just a matter of how we get them there.

Mr BERKMAN: Will, I really appreciate your response. Before I move on to my question, from the sound of things you would obviously support more Return to Country funding?

Mr Blackley: Absolutely. I think that is our best option—more Return to Country—and just getting in there and doing the legwork a bit more and assessing who is actually in our riverbed a bit more. That is something that, through RAGOSS, we have taken on at NWQICSS to try to get to the crux of the matter—who these people are and why they are here for so long.

Mr BERKMAN: I was really interested in the mayor's response about the difficulty with those folks who are right on the precipice of actually getting some help for acute alcohol addiction and the struggle to get into a service quickly enough to make the most of that impetus. Do you have any reflections on that from your experience and how to address that?

Mr Blackley: I do not know how to address it—maybe build another rehabilitation centre here. Just in the past couple of weeks we have transported people to Normanton ourselves to get them into that centre because we cannot seem to find places at the local centre, for whatever reason.

Mr BERKMAN: How many places are available?

Mr Blackley: I believe there is only the Salvation Army past the old Kalkadoon park.

Mr BERKMAN: How many beds are in that facility?

Mr Blackley: I could not tell you.

Mr BERKMAN: We will have to chase that up.

Mr BENNETT: There are 40 at Arthur Petersen.

Mr Blackley: There are around 40 there, but that is only diversionary. If you are intoxicated and cannot be looked after then that is where we are going to look after you for a night or a police divert away from custody.

Mr BERKMAN: Can I ask another follow-up question, Chair? I do make the most of my opportunities in these hearings. We heard from QNADA, the Queensland Network of Alcohol and Other Drug Agencies. Their position was that that network is probably best positioned to provide a kind of backbone for the expanded supports, both drug and alcohol supports and also broader social supports for people struggling with addiction who might be affected by the decriminalisation of these laws. Do you have a take on that?

Mr Blackley: Any agency that wants to take control of the thing I would be happy to support, but we need the legwork here on the ground, wherever they are based. I think our best option is better rehabilitation services in our own region, maybe working more closely with what we have out here and how to get it open to more people.

Mr BERKMAN: Beyond just more diversionary centre funding, is the pointy end about funding for rehabilitation alcohol and other drug services?

Mr Blackley: I think it is rehabilitation. There is no point diverting people who are not going to get off drugs and alcohol. We need to clean them up. We need to sober them up.

Mr BERKMAN: I appreciate your time, thank you.

CHAIR: Member for Cook, do you have a question?

Ms LUI: There are no questions from me, Chair.

CHAIR: Mr Blackley, I refer to the concern around police powers as they stand. Would you suggest that they are working as well as they could at the moment? If there was more opportunity for those affected to get clean, what would that look like?

Mr Blackley: From a community justice group point of view, we do not want to see more Aboriginal people in the justice system, especially just for being drunk. This is only going to lead to more and more fines and then incarceration because they will not pay the fines so there is really no point. I do not think decriminalising or leaving the laws the way that they are will actually make a difference either way. Rehabilitation is the key so we need funding in that area.

CHAIR: I appreciate, and we have seen right across Queensland, the role of diversionary centres, particularly for those who are highly intoxicated. However, it is really after the intoxication happens that there is an opportunity for intervention and long-term alcoholism treatment.

Mr Blackley: With the APDC, the client will come in intoxicated. We will take care of them for the night. In the morning they are then referred on to our RAGOSS team to do a follow-up and start documenting why, what we can do to help, whether they want to get dry and so on. We have that

process but then, like the mayor said, it is getting to that next process of actually getting into a centre to dry out in that period when people are still thinking about it, because in a couple of days time they will be drunk again and will not worry about it. You have to catch them and move quickly.

Mr BENNETT: Without putting the figures into *Hansard*, has funding for the organisation been steady in terms of increases? It is all about the health and welfare response. I am curious about how that has been for your team.

Mr Blackley: It has been pretty standard for us over the years. I am only new to the organisation but I believe that it has been the same amount of funding year on year. I believe that the youth funding may increase if it is successful so hopefully we can work a little bit more in that youth space. For APDC and RAGOSS it is pretty much the same.

CHAIR: Do you feel that some of the right structures are in place but there are just not enough of them?

Mr Blackley: I think the structures are in place. Service providers are working as hard as they can. You can wrap around all of the support, but until you get somebody in an actual detox situation it is not really going to make much difference.

Mr BERKMAN: I am really interested in your comment at the outset that you did not support decriminalisation but ultimately you do not think it will necessarily make a big difference.

Mr Blackley: Yes, that is right.

Mr BERKMAN: From the rest of your answers here today, not to go over it ad nauseam, is it the case that the availability of rehabilitation clinics is actually what will make a difference?

Mr Blackley: That is exactly what will make a difference.

Mr BERKMAN: Putting your CJG hat on for a moment, with the CJG's intervention in any legal proceedings around these charges when they do get to court, do you have any observations about that and whether—

Mr Blackley: Most of our offenders are in Murri Court. Alcohol has been involved in the offence. Once they go through Murri Court they have to go and report to ATODS, they have to do anger management and they have to do all kinds of different programs that see a lot of improvement and see people not reoffending. It does not work for everyone but it has been quite successful. That is that sort of rehabilitation stuff right there. If you go into ATODS then you are actually getting some education around drug and alcohol use. In the men's group you can talk about how you deal with certain situations and violence and so on. That has been working for us but for some people in that system the next stage is: 'Let's place you somewhere. Let's place you in a rehab centre. It will be a lot better for you than just coming here once a week and then reporting to ATODS and whatever else once a week.'

Mr BERKMAN: There is obviously no silver bullet, but I guess the objective as it is stated is to get to that point where the ATODS support and the other wraparound supports are available before the point of charging, criminalisation and court proceedings are underway. Do you have any suggestions about how that can be better facilitated?

Mr Blackley: Bucketloads of money for rehabilitation. We can just keep going over and over it, but that is the solution.

Mr BERKMAN: I will keep asking it as many ways as we can, because I think it is really valuable to hear. Thank you.

CHAIR: As human beings, when we think about why people drink excessively, it is usually a trauma related response. I know that with our First Nations peoples we have thousands of years of trauma that needs to be healed. To what extent do we focus here in Mount Isa on the alcoholism? Do the support groups also focus on addressing trauma? Do you know what programs are in place to address not just the signs but the actual trauma?

Mr Blackley: There is Murri men's group, which is different to the CJG men's group. There is a group of Aboriginal working men here in town who meet every fortnight, and we ask other service providers to bring clients along. We speak about our own journeys as Aboriginal men, getting into being successful in our careers and how to address that. We do speak about the trauma. I myself had generational trauma to deal with. I come from a good family and have always worked, but all of us still have to deal with it. For some people that is really hard to get past. I would not say that there is a whole lot of services that address trauma. Maybe it is something else to look at.

CHAIR: Mr Blackley, thank you very much for sharing a little bit about you, your experience and your work. Certainly the committee acknowledges the great work that you do, and the leadership that you show in the local community is very evident. Thank you. Well done.

HARMAN, Ms Emma, President, Commerce North West

CHAIR: Welcome. It is wonderful to have you here this morning. Certainly we are very keen to hear your perspective and gain your insight from the work you do and the experiences you have had. Thank you for appearing before the committee today. I ask you to make a brief opening statement and then I am sure we will have lots of questions for you.

Ms Harman: Thank you for the opportunity to appear as a witness at the hearing today. I am going to read my statement that I have printed off. I am happy to table it if you would like me to. I am here to speak against the proposal to decriminalise certain public offences. Of the three, Commerce North West is most concerned with decriminalising urination in a public place and public intoxication. Unfortunately, occurrences of this nature are frequent in Mount Isa. We can well understand the desire to reduce the workload of police; however, rather than decriminalising them I suggest that we put more funding into both the police and the groups working in the social sphere.

This type of bad behaviour will not go away if it stops being a crime. Instead, we fear that it will only increase. People who regularly offend in this way will not stop doing so if it is decriminalised. All that will do is take away a small amount of power to move these people on and to discourage them from antisocial behaviour. The majority of the people who live in Mount Isa behave as per usual societal expectations. For these people these proposals will have little or no effect, except perhaps after a big night out. In general, they are not intoxicated in public, nor do they relieve themselves in public spaces; however, very unfortunately, here in Mount Isa we have a large number of itinerant people who live rough, often in and around our city centre. These people live on the fringes of society but physically in the middle of our city. Many have an unhealthy relationship with alcohol, have no bathroom facilities and generally make a nuisance of themselves day and night.

This itinerant cohort causes a significant amount of damage to the city's public spaces and shopfronts. At times they can become unruly and, unfortunately, some areas of the city are filthy from human waste. Our local business community already has to deal with a lot of vandalism, damage, graffiti and other issues stemming from criminal and itinerant elements. They do not need the additional burden of having intoxicated people loitering near their businesses, potentially relieving themselves nearby, without the ability to call police to move them on. Businesses will end up having to put up with their unwelcome presence and have no recourse. This in turn can have the effect of putting off potential customers, leading to reduced sales and further financial pressures.

It is our belief that decriminalising these antisocial behaviours will only serve to increase their occurrence and make it even harder to keep our city clean and safe for everyone. We understand and are sympathetic to how overstretched our police force is, and we can see how these proposed changes may go some way toward alleviating their workload and freeing them up to work on more serious matters. We can also see that, by decriminalising them, vulnerable people will not then end up with a criminal record. This, however, is a short-sighted solution to a problem that will cause other issues to become so much worse. We should not be going soft on these issues; we should be adding resources to help.

In summary, we fear that decriminalising these behaviours will add additional burdens on our already stretched business community. It will lead to a deterioration of our civic spaces that will act as a deterrent for consumers, visitors and residents. The proposed changes will not affect the city in any way—not its residents, its businesses or its visitors. Instead, the proposed changes have the potential to create real damage. For this reason, we cannot support them.

Mr BENNETT: Has the commerce group put some work into what collaboratively we might be able to do? We are hearing of safe night precincts in other jurisdictions, banning alcohol and other things. I appreciate that it is another burden on the small business owner, but I guess as a group you must have had some conversations around what may be done in the CBD, for example.

Ms Harman: We have. We have a proposal that is currently before council, that council are currently working through, around the use of CCTV footage and cameras—to use them proactively rather than reactively, which is currently how they are used for the majority. We have not specifically looked at the safe city program.

Mr BENNETT: Nightclub districts have 'safe night' so they can ban people if they play up.

Ms Harman: We have not really done that. Certainly I know that the liquor accord group as a group has bans in place. You can be banned from a single venue but you can also be banned from all venues if your behaviour continues.

Mr BENNETT: Is there a lot of that going on, though? Are they actually banning people with addictions?

Ms Harman: I could not say a number. I am currently working at the shopping centre on a part-time basis for a little while, and we have bans in place.

Mr BENNETT: Without throwing the council under the bus, when we were here a little while ago there were issues. I notice in your submission that public toilets and other things are a real problem. From a commerce perspective, would more public infrastructure address some of the issues?

Ms Harman: I think it would certainly go some way. I am not entirely sure that they will always be used.

Mr BENNETT: Fair enough. The committee needs to hear your opinion, so I thank you for that.

Ms Harman: I think if you were to put them in you would need to put them into certain spaces. Yes, we could definitely do with more toilets—without throwing the council under the bus.

Mr BENNETT: It is in your submission.

Ms Harman: Yes.

Mr BENNETT: That is up to us to provide the funding, right?

Ms Harman: Exactly.

Mr SKELTON: Everyone is more or less on the same page with regard to what is happening in town. In your submission you say that they could potentially escalate if we decriminalise, but do you have any ideas on what we can do to drop these sorts of things? It is a very complicated issue and it involves a lot of people who are not even locals to this town. Do you have any ideas on ways you could have people not wanting to loiter in certain areas?

Ms Harman: I support some of what Mr Blackley just said. There are support structures that are currently not in place or not in place in sufficient volume, such as detox centres, that could certainly have more funding. My observation of groups in this town that operate in the social services sphere is that they often work nine to five, but a lot of issues happen after dark. That is the case for the recidivist juvenile offenders and the itinerants. There are a lot of issues that happen outside of business hours and a lot of these groups only operate during business hours. I do not know if that is a funding issue or a compliance issue. Like you said, it is very complicated. I think more can be done in those spaces. I am not throwing any particular organisation under the bus, but I think some organisations could probably stand to be held to account.

CHAIR: Certainly you raise a very good point around support organisations being available when they are most needed.

Mr BERKMAN: I appreciate you being here with us today. I accept as the starting point that you do not support decriminalisation of the offences, but from what you have said it is quite clear that criminalisation is not actually doing the job in terms of preventing the behaviours. I am keen to really hone in on your suggestion in terms of more police resources or additional resources. Where would you focus that investment?

Ms Harman: You are right: the current situation is not solving the problem. At the moment, if a group is hanging around a particular area and openly drinking in public, we can call the police and they can be moved on. My understanding of this proposal is that if it is decriminalised then we do not have that recourse anymore. Our fear comes in that. What will happen if the power that we now have is removed, even though it may not be fully working? If that is removed, how much worse can it get? In terms of where I would spend more money, I agree with what was said earlier: perhaps in rehab centres. But what about police resources? Our police are underfunded here. We do not have enough police to do the work they are asked to do. To the best of my knowledge, I believe that the majority of the local police do a good job and do try. There is just not enough of them.

Mr BERKMAN: I will check with the Queensland Police Union when we speak to them shortly, but my understanding is that the broad move-on powers that police have at the moment would not be affected by the decriminalisation of these offences. They are available to police in a variety of circumstances but those include where people's behaviour is disorderly, indecent, offensive or threatening to someone entering or leaving a place or being out of place. Does that give you any comfort?

Ms Harman: A little bit but that then makes it a very grey area, doesn't it? It becomes much more open to personal interpretation of what is unruly.

Mr BERKMAN: Indeed. Police discretion is central to the exercise of these powers.

Ms Harman: The potential then is for police to come down heavy and hard and say that it was unruly behaviour when it may not have been. If they are drinking, they have a drink in their hand and that is illegal then that is a clear-cut case of, 'You're doing something wrong and we can do something about it.' I do not know; it is just a thought.

Mr BERKMAN: Understood.

CHAIR: Ms Harman, the reason we are gathering feedback from communities across Queensland is that those laws have not been written; the bill has not been written around this issue. That is why your feedback is really important. That ability for police to move on people has not been determined as less or more at this point in time, which is why it is good to hear from you.

Ms LUI: Ms Harman, have your members expressed any views as to potential measures to address the impact on their businesses from the two offences under consideration today?

Ms Harman: Not specifically, no.

Ms LUI: Ms Harman, you spoke in depth about the increase in resources and acknowledged the good work the police are currently doing. Given the complexity of the issues that we are discussing today, what are your thoughts around whether or not we have enough services working in the social sector and whether whatever they are doing is working? You mentioned in your opening statement that the behaviour will not go away if we decriminalise these offences. That is like a catch 22 in this whole scenario and whether or not we look at it from a holistic perspective, because it comes back to the social sector, it comes back to policing and it comes back to community safety, whether it is increasing our public facilities so that people do have amenities to use. What are your thoughts around how we could work from a collaborative perspective?

Ms Harman: You are absolutely correct: this is probably quite a small piece in a very large jigsaw where the issues are deep, longstanding and generational. The answer is not an easy fix. My personal opinion is that I would love to see a centralised body, whether it is state or federally funded or by whomever, whose purpose it is to audit all of the groups that are working. Often we have a lot of groups working in this community that are doubling up on services but other services are not being met. Some services would like to be able to assist in this way but they are not funded for that so they cannot use their resources for that even though it would actually help solve the problem. There could be an oversight group, body or person that was able to look at all of the services available and all of the funding available.

If you have a bus and you have a bus and you have a bus and you have a bus, do we actually need four buses? Could we make do with one or two buses and free up of the funding for the two buses that we are no longer using and put that into something else? If we have a group that can oversee it from a macro level and then let these groups drill down and work individually, I think that would go a long way. I think that would save public funds, it would better use public funds and it may start solving some problems.

CHAIR: Ms Harman, who would be the most appropriate oversight group to manage that? Would it be local council, state government, federal government?

Ms Harman: Perhaps it ought to be a body made up of stakeholders: certainly members of the local community and the local Indigenous community and council, state, federal—yes, a group of stakeholders who could all work together and all bring different viewpoints.

CHAIR: Does a body like that not exist at this point?

Ms Harman: Not that I am aware of, or if they do they are not public. They do it quietly behind the doors and it is not publicly known.

Mr BENNETT: We have pretty much been over the material and I do not want to repeat questions, but I am curious about your membership and the number of members that Commerce North West represents.

Ms Harman: We have about 100 members. They go from Camooweal through to Richmond but the majority of them are Mount Isa based.

Mr SKELTON: On your point about oversight, obviously that body would also have to have some powers if we are going to implement something like that because you are talking about public funding. I am questioning the model. It would probably have to be a state type thing to have any sort of—

Ms Harman: It would have to have powers, yes, or at the very least the power to be able to make recommendations. Ideally, I think it needs to have teeth. Who funds that and how it works is not my sphere.

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

CHAIR: Thank you, Ms Harman, for your time today. I know that you are very busy and this is certainly not part of your core business. The committee really does appreciate you coming along and sharing your insights and your experience. Ms Harman, would you mind seeking leave to table your statement so that we can accept it into the submissions?

Ms Harman: I seek leave to table my statement to the committee.

CHAIR: Thank you. You would make a great parliamentarian after all, Ms Harman. Committee, is leave granted? Leave is granted. Thank you again, Ms Harman. Ladies and gentlemen, our committee will take a short break. After the break we will be hearing from Mr Leavers from the Queensland Police Union.

Mr BENNETT: Is your CCTV submission to council still under commercial-in-confidence? Is it a public document or is it still under consideration?

Ms Harman: It would be public.

Mr BENNETT: Chair, could I ask for a copy of that? Do you have any objections?

CHAIR: Would you mind sending that through?

Ms Harman: It is another little jigsaw piece.

Mr BENNETT: If you do not mind and if it is available and it is appropriate, can we get it? If not, we totally understand.

Ms Harman: Our proposal to monitor the CCTV cameras, which the council is currently working through, they would like a copy of that.

CHAIR: Thank you, that is great. Thank you everyone. We will take a very short break.

Proceedings suspended from 11.24 am to 11.35 am.

LEAVERS, Mr Ian, President and Chief Executive Officer, Queensland Police Union (via teleconference)

MOORE, Mr Luke, Policy and Project Officer, Queensland Police Union (via teleconference)

CHAIR: Good morning to you, Mr Leavers. It is great to have you here. We have a room full of people here in Mount Isa and we are very sorry you could not make it. Thank you for giving up your time this morning. I ask you to begin with a brief opening statement and then I am sure our committee will have many questions for you.

Mr Leavers: Thank you very much. Thank you to everyone on the committee for the opportunity. With me I have Luke Moore, who is a policy officer at the Queensland Police Union. I want to say at the outset that I speak on behalf of the 12,500 police across the state of Queensland. I have 32 years of experience as a police officer. The public expects police to be the custodians of public safety. I have read the transcripts and submissions from other submitters. The QPU opposes any changes to the Summary Offences Act that limit the powers of police to manage public safety. There should not be a proposed repeal of sections 7, 8 and 10 of the Summary Offences Act. The QPU believes that these sections can be amended to better reflect public perspectives and achieve the intentions set out in the terms of reference.

Our position, in terms of begging, is that the current offence should remain in the Summary Offences Act. Our view is that the removal of this offence reduces the powers of police to manage this issue. We are not about being punitive; we just want to manage things. We are not about ensuring that people have a life within the criminal justice system. I think that is important to note. Obviously, we are aware of the social issues around begging and people who beg, and the QPU would be supportive of an increase in support and wraparound services to assist people who beg. However, there is a need for police to be able to move on those who beg, and there should continue to be a process to refer those who beg on to other services.

The rationale for section 7 of the act relating to the offence of public urination is still clear and present. There is a risk that removal of this offence will necessitate police charging offenders with more serious offences such as wilful exposure, and I do not think that will serve the community or anyone in a good way. The QPU believes that the community expects police to manage public urination and therefore an offence should remain. Perhaps the committee should consider a defence to the offence being established: if an individual does not urinate on chattels, a park bench, children's playgrounds, mailboxes or the door or wall of a shop and takes steps to urinate in a manner which best removes themselves from public view there is no offence committed. An example of that is when you see on a highway where people will stop and go behind a tree to be out of view. We have a very open mind on what common sense should be.

In terms of public intoxication, community safety and the safety of individuals are paramount. The theme has been present in submissions from other submitters. The QPU believes that the police need the powers to detain individuals who are publicly intoxicated. Public intoxication includes someone who is affected by drugs or other substances. If an intoxicated person is violent to themselves or to the community, the police are the appropriate people to manage them. Police must maintain a power to detain individuals who are intoxicated. We would be supportive of a co-responder model where trained professionals take care of publicly intoxicated people. Perhaps this could occur in a safe night precinct. However, even in such a model, people who are at risk to themselves or the community must still be detained. The QPU is concerned that a full-scale abolition of these laws will see police forced to use other offences to manage offending and meet the expectations of the community. Preserving the peace and the amenity of our community is paramount.

From my experience, having commenced policing in the late eighties, we have done a complete turnaround. Our last option is a watch house. Any other avenue for these type of offences is the preferred option of police. Something that was successful 30 years ago with Murri Watch with our First Nations people—we were able to hand people over to an agency that would look after their wellbeing, because we do not want people in watch houses and we do not want to further criminalise things which put people in a worse situation. That is the view of the QPU. However, we need to be able to enact our powers to meet the community expectations on behalf of police. Thank you.

Mr BENNETT: Could you talk to the committee about banning people with regard to safe night precinct issues under sections 7 and 10 and the possible impacts that amendment may have?

Mr Leavers: From my understanding, if I am on the right page, the banning notices are very good for us within the safe night precincts and is a very effective tool for police across Queensland, but I will just need to take some other advice on that, Steve, because I am unsure as to where you are going with that.

Mr BENNETT: Sorry, I will clarify. One of the concerns that has been raised a number of times is that, when we do have our safe night precincts running well, possible amendments may impede the liquor accord to others from having those banning notices in place and making life even more difficult for the officers when they are called to those incidents.

Mr Leavers: Yes. We do not want to make anything more onerous upon anyone. We just want to be able to have the tools to do our job. The banning notices are certainly there, but we still need the other powers. If it happens to fall outside of the SNPs, we still need those powers available to us so that we can meet the community expectation. The banning notices have certainly been very useful for us. Not only does it assist police; it also assists those who are trying to make a living, and that can be those who run the establishments and other businesses around. We still need these other powers because it is about protection. When we look into things like drunkenness, we do not want to see someone who is that intoxicated they may do a stupid act which may see them end up with a lengthy term of imprisonment because they have no control over their faculties or, on the other side, someone who becomes a victim of a violent offence because they happen to be there. That is why I think we need these powers, to not criminalise things but just give us the opportunity to ensure safety.

Mr BENNETT: Could you provide examples where the co-responder model has seen success? I have been trying, through this inquiry, to make it a health and welfare issue, not a police issue every chance I get. We have heard a couple of times now about co-responders. Are there jurisdictions where that is currently being used?

Mr Leavers: I believe Victoria is looking at that. We are all supportive of a co-responder model. It makes sense. The issue we have in Queensland is that we are so decentralised outside the south-east corner, where we have the majority of our services. We struggle in the south-east corner. When we go to regional and remote Queensland, we certainly do not have those opportunities that are available to us. Ideally, I would love to see a co-responder model—whether it be someone is intoxicated, there are drugs, there are housing issues, begging or whatever it may be—and referral agencies. I think that would be a very positive thing. Being in a decentralised state that comes at a significant cost. If we cannot do it in the south-east corner, I am not sure we can do it in Bundaberg, Mount Isa, Cairns or Townsville, to be honest.

Ms LUI: Mr Leavers, would you say the current police powers and offences are appropriate to ensure community safety and public order issues arising from public intoxication and begging?

Mr Leavers: Could someone else ask that question, please, because it was completely muffled on our end and I could not understand it.

Ms LUI: In your opening statement you spoke about your opposition to the decriminalisation of the three offences. Can you hear me?

Mr Leavers: Yes, I can—the opposition to the decriminalisation of the three offences.

Ms LUI: Would you say the current police powers and offences are appropriate to ensure community safety? The reason I ask that question is that we have heard from the Mount Isa City Council that there seems to be an increase in offences in community or among transient people—those coming back and forth. Therefore, we are seeing a large number of people involved in public intoxication, begging or public urination. From your perspective, are the current powers working in this space?

Mr Leavers: That can always improve. Our first option is not to take enforcement action; it is to remove the issue. When it comes to begging, obviously that is a whole-of-society issue which goes to housing, many other social issues, mental health—we can go on from that. We do not want public urination offences to happen not just in the night-time but in, say, a children's playground at three o'clock in the afternoon. We need to be able to take action but we do not need to prosecute someone for wilful exposure, which is a criminal offence.

The other offence of being drunk in a public place is more about a safety issue for us. As was mentioned before, the co-responder model would, in our view, be the best way to go, but I am a realist and we do not have the ability to do that in a decentralised state such as Queensland. We have to have a safe place to take people. We need the powers to be able to do that. Taking someone to a watch house is not our preferred option. Taking people to a place where someone can care for them is our option. The issue for my people—that is the police officers across Queensland; I am aware of Mount Isa

instances like this—is that we will take someone home if they are affected by liquor but if there is no-one home we cannot leave them there alone because should they suffer a serious injury or even worse pass away that becomes a death in police operation or a death in police custody. That is why I think other services are vital. Sadly, for some of our vulnerable people in remote parts of the state we need to be cognisant that we have support in place to look after them. They are vulnerable and, sadly, they are often our First Nations people. That is a statistic—and I am not making an issue around that, but I see real risks there.

Mr BERKMAN: Thank for joining us, Mr Leavers. Can I get you to confirm that the broad move-on powers held by police would be unaffected by the decriminalisation of these offences?

Mr Leavers: We need those powers to be able to move people on. That is my concern. We do not want people to enter the criminal justice system. This may be averse, but we are not seeking to arrest people. You and I have spoken about that in the past. We just want the ability to do what the public expectation is. I would like to see a multidisciplinary approach where we have options available to us so as to not criminalise behaviour. At the end of the day we need the move-on powers, and should enforcement action be required that is an extreme last resort. I see so many other social issues around every one of these issues that we are dealing with today. We do not want to further criminalise this, but we need the powers to do the job that is expected of us and the current powers do that.

Mr BERKMAN: Understood, but my question is specifically around police move-on powers under section 46 of the PPRA. For the offences we are looking at under the Summary Offences Act there are three specific sections. Separate from that there is section 46 of the PPRA. If that remains unchanged then police would retain the power to move on a person if their behaviour is disorderly, indecent, offensive or threatening; is that the case?

Mr Leavers: Yes. What I do not want to see if these—

Mr BERKMAN: I am relying on your expertise here, Mr Leavers. Is it the case that that power would remain in police hands unless that section was specifically changed?

Mr Leavers: I am unsure as to the exact question. I am not being difficult here. I believe the Police Service made a submission in relation to this. What we do not want to see is more serious offences being used to police this when there are other things in place which are beneficial to all. We do not want people to end up with criminal histories. That is the way I want to go. I want to see this as a health and welfare issue. That is how we want to deal with things and have the tools to do it.

Mr BERKMAN: Absolutely. We are on the same page there, I think. I will try to simplify my question. I do not mean to be difficult here. Let us imagine some future scenario where all three of those offences are decriminalised. It would still be the case that police, under section 46 of the PPRA, would maintain move-on powers where a person's behaviour is disorderly, indecent, offensive or threatening; is that correct?

Mr Leavers: That is the case, absolutely.

Mr BERKMAN: That is the point of what I was trying to get to, Mr Leavers, so thank you.

Mr Leavers: The last thing we want to do is commence a prosecution or take action. We want to resolve things. At least in 2022 we have the ability to move people on without commencing a prosecution. I started in 1989 and we had no discretion back then. I think we are in a better place in 2022.

Mr SKELTON: What do you envisage would be the impact on your members—I am thinking more of morale as well as the perception of the general public—if these offences ceased to be offences?

Mr Leavers: My concern is around the removal of these and the options available to police. In the office of constable we have discretion. I believe we would receive unfair criticism. Members of the community have an expectation that police take action in certain circumstances. When we are talking about people begging, whether it is in a park or outside a business, it is really sad that it gets to that. When it comes to business we are looking at people making a living. We need to have people coming into areas for business to take place and for tourism. We are talking about ordinary people making a living. There is an expectation that these places are free of people begging and they are clean and people feel comfortable in going to these places. The last thing we want is the situation where people are frightened to go into certain places. That defeats what a free society is about.

If someone is urinating in parkland in the afternoon, that will deter people from going there. I can tell you that there are certain places I would not go. I remember going to some public toilets down south many years ago with my then three-year-old son and I saw some activity there so I left because

he did not need to see the things that were taking place. Police still need authority for a day, time, place and location, but they can always use their discretion which they have in the office of constable. There is a public expectation that police will take action. If police do not do that, the public will lose confidence in the police and they will lose confidence in society. This is about community safety but we also need to look at the health and other issues which are paramount.

Mr BENNETT: We are looking at removing three specific offences from the Summary Offences Act. Is there anything we should be adding to the Summary Offences Act to give it strength or allow police to do their job better?

Mr Leavers: I have not gone into further detail on that so I am sorry I cannot help you too much with that. Move-on powers and discretion for us to be able to do our job are paramount. If we look at a lot of things in policing, everything becomes a police response outside of business hours. We need other agencies, NGOs and other government departments to be able to assist us to do our job. If other agencies were able to work with us more, we could look at different options which I think would lead to a safer and better community.

We need those move-on powers. That is a real issue. It is about common decency. I do not want to harm businesses or have people driven away from public places because of these offences. I know that they are three minor offences that we may look at in the legislation, but they can certainly have an adverse effect on what people perceive as community safety and feeling safe. I know for one that there are some places you would never go with young children because of what you may see. That can have everlasting effects. I think it is detrimental to society as well. We need to ensure that people own their behaviour and be responsible for it and that people do not have a skewed view of places and be unlikely to go to those places. If we have a local park and there is unsavoury behaviour occurring there, it takes away from why it is there because good people will not go there.

We need to be careful and have a balance. It is not about being punitive. There has to be education. There have to be other services. We just want the power to be able to do our job and make it clean and safe for everybody in the community; otherwise, the consequences are devastating and we will see it for generations.

Mr BENNETT: Is your feedback that laws as they stand are adequate for your people to do their job?

Mr Leavers: We have the move-on powers which give us the ability to do that and should we need to prosecute we can do that. At this point in time, having the PPRA there is good. We think the Summary Offences Act is certainly vital for us to do our job.

CHAIR: Other than the summary offences laws that the Queensland Police Service rely on, what is the ideal world for the QPS to operate in? What is the best environment or the ideal circumstances to address this issue? I know that you would feel similarly that we have an issue that does vastly impact our First Nations peoples. What would be the ideal scenario for you?

Mr Leavers: We do want to be punitive but we need to have powers within the act to enable us to do our job. When I look at begging, that is a housing and social issue in relation to many other things. In terms of public urination, are there facilities available to people at different points in time? In, say, safe night precincts, what facilities are there for people to urinate? That is another issue. When it comes to drunkenness, that is a health issue. Instead of someone being arrested or put in the watch house—worst case scenario—for public drunkenness, that is a real health issue that society could look at like mental health. All these things start to intertwine after a while, which concerns me.

There are so many more social issues as a result of these things, but we still need the authority to deal with them. Other agencies such as Housing, Education and Health are vitally important. It is no secret that I think education at a very early age is paramount. Respected people within communities and elders in First Nations communities have an important role to play. That is what we would be looking at.

In terms of urination in, say, a safe night precinct, if someone is doing their best and there are no facilities available, we do not want to criminalise that behaviour. We just need the power to say, 'This is not on. You need to move away from here. You are in public place and it is offending or detrimental to someone else.' The last thing I want to see is headlines saying people are urinating all over the streets in certain locations. That is not good for anybody—the person involved, the community, business and the whole environment.

I want Queensland to be seen as the pin-up place where people want to go and do not feel threatened by people begging and by drunkenness. With drunkenness, what I hate to see is people become offenders because they consume so much they have no knowledge of what they have done.

To be incarcerated for years is not an option. For one-punch offences and those sorts of things, that can often be the case. Also, someone who is in such a situation could have someone offend against them and they become a fatality. That is why we need these powers. It is to protect people and not to criminalise things.

Mr BERKMAN: Your submission says that when dealing with someone who is intoxicated on alcohol or drugs police need to have 'nuanced powers'. Can you give us an example of what you mean by 'nuanced powers' in that context and describe how they would be exercised specifically?

Mr Leavers: It is just that police need to be able to make decisions at that point in time—at the date, time and place and in the actual circumstances we are involved in and on maybe one occasion you need to arrest. Another way could be diversion. You look at other opportunities where you can see, say, a person who is with a group of friends. You can put them in care of their friends or make sure they hop into a taxi or some form of transport so they can go home, but that just gives us the option to make those decisions without being criticised, because it is not a one-size-fits-all. If you want to talk about those environments, I think we just need the options for the best solution for the best outcome because to take someone into custody I can tell you that if I am in a smaller area—and I have worked in some small locations—it can take an hour to get to a police lockup facility, whereas if there are friends and other options available that means 10 to 15 minutes which means that I can continue to police the division and there is a better outcome for all involved.

CHAIR: Thank you, Mr Leavers. Sadly, our time has come to an end, but I thank you and Mr Moore for your attendance here today. We certainly look forward to further discussions. Thank you for your time this morning.

Mr Leavers: Thank you, Chair, and thank you to all of your committee. I appreciate it.

CHAIR: Thank you. We have half an hour set aside to hear from any members of the community or members of organisations. If you would like to contribute by making a comment or to put your thoughts, please make your way up. You will each have to complete a form before coming to the table.

ATHERINOS, Mr Brian, Mount Isa City Council

BOWER, Ms Kerry, Private capacity

ELLIS, Mr Lee, Private capacity

LUANGALA, Ms Chileya, Private capacity

PULMAN, Mr Lee, Private capacity

ROW, Ms Nikki, Private capacity

CHAIR: We have about 23 minutes left, so we might just restrict everyone to about three or four minutes, if that is okay. We will now have an open mic session. The committee certainly wants to hear the views of as many community members as possible on any parts of the terms of the inquiry. We might start with you, Brian, from Mount Isa City Council. Are you speaking on behalf of the council or as a local resident?

Mr Atherinos: I will do both, if I could, but council for now, if that is all right.

CHAIR: Right. Over to you, Brian.

Mr Atherinos: Firstly, thank you for giving me the opportunity to speak. I believe the mayor has already put forward some great comments. We have an economic development officer with council who has spoken to over 150 businesses within the CBD and immediate area. All have similar concerns of safety. Diluting these ideas of begging, urination and public drunkenness would not contribute at all well towards the concerns of local business.

In terms of public infrastructure, as was made mention of before, it would be greatly appreciated if the funding was there, but at the same time we have public infrastructure in place now which is not being utilised. They would rather—and I say ‘they’ as those who do urinate in public—pee on the side of a building. They will pee on the side of the Civic Centre building. They will urinate around the library where we are trying to attract families, so the infrastructure is great but whether it will work is questionable.

Council has spent approximately \$70,000 in cleaning the riverbed of approximately over 100 tonnes of rubbish, and that is rubbish alone; this is not excrement or urination or anything like that. That is going straight into our water source within Mount Isa which is hardly a healthy way to look at things. With regard to chamber comments regarding a full audit, that is called for—definitely called for—to prove and show accountability. You can probably throw more money at it if you like, but without accountability or without measuring accountability I dare say you are probably throwing money into a fan where you do not know where it is going to end up.

With regard to Indigenous liaison officers or that third party or second group to come in and assist the police services that are available, Mr Leavers put forward some great points of view and I compliment him on that. Discretion is called for. Move-on powers are great. They are a fantastic thing, but I would probably go back to basic English and say that if we put that to the locals or the usual pub test or *Courier-Mail* test to say that we are going to remove begging, urination and public drunkenness or take that away or blur it in any way, shape or form, to me it shows that we are enabling that sort of behaviour, even though we have move-on powers. It might dilute the messaging that we are trying to put out there.

The safe night out program was also mentioned. I think it needs to be extended to safe day out in that by 10 o'clock in the morning or nine o'clock in the morning or the early hours of the morning through to lunchtime there are behaviours in the CBD area which are inappropriate. There are images if you wanted to have a look, but it is not nice, especially when we are trying to improve liveability and attract people to Mount Isa and get people from the south-east corner to make a lifestyle and living out here. As mentioned before, we have those in power who do not want to take their families elsewhere. As I said in terms of removing these offences, I strongly believe that it is going to weaken or dilute the messaging. That is not to say that it has to be enforced—that does not mean that they have to be sent to prison—but if you take away that line in the sand it is not going to tell a definite story.

CHAIR: Thanks, Brian. We really appreciate your feedback. Mr Pulman?

Mr Pulman: I am a local businessman. I own the Toyota dealership across the road. I have been in Mount Isa 49½ years. In terms of the current situation that we are discussing, like I said, I have been here almost 50 years. It has really heightened and increased and it really stands out in the last three years or so, I would say. Some of my biggest concerns are that it is costing me business. Customers have to go around 10 or 15 people to get into my business and when they are doing what is not accepted in society it is pretty difficult. They will go away and sometimes they will not come back. I have had instances where intoxicated people have come into my dealership and I have had staff—female staff—locking themselves in offices for fear with just the violence et cetera.

I do not know if this is the right place to say this, but I am going to: this situation that you are talking about I think also branches into another section which is very important here, and that is youth crime. Some of these intoxicated people at some stage will go home and sleep it off. In those times their children—the youth, the 10- to 15-year bracket—then come to businesses. It has cost me over \$250,000 in the last three years in damage alone. Like I said, I have been at this business for 42 years and over the years we have sponsored so many things for Mount Isa. I am having to start to refuse sponsorship money because my damage bill now comes out of the sponsorship money. In terms of the response, I have no offence against the police. They have a very tough job to do, but some of the comments are, 'But you've got insurance for it,' but my insurance premiums are through the roof now. The answer? More police and liaison officers should be increased. I think they have more pull than the police in some cases.

CHAIR: Thanks, Mr Pulman. We really appreciate you coming along and the committee appreciates your feedback.

Ms Luangala: I am speaking as a community member. I have been a resident in Mount Isa for the last year and a half or thereabouts. I think the definition of insanity is doing the same thing and expecting a different result, so I think it is about time we go back to the drawing board and see what is working and what has not and explore opportunities to do something different. As such, I welcome the inquiry into the decriminalisation of public offences and health and welfare responses. I am going to speak particularly about public intoxication. I believe that we need a targeted approach to this issue specifically. It has to be a merger of facilities that are accessible and they have to be culturally appropriate. The stats that you gave earlier around 100 per cent in the 2021 financial year being Indigenous is a sign that the facilities that are built should be culturally appropriate and resourced as such.

I think there also needs to be a clarity in the roles. Is it a policing matter? Is it a health matter? With certain issues that occur, if I have a drug overdose it is pretty clear where I need to go: I need to end up in a hospital somewhere. Alcohol is a drug. Why should it not be treated the same? It needs to be clear. I do not believe that the watch house is the best place for this matter to be dealt with because there are also underlying health issues around addiction to alcohol which might be prevalent. There needs to be that clarity of who exactly is responsible for somebody who is caught in that scenario.

Further, there needs to be powers provided to whoever it is—whether it is Health or the police. Like I said, if it was a mental health incident, the professionals have the power under the Mental Health Act to hold that person until they are safe to themselves or they are no longer a danger to the public. Would that also apply with public drunkenness, so that the facility—whichever one it is—has that power to hold them until something can be done and there is some intervention?

Another thing is that anything that does not get captured or that falls through the cracks between the state government and the federal government ends up at the local government level and the local government picks up the bill. As a resident, I worry that my rates are going into policing or resourcing this matter when there are other layers of government that are better resourced. We need to see rates going into the public, into improving livability. It should not just fall into the hands of the local government to deal with the matter. There should be that intervention at the state and federal government level. That is my contribution.

CHAIR: Thank you, Ms Luangala. It was good to hear from you. Ms Bower?

Ms Bower: I am a long-term resident. I have been here for 25 years this time. I was here two years previous to that. This is definitely the worst I have ever seen our situation. As a community member, I think everyone in Mount Isa wants the best for everybody. We are not one-sided; we want everyone to succeed. Drunkenness is not just an Aboriginal problem; it affects many other people.

They get drunk in the street or walk down the street with alcohol, and there is more king-hitting or whatever it is they do. It affects our families as well, so we need to address this problem as a community, as a whole.

We are experiencing urinating and faeces in front of the shops at the moment. When I go to lunch and I walk down to West Street, I get to where I am buying my lunch and I do not want it anymore because the smell of the urine and seeing where the business has been done almost makes you sick. I do not know how many places in Australia experience that problem, but that is what we are experiencing at the moment. I would like to see it looked at on a wider scale. I am not suggesting just looking at Indigenous people; we need to address the whole situation of drinking and urinating in public with everybody.

CHAIR: Thank you, Ms Bower. Mr Ellis?

Mr Ellis: Good afternoon, committee, mayor and deputy, if he is still here, and all of you people who have come here today to try to make our society a better place. I will give you a quick introduction about me. I came here 20 years ago, staying one night. I saw the mess that the riverbed was in. There is no such word as 'can't' and there is such no such word as 'impossible', so I got a wheelie bin and I cleaned this riverbed up. I took 60 tonnes of rubbish out of this river in 12 months.

Afterwards, the Queensland government decided they would do something about it and I applaud them for their effort. They said, 'Let's build the Topsy Harry Centre.' They asked for a volunteer night watchman and I put my hand up. I looked after the Topsy Harry Centre for 12 months by myself, with 30-odd Indigenous people drinking of a night-time. I controlled it for 12 months. Somebody wanted to send this to Townsville, and I said, 'Please don't do that until we have this properly classified here.' He said, 'What would you know? You're only a well-meaning amateur.' When someone tells me I'm a well-meaning amateur, I take a step out of the picture and I walk back.

In those days, I was also part of the night patrol. I think it was a very successful thing. We talk about the move-on powers. Yes, they are a great thing, but when you move somebody on, where do you move them on to? It is like you put them into another area and somebody else has to deal with the problem. When I was working with the night patrol and Topsy Harry, believe it or not, the Indigenous people picked up the rubbish out of the riverbed with us. The three organisations—Topsy Harry, Arthur Petersen and KASH—all got down, plus the night patrol. They put on a barbecue and the rubbish that these Indigenous people took out was amazing. It proves what you can do if you believe.

I stepped out of it and I have been out of it for quite a while. In the last three years I have seen everything disintegrate. The Topsy Harry Centre no longer works in the thing of taking people from Arthur Petersen and out there to drink. I have not been able to keep up with KASH. KASH was where you went when you wanted to give away drinking and get sober. Topsy Harry was where you went to learn about housing and how to look after yourself. I find that has dropped back a bit. Now with the Arthur Petersen we all whinge about the rubbish in the riverbed. A very simple way to fix that problem is to ship the Arthur Petersen away from the riverbed so that it is not a drawcard for everybody to go in the river.

Today I hope the mayor will take you and show you something that I often get appalled by and I hear people talking about. I am sure she will show you and you will understand where she is coming from. I honestly believe the Arthur Petersen centre has to move because it is not helping the people who go in there for help and it is not helping the environment either. I could go on but I will not.

CHAIR: Thank you, Mr Ellis. We appreciate your feedback and your many years of experience.

Mr BENNETT: Is Topsy Harry on Duchess Road?

Mr Ellis: That is on Duchess Road.

Mr BENNETT: Is it still running?

Mr Ellis: Yes, it is still running.

Mr BENNETT: Does anyone know how many beds are there?

Ms Row: There are approximately 30 beds. There is a single men's quarters, a women's quarters, a couples quarters and there is some transitional housing out the back. There are about four or five transitional houses where people learn to hold a tenancy with support.

CHAIR: Is that the Topsy Harry Centre?

Ms Row: Yes, the Jimaylya Topsy Harry Centre.

CHAIR: Thank you. Are there any other questions?

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Ms Bower: I just want to say that I am yet to meet an alcoholic who understands that they have an alcohol problem. If you do not have a legal process where maybe we can intervene and introduce them to a situation where they can be helped, a lot of these people do not seek help. They do not think they have a problem. They think they are trying to live their best life the way they are doing. The rules are required so we can have the chance to help them.

CHAIR: Thank you, Ms Bower. I thank you all for your great feedback today. It has been very worthwhile and the committee appreciates each and every one of you for giving up your time. The public hearing in Mount Isa is now closed. We thank you for your time and we wish you all a good day.

The committee adjourned at 12.24 pm.