



COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:

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

Staff present:

Ms L Pretty—Committee Secretary

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

TRANSCRIPT OF PROCEEDINGS

MONDAY, 5 SEPTEMBER 2022

Cairns

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The committee met at 1.06 pm.

CHAIR: Good afternoon. 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 associated with those. I 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 people, whose lands, winds and waters we all share. I also acknowledge the traditional owners who may be present with us this afternoon. We thank you all for your interest and for your attendance this afternoon.

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. The other committee members here today are: Mr Stephen Bennett, the member for Burnett and deputy chair; Mr Michael Berkman, the member for Maiwar; Mr Robert Skelton, the member for Nicklin; and Dr Mark Robinson, the member for Oodgeroo. Ms Cynthia Lui, the member for Cook, could not be with us today and sends her apologies.

The purpose of today's hearing is to assist the committee with its inquiry into the decriminalisation of certain public offences, and health and welfare responses. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard. 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. 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 social media pages. I ask everyone present to turn mobile phones off or to silent mode. The program for today has been published on the committee's webpage.

It is wonderful that you could all come today and share your insights. The committee very much values your expertise and knowledge about your local area and also the expectations of your community. Firstly, I welcome representatives from the Cairns Regional Council.

MANNING, Mr Bob, Mayor, Cairns Regional Council

MOLLER, Mr Brett, Councillor, Cairns Regional Council

CHAIR: Good afternoon and thank you very much for appearing before us. I invite you to make a brief opening statement and then I am sure our committee will have lots of questions for you.

Mr Manning: Thank you very much. I will ask Councillor Moller to go straight to the first of our two issues and then he can cover off any introduction.

CHAIR: Thanks, Mayor.

Mr Moller: Thank you, Chair and committee members, and welcome. We appreciate the opportunity of being here today. You have our written submission but, to give some context, I want to give an overview of what we want to highlight in that. The Cairns Regional Council area, as you know, is nestled between the two World Heritage listings of the Great Barrier Reef and our heritage rainforest, which is the oldest living rainforest in the world. One of our strongest pillars in terms of economic drivers is tourism and the unique attractions that attract tourism. The geographical makeup of the Cairns Regional Council area is very linear. We go from Ellis Beach in the north, all the way down to Bramston Beach in the south, bordering on the Cassowary Coast Regional Coast. It is 110 kilometres. We take in valleys and ours is a very narrow and long geographic region that is about 1,700 square kilometres, which means that we have a lot of public open space to manage as a council in terms of public safety.

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In terms of tourism, our resident population is about 169,000, but with pre-COVID domestic and international tourism on any day in any week we can have an additional 30,000 to 40,000 people in our city. We have always been concerned about issues around the ABS statistics that do not take this into account. Again, when we talking about public safety, it is an additional burden, if you like, that comes back to our council—that is, the additional numbers that we have to cater for.

In addition, Cairns is a regional city. In that regard, we are an attractor for those in rural and remote communities who venture to Cairns looking for employment, health and other services and opportunities that are not available to them otherwise, giving rise to social issues such as what we are finding with homelessness, unemployment, mental health, intoxication. The two clear outcomes from this are evident in the grassroots feedback we are getting, which is that these people become vulnerable and they trend to antisocial behaviour that needs to be dealt with by council and by government in terms of summary offences.

A strong message I want to give is that our residents are fatigued, despairing and frustrated and they are increasingly angry over the increasing crime that we are seeing in areas such as stolen vehicles, property offences, break and enters. Our residents are not tolerant of public nuisance, public drinking, drunkenness, urination, defecation. On the whole, this is what is coming at our residents. This is giving rise to how they are feeling, which is pertinent when we are looking into what we are going to do with summary offences.

With the importance of tourism and the need for public safety for our residents and our visitors, council invests about \$3 million annually in maintaining community safety, particularly in our CBD. We have developed the Cairns LGA Community Safety Plan, which is a pilot plan introduced this year for 2022 through to 2026. I have our director of cultural services, Mr Destry Puia, here to talk to you if you would like to know some more about that. That is council taking an initiative to try to address these issues, bringing in the government departments with council to look at the cohorts that we are seeing, whether it is homelessness, sleeping rough, drunkenness, youth issues. We want to work with the state government to try to address this for our city.

Recognising the vulnerability of some as a result of these social issues, the feedback is that we would like to see increased funding into policing and welfare agencies to deal with social issues and antisocial behaviour rather than a decriminalisation of offences, which takes away accountability for people's actions. I guess our message and the debate on the floor recently around this is that you cannot take away legislation that is in place for public safety without having an alternative policy or proposal that will meet the gaps that will arise from such. That is where, as a council, we are keen to work with you. That was the reasoning in our submission back to this inquiry saying that we would not support that. The mayor wants to touch on some further issues and we are happy to take questions from the committee. Thank you very much.

CHAIR: Thank you, Councillor. Mayor Manning?

Mr Manning: In the lead-up to 2017, I worked on a government appointed committee that was chaired by Justice Stanley Jones in Cairns. It was a report into youth and sexual violence and abuse for people living in West Cairns and Aurukun. That report was finished and tabled in 2017. That report particularly refers to the abuse that some younger people are subjected to from time to time. What came out of it strongest was the fact that the impacts of that form of abuse are that by the time children are four or five years of age they are pretty much unable to be brought back. It is a pretty nasty outcome.

My wife and I have a personal connection to this because we adopted two children. One is 45 and the other is 40. The girl in her 40s had a pretty bad rap as a kid. We never knew about that; we found out 16 years after we had her. We love her. We think she is just great and she loves me. However, it is unfair that she was never given the chance to be treated and we could have helped. We had the capacity to do that.

For children in West Cairns and Aurukun, the issue was seen as being important enough for a report to be done and to be tabled and to be acted on. That is fine. It was done and it has been tabled. However, it has not been acted on.

I come back to Councillor Moller's contention that we have to be careful when shifting the legislation or rules to one side without having a replacement. This flies in the face of that because something was done but it has never been acted on. That goes back to 2017. I served on the Stanley Jones chaired committee. I also sat on the Pru Goward committee run by the Cape York Institute. This remains a hollow that has not yet been acted upon. If we are looking for something to act upon, this is something that is deserving.

CHAIR: Thank you, Mayor Manning. Would you be prepared to provide a copy of that report to the committee?

Mr Manning: Certainly.

CHAIR: Can you email that through to us at some point?

Mr Manning: I will do it this afternoon.

CHAIR: That would be great. To be honest with you, Mayor Manning, I have not seen that report but I would love for committee members to have access to it.

Mr Manning: We will get that sent to you this afternoon.

Mr BENNETT: Councillor Moller or Mayor Manning, you mentioned the West Cairns and Aurukun project. I am not being argumentative, but I understood that a very collaborative group was put together from all the key state government agencies such as police and others that were doing that early intervention work a little while ago. I am sure I met with them. I think it was more about youth affairs than violence, I guess. Are you able to tell the committee a little more about what they are trying to do in collaboration around the particular issues that the committee is looking at today?

Mr Manning: The pity of the report was that, as I said, it was tabled but it has never been acted upon. I think you will find that it has been in the hands of four ministers. Stanley Jones, who is the straightest of guys—

Mr BENNETT: Didn't they call it Safer Streets, Mayor?

Mr Manning: No, it was not that one. I sat on that committee and the mayor of Aurukun also sat on that committee. Noel Pearson was one of the Indigenous representatives but he came to only one meeting and we did not see him again. Nevertheless, it was completed and, as far as I am aware, there have been no actions taken out of that report. That is just a statement of fact.

Mr BENNETT: For the committee's benefit, geographically, where are the safe night precincts in Cairns? Is there a number?

Mr Manning: There is a task force. It is the police and some private citizens. In fact, I know one of them quite well. That continues to work, but that is not long-term stuff. That is just getting people home from nightclubs or getting them away from there when they have had too much to drink.

Mr BENNETT: What sort of area does it cover?

Mr Manning: The CBD area, pretty much.

Mr Moller: It is the entertainment precinct within the CBD and multiple stakeholders are involved.

Mr BENNETT: I think we are out there tonight in groups.

Mr Manning: Don't have too good a time!

Mr Moller: With the safe night precincts, we want to raise also that in 2021-22 there were 15 SNPs that had funding reduced from \$500,000 annually per SNP to one lump sum. Again, there was a reduction in funding. If there is to be further action taken in respect to summary offences, this needs to be realised: how do we take something from here and put something back there?

CHAIR: What was your funding cut by, Councillor?

Mr Moller: The data that I have was that in 2021 there were 15 safe night precincts in Queensland and it was reduced from \$500,000 annually per SNP to one total round per year comprising \$500,000 to be shared across the regions. That was a significant cut.

CHAIR: So \$500,000 each to then \$500,000 to be shared.

Mr Moller: To be shared.

CHAIR: Thanks for that clarity, Mayor and Councillor. How many public toilets are available to residents and tourists who might be using the safe night precinct?

Mr Moller: We have two public toilets north to south from the precinct in Lake Street and Grafton Street and then we have the Esplanade public toilets.

Mr Manning: Of course you have all the venue facilities, which are to certain standards.

CHAIR: At the height of the entertainment, how many people would there be? Did you say 40,000 tourists?

Mr Moller: Per annum pre COVID, yes—somewhere between 30,000 and 40,000. It is a significant daily intake.

Mr Manning: We can have 30,000 to 40,000 tourists in a really good period. That is, per night, 40,000 extra people in the city. That does not mean 40,000 people whom we have to provide toilets for. That is 40,000 tourists who are staying from the Cassowary Coast up to Port Douglas.

CHAIR: Do you feel that the number of public toilets that you have available is adequate?

Mr Manning: Yes. That is not the issue.

Mr BERKMAN: Thank you, Mayor and Councillor. I appreciate your time this afternoon. I note in the community safety plan there is very explicit acknowledgement of what are described as the efficacy of soft-touch or light-touch approaches and that the approach of applying a public health lens in lieu of or in addition to punitive criminalisation is more effective. That is widely accepted in the research on this. It looks to me like that very much reflects the kinds of public health and social welfare responses that we are tasked with looking at as being necessary to come in behind any decriminalisation. Can you elaborate for the committee on what you think that additional health and social service response looks like? What are the key missing elements and how would you prioritise the response to disadvantage?

Mr Moller: I think the safety plan developed by council was within the ambit of what we can do in legislation. We cannot police and we cannot regulate but we can support. That soft touch is by having two social connectors appointed, mainly around our juveniles who are out and about and who sometimes run into trouble. That is the soft touch. What is important about it is trying to understand why they are doing the things they are doing. Yes, you can have the regulation here, but the important part about the program within the ambit of what we can do is trying to work with them to understand why it is they do what they do and if they drift into trouble then why that is. What we do in that program, obviously, is work with Queensland police and all of the welfare agencies and bring that together. As a council, we just wanted to be a little bit proactive to show that we do care for our community and we want to work with the state in that approach.

Mr Manning: It is hard enough. We cannot take on a great social engagement, as a council. That is the state government's responsibility. We want to work with you. We want to work cooperatively. We can work with both sides of the House. But ultimately the costs cannot be transferred to the councils; otherwise, we would have to re-engineer local government and how it works, so that is out of the question.

I was born in Cairns, as was my wife. We have not always lived here but this is where we were born. I played with a football team. At the end of each year we would sit down and talk about whether we would get our club photographs taken in colour or black and white, because there were more Indigenous people in the team. We were the best of mates—the very best of mates—and we remain so today. In fact, I was over at Yarrabah the other day for the funeral of Bishop Arthur Malcolm and I bumped into a guy, Johnny Jia, whom I have known all my life. He is still over there. He is a policeman over there now. He is one of the second-tier guys. He is a lovely fellow. The feelings between us and these people are strong. We have only ever known them and we want to go into bat for them.

Mr BERKMAN: I very much appreciate the distinct roles of the council and the state. The terms of reference that we are dealing with in this inquiry are intended to pretty explicitly acknowledge that for the health and welfare response the support needs to come from the state, essentially. I will put that out as my reading of it.

Mr Manning: That is fine.

Mr BERKMAN: Can you elaborate specifically on what the missing pieces of that puzzle are? If the state needs to provide additional resources for the health and welfare response, what would that look like and are there particular features of that that are most important for the Cairns region?

Mr Manning: I can tell you what that would look like to me: that little kid is going to grow up and go to school and not be damaged by the time he gets to school, which is not retrievable. That position is not retrievable or, if it is, it is only partially retrievable.

Mr Moller: My comment there would be: with respect to supporting welfare agencies, it is not nine to five and it is not midnight to six or eight. It is those later hours. You can correlate the police data as to when offences spike. It is 10 o'clock when the first pubs shut, midnight, two and four in the morning. Early morning in Cairns we are seeing the leftover damage from those vulnerable people who are sleeping rough, intoxicated. We have our residents waking up in the morning and we have tourists. We need that extra policing in the welfare agencies, but they cannot help if they do not start work until nine o'clock in the morning. That is where I see that additional resourcing from the state being of great assistance in taking this holistic approach.

Mr BERKMAN: Not to put words in your mouth: there are existing services around; it is just that they do not operate at the times they are most needed?

Mr Moller: That is what we believe.

Mr Manning: On that point, over the weekend I was reading a report that was done on Yarrabah. It was a regional organisations of councils report. It listed what works have been done at the school at Yarrabah since 1950. It goes back that far. This does not help the kids going to school. It does not encourage them to go to school. It does not encourage their parents. There is help there and there is a need for a better meeting of demand and supply.

CHAIR: Thank you, Mayor Manning and Councillor Moller. Sadly, our time has come to an end. I thank you for your submission. I also thank you for the time that you have taken out of your busy day. The committee very much appreciates benefiting from your knowledge and expertise. Thank you very much to both of you. Mayor, if you would not mind sending through that report I would love to read it.

Mr Manning: I will.

Mr Moller: Chair, does the committee have our safety plan? I believe it is included as an addition to the submission.

CHAIR: Yes, that is great. Thank you.

Mr Manning: Thank you.

GO SAM, Ms Julie, Coordinator, Tablelands Community Justice Group

KIYINGI, Mr Kulumba, Senior Policy Officer, Queensland Indigenous Family Violence Legal Service

MURRAY, Mr Terry, Court Support and Programs Officer, Tablelands Community Justice Group

SCHWARTZ, Ms Thelma, Principal Legal Officer, Queensland Indigenous Family Violence Legal Service

CHAIR: Thank you very much for appearing before our committee. We will hand over to you to make a brief opening statement, after which our committee will have plenty of questions.

Ms Schwartz: I would like to acknowledge that I am here sitting on the traditional lands of the Gimuy Walubara Yidinji and Yirrganydji people and pay my respects to their elders past, present and emerging. I have had the pleasure of living in Cairns for the past 19 years. Cairns is my home. I have had the pleasure of being the principal legal officer of the Queensland Indigenous Family Violence Legal Service since 2015. Before that I was a criminal defence lawyer for the Aboriginal and Torres Strait Islander Legal Service, ATSILS, for the past 10 years representing men, women and children in our criminal courts here in the Far North, including Cape York.

I believe it is timely that we speak to this inquiry into the decriminalisation of certain summary offences which have, with respect, been recently reviewed by the Women's Safety and Justice Taskforce in their report *Hear her voice*, report 2. I am a very proud member of that task force and I am grateful for the opportunity to contribute to those 188 recommendations. I particularly note the task force's recommendations that are sitting with government for their consideration, particularly 101, 103 and 104, which speak to the decriminalisation aspect and looking at the responses to these summary offences through a health lens, because they are purely a health lens.

I speak to and commend to you the report of the submission made by QIFVLS, fully supporting the decriminalisation of certain summary offences. I note particularly that Queensland has signed off, as has each state and territory, on the National Partnership Agreement on Closing the Gap, which includes the recognition that we must see a reduction in targets 10 and 11, being the over-representation of Aboriginal and Torres Strait Islander women and children and adults in the criminal justice system. It is timely that we are having this discussion and, with respect, I hope to see the committee supporting the decriminalisation of these offences, because they certainly should be responded to through a health lens.

Unless there is anything further, I might hand over to Julie Go Sam to speak on behalf of the Tablelands Community Justice Group.

Ms Go Sam: I also recognise the elders and traditional owners of this country. I work up there with the Tablelands Community Justice Group. We service the areas between Atherton, Mount Garnet, Millaa Millaa and those areas. We have a women's group and a men's group up there as well as our Bringing Our Mob Back program, which is taking youth on country. Our problems up there are basically the same as down here, but there are no supports up in that area and funding normally goes to organisations that work nine to five. Justice groups—and we have been saying this for a long time—are 24/7. We are there: it does not matter what time of day, they call us out. It is very frustrating when you see funding going to other areas instead of government coming to community and asking community, 'How do you think we can solve issues within these communities?'

We recently tried to lobby government for a property out at Petford for our youth, because we also have a big problem up on the Tablelands with youth offending and they are all connected. Between Yarrabah and Cairns they all know one another. It is how you are working with them and it is also working with the families. Our approach to working with the youth up there is to work with the families as well because those kids still have to go back home. What are they going home to? You cannot fix one area without looking at the whole area. Unfortunately, everybody works in silos. We try to work with all of our organisations up there. We refer a lot of ours and work with a lot of our Indigenous organisations, the health services and other community-based organisations because, let's face it, the majority of offending is done by our Indigenous kids and adults.

Because we come from those areas and we live in those areas, of course we know all of those families up there. It is not nine to five. It is not just for a year—we work with them for the rest of their lives because basically they are all related to us anyway. Who is better placed than us in the community justice group and other Indigenous organisations to work with our mob to try and find Cairns

solutions? It is fairly easy when everybody is working together, but not if you do not have the resources or the funding to do this stuff. We set up programs ourselves. We set up our youth program with nothing. Then we have the men's program that Terry runs and the women's program, but that all comes out of the little bit of money that we get from the Attorney-General's department, the innovation fund.

Government is starting to come back to community itself because I truly believe that we are the only ones who can help push to find solutions to a lot of this offending. We have a lot of youth up there who are on the streets homeless for whatever reason. There is nothing up there for them, especially in the Atherton region. I think Mareeba has, but in the Atherton region you do not have a drop-in centre or anything where these kids can go and get a feed. We are seeing kids come through the courts because they are stealing because they are starving. Those are the sorts of issues there. I always say we just seem to be forgotten up that way, especially in those more isolated areas like Mount Garnet and Ravenshoe, because there is not even a public transport system up there. That is it from me. I will hand over to Terry.

CHAIR: Mr Murray, would you like to make a couple of opening remarks before going to questions?

Mr Murray: I would like to put a recommendation across that we look at DV applications when they are first made. To me, that application has an imbalance in the way it is worded. It is just my opinion and my personal belief that the application could do with a change in how it is worded.

CHAIR: We will move on to Mr Kiyingi and then we will come back and ask some questions.

Mr Kiyingi: I do not have anything further to add to what Thelma Schwartz said. I mainly want to impress on you the fact that our submissions are really grounded in the work that we do as a family violence prevention legal service. Predominantly our client base is women. Roughly 85 per cent or more are women, so our experiences and our submissions are based on what we see in terms of our clients daily on the ground—and also to take into account that QIFVLS services up to 80 communities. We have eight offices. We have offices in Brisbane, Rockhampton, Mackay, Townsville and Cairns right up to the outer reaches of the Torres Strait. When we look at that, we find that family violence does tend to be that cornerstone which does link Aboriginal and Torres Strait Islander persons' interaction with a variety of different intersecting agencies and intersecting issues, including the criminal justice system, child protection, issues with housing and homelessness and disability.

To add to what Thelma said, really our focus is to say that it is not just a tertiary approach or a criminogenic approach. We are not saying that it is an either/or as well. We are saying that we believe in a whole-of-government response. We believe in a health response to what is largely a health and social issue. We believe in government resourcing which could put us in a situation where we are complementing the work of police as first responders. I just wanted to make that point.

CHAIR: Thank you to each and every one of you. We will now proceed with questions.

Mr BENNETT: Thank you for the very comprehensive submission. My question is to the legal service. Unfortunately, we are hearing about the health and welfare responses, resources and needs. It is an unacceptable situation; I get that. From your perspective, what sorts of numbers are we seeing in Cairns? I think we read in the council's submission about 170 incidents a month. Is it fair to say that police are now moving into a better frame by diversionary interaction, trying to help with health and welfare responses as opposed to putting it through the court system?

Ms Schwartz: I do not have those numbers. What concerns me are the findings of the Queensland Sentencing Advisory Council in their report *Engendering justice: the sentencing of women and girls in Queensland*, August 2022. What we can see, particularly in the sentencing of women and girls, including Aboriginal and Torres Strait Islander women and girls, is that where our women and girls are being over-represented or sentenced is in relation to certain public order offences. The main category of offence sentenced is unlicensed driving, but the fifth category of offence sentenced is commit public nuisance. That, to me, says that there is little to no diversion by police. It raises questions around the availability or thought processing for adult cautioning as an alternative to incarceration, because we understand that commit public nuisance offences as currently drafted are very broad. They include up to a maximum penalty of six months imprisonment. There is a penalty unit attached. I do not know how the penalty units are equated.

Mr BENNETT: Of the summary offences we are talking about, public nuisance will stay. We are talking about public intoxication, urination and begging.

Ms Schwartz: That is correct.

Mr BENNETT: Public nuisance is not proposed as part of this; is that right?

Ms Schwartz: That is what I understood, that public nuisance is not part of this inquiry.

Mr BENNETT: With public intoxication, I guess that is the fallback that will happen. They will use the public nuisance legislation—

Ms Schwartz: It will be your cover-all; that is correct. I believe we are looking at urinating in a public place, which are the penalty unit provisions, and then begging. Begging in a public place concerns me because it has a maximum penalty of 10 penalty units or six months imprisonment. For begging you have imprisonment. With respect, if we are just penalising people for these offences, we are imprisoning people where there are real social drivers as to why they come into contact with the criminal justice system. I find that very concerning in light of the data we have on over-representation.

Mr BENNETT: The numbers are important, so can we get the page numbers and the document you are referencing?

Ms Schwartz: I would be looking at page 29, which sets out a discussion of the most common offences sentenced.

Mr BENNETT: Is that within your geographical area, or is that Queensland?

Ms Schwartz: This is Queensland specific. There is a breakdown on regional and remote sentencing where we have seen an increase in terms of remote areas that had the highest rate of sentenced women and girls, which is referenced in the Queensland Sentencing Advisory Council report. It is a very good report.

CHAIR: Ms Schwartz, could you just clarify for the committee whether you are supportive of removing the offences, or are you expressing concerns about that?

Ms Schwartz: I am supportive of removing those offences completely from legislation. I know it is not part of your purview, but I also have concerns around commit public nuisance being a catch-all to capture these behaviours if they are removed from the books. That would be another standalone piece.

CHAIR: The police will also have a move-on tool.

Ms Schwartz: They certainly do have the move-on directions. I know that in Cairns when I was practising there used to be the move-on directions in relation to the tourism precinct, the banning notices, which I found in my practice were heavily targeted towards Aboriginal and Torres Strait Islander peoples who were sleeping rough. It was, with respect, to move them out of the public view of tourists. I note, with respect, that we are a tourist town. Yes, tourism drives this community, but I also note within our Human Rights Act that every single individual in Queensland has the inherent right to be recognised. There is dignity in work. These include our people living rough, whether they are Aboriginal or non-Aboriginal. Those people are affected by drug and alcohol abuse. Those are my concerns. It is about striking a balance that takes into account those people who are not as fortunate as others.

Mr SKELTON: If public intoxication were to be decriminalised, would you consider the police should maintain a role in transporting an intoxicated person to safety?

Ms Schwartz: I would like to see that in the context of a co-responder model and that, especially if we are dealing with Aboriginal and Torres Strait Islander people, there is also an Aboriginal and Torres Strait Islander person there. What concerns me about contact with police is that it may lead to other charges. It may be that it is the violent resistance, unfortunately, that you see and you get a charge of assault or obstruct police that escalates. I would support a co-responder wraparound holistic response so that someone is being taken to a facility where they can detox, they can dry out, they can get a feed—whatever it is that is driving them being where they are at that point in time where they are met by police.

Mr SKELTON: So the police would have officers who are co-responders? Do you want to see more of those types of initiatives?

Ms Schwartz: I would probably prefer it with an outside external agency, with respect. I point to the very fractured, tenuous relationship between Aboriginal and Torres Strait Islander people and the Queensland Police Service currently. It is not good. It is based on that historical interaction. We have a lot of trust building. I believe that cultural capability building of the Police Service would hopefully bolster their interactions with Aboriginal and Torres Strait Islander people but also people from other diverse communities who may not have a trusting relationship with police—and people with disability.

Mr SKELTON: Or non-English speaking—

Ms Schwartz: Exactly, culturally and linguistically diverse people. That is probably a broad statement.

Ms Go Sam: When I was with the Innisfail Community Justice Group we had a night patrol program. We worked with the police. We had our own buses and they were given a choice. Most came with us, obviously. We used to take them home from the nightclubs and all that. It was really effective in dropping down a lot of rates of public nuisance and everything else that we are talking about today. Unfortunately they do not fund night patrol programs anymore, but they are very effective. It also stopped a lot of the vandalism that was happening in the town and a lot of the youth crime. It was a very good program. We worked in with the whole community—the whole of Innisfail, the police, the taxis, the whole lot—so we were not taking taxi fares. The police used to ring us if there was a fight or something, so we would come along. We would not jump in the middle, of course, but because we could talk to them we could talk one of them into getting in. We had somebody there. Those programs are very effective, especially with our mob, because it is true: our mob do get more charges put on them when the police are coming along to grab them.

Dr ROBINSON: With the reported increase in youth crime in some regional centres, at least in terms of what is being portrayed in the media, how do you think it helps to decriminalise these offences and in fact potentially soften the laws, particularly if there is not an increase in resources into programs that help plug some of those gaps? We just heard a comment from council about some of the funding around the safe night precinct areas that potentially may have been reduced. How does it work if we decriminalise and, in a sense, soften laws but do not in reality keep up with the resources needed to plug gaps? Are we contributing to worsening the situation?

Ms Schwartz: That is a very good question. I look at page 10 of our submission where we look at financial contradictions—how much it costs to detain and house a prisoner in Queensland, whether they are an adult detainee or a child detainee. There are significant costs there. I think we probably need to move towards a discussion around justice reinvestment, looking at funding some of these other programs earlier in the stream before we are getting to the point of incarceration. I look at the fact that we have had a number of programs defunded here, whether we were keeping our young people at risk busy at night. I note there are gaps in terms of supervision, if they are children who are known particularly to the department of child safety, for example. You have a cohort of children who are crossover children. They are known to child protection agencies and they are also known within the youth justice system. It is that cohort of young children who will continue to go unchecked and unabated who will then flow into the adult justice system, and that cycle of recidivism continues. I believe the Queensland Productivity Commission in their report on sentencing and recidivism had a look at this cycle of continuous interaction. I would be hopefully looking at funding some of these programs to support our kids.

I know that Cairns has an issue, as significantly portrayed by the media—likewise the media portrayal of the crisis that we are allegedly seeing in Townsville. With respect, there is a bit of a racist lens through which that is viewed, and our children get really hard done by. I do not want to be seen as being a bit of a pansy or anything, but I look at these very negative portrayals. If only we looked behind the scenes at what was forcing these kids onto the streets at night—negative peer association, what is actually going on in homes—and how we get to the root of what is going on, instead of a criminogenic response and then hoping, 'Yes, you're going to Cleveland. We've solved this.' We have not done anything because there are not appropriate responses within the system to break the cycle of offending and tackle those underlying drivers, with respect.

CHAIR: I just want to make the point that we as a committee need to be cautious about drawing an assumption that is not there. We need to be cautious not to draw the assumption that these charges will be withdrawn without support. We need to come back to the title of the inquiry—that is, inquiry into the decriminalisation of certain public offences, and health and welfare responses. We need to be cautious not to assume that there will not be health and welfare responses should those charges be taken away.

Dr ROBINSON: Ms Schwartz, you mentioned the importance of programs, and there is more we could do. I think we all acknowledge there is no question about that. My question was not saying there will be no funding and it is all going. I just wanted to clarify that in case it is interpreted that way. You mentioned a particular program where funding may have been reduced. I do not want to put words in your mouth, but have you provided that in your submission?

Ms Schwartz: It is not in our submission, but I do remember midnight basketball. That is going back a bit. It might have been the PCYC. It was run with police here in Manoora. It is one of those M suburbs that our mayor referred to in his submission earlier. I think they would go right up to midnight hosting events with children in one of those M suburbs which are the subject of that particular report Cairns

that was commissioned by Justice Jones, as he then was. I do note that was something that was very positively received by the community. There was positive engagement with the community and our young people, especially with police. I think there was also talk about that Manoora hub, from memory, that we had running at the same time. That was a great initiative. There have been some fantastic initiatives over the years. What is sad is that when the funding goes then all of the hard work we see our police and community invest is unravelled and we go back to square one again. I think we have probably had similar initiatives in the Tablelands. I might just hand over to Julie and ask if she knows of anything similar, because there are problems there.

Ms Go Sam: There are a lot of problems up there but we do not have any of those in that Atherton region. Like I said, we do not have anywhere they can drop in, especially for some of these kids who are doing it rough on the streets or sleeping beside waterways and that. There is nothing there. I am talking to the Tablelands Regional Council at the moment about initially setting up a hub for these mob for our kids to come to—it does not matter whether they are black or white; they are all doing it tough—for them to have a feed and a bed for the night or something like that. But it is really hard, especially in those areas up there, like I said, where there are basically very limited services or servicing is coming from Cairns, when you already have organisations that are up there that are trying to work together. It is the resourcing. Like I said, if we had a place for our mob that they could go to—because we have public drunkenness and that up there as well, but where can we take them? Sometimes the families do not want them back at home because they are too drunk. If we had somewhere we could take them for the night—sober them up, take them home and we would continue to work with them. But yes, that is a big problem.

CHAIR: I just wanted to pick up on a point that you made earlier, Ms Schwartz, and that was around Cairns being a tourism destination. We understand that. I was interested in the councillor's and the mayor's comments. They said something to the effect that visitor numbers were a burden for the council and those tourism numbers are something that the council is left to deal with. Would you agree that all levels of government and the community need to support this issue or support the issues that surround public drunkenness, urination and begging? Obviously, to pick up on your point earlier, the whole community benefits from tourism, so would you agree that it is a multilevel, whole-of-government issue that needs to be responded to and the whole community gets behind, given that everyone benefits from tourism?

Ms Schwartz: I certainly do agree with that. It is multilayered. We have to move away from the traditional siloed approaches that we have seen in the past. With respect, siloed approaches do not work. It completely misses what the left hand is doing, what the right hand is doing, and you just create gaps and further additional issues. It needs to be addressed holistically by both the state government and our council. Yes, we do all benefit from tourism. Tourism does drive this community, but there are people within that community who also need to be viewed and respected and seen, because I fear that we do not see those who are ultimately disadvantaged living rough, sleeping wherever, whatever you are escaping. We prioritise, unfortunately, the demands of the tourist dollar. I would like a bit of equity and equilibrium in responses, not ignoring some of our social issues that are sitting here just to attract tourism into this town.

Mr BERKMAN: Ms Schwartz, other submitters have raised concerns about public nuisance coming in over the top. Caxton Legal Service has made a specific suggestion around reform to the public nuisance offence provisions to remove the disorderly and offensive conduct elements of it and to reframe that subsection that talks about a person's behaviour interfering with the peaceful passage of a member of the public. Would you support that recommendation?

Ms Schwartz: I would definitely support a review and limiting the scope of the currently drafted public nuisance offence to remove any potential for it to be used as a capture-all if decriminalisation of these other summary offences occurs.

Mr BERKMAN: At least three of you were here before when I put a question to the councillor and the mayor about what the health and welfare response might look like—how those services could be prioritised. You both raised the role of Aboriginal and Torres Strait Islander community controlled organisations in your submissions and comments, particularly all of the social welfare responses that you raised in your comments earlier. Do any of you have points about how a justice reinvestment body, like you mention in your submission, could prioritise those health and welfare responses? That is just a little question to round it all out.

Ms Schwartz: That is a big question that involves consideration of really implementing the practicalities of priority reform area 2, strengthening and bolstering Aboriginal community controlled organisations and their capacity to respond. It would be around mapping. What is currently here? How can we support? As Ms Go Sam has said, there have been initiatives in the past that Aboriginal Cairns

community controlled organisations have driven. We look at the capacity of the justice groups. I understand that not all justice groups across Queensland receive adequate funding through DJAG to provide services. They do a lot of this work through the generosity of their heart after-hours because they care for their community. Ms Go Sam has eloquently said that she would respond to everyone within a community, whether you are Aboriginal and Torres Strait Islander or not, because you are part of our community and we want the best for our communities. I think that is probably the starting point to answer that. I do not know if there is anything else.

Ms Go Sam: That is true. We have always said that the community justice groups are just not supported. We came out of the royal deaths in custody report. Initially, when I first started under the minister, I was on \$15,000 a year. I was working nine to five and working in a pub at night just to make ends meet. What I am saying is that we are there all the time. It is not a nine-to-five job: it is a 24/7 job. They can ring you at any time, whether it is even to take somebody out of town because they are not allowed in town. They are not taking people to Townsville or all over the place. We do not get paid that extra money; we just get paid our set pay.

We have only just received funding for programs—I think it is \$80,000 or something like that—in the last two years. Before that, all we got funding for was court support work, so supporting clients going through the court system. We need funding for that preventive side. We used to do—and we still do—a lot of that ourselves: running programs, just with community and families, using our own cars and taking them out bush or doing stuff like that. We do not get funding for those sorts of things and we do not mind. That is what community justice groups and people in the community have done for a long time, because if you don't do it who else is going to do it?

It is frustrating, because other organisations get this funding to do all these programs but, like I said, then you are left out. You have started all this stuff and then everybody else gets this money, and they are in nine to five. That is what I mean. They do not offend between nine and five: they offend after-hours, weekends, holidays—all those sorts of things. You need to keep them occupied. Like I said, it is a holistic approach that we need, and that is working with families as well. We can take them out bush for our programs and that, but we still have to bring them back home.

CHAIR: Thank you, Ms Go Sam. Mr Kiyingi, would you like to make a comment?

Mr Kiyingi: I just wanted to go along with what Ms Schwartz and Ms Go Sam said in relation to priority reform 2, expanding the Aboriginal community controlled sector. I think we should also turn our minds to the other priority reforms: priority reform 1, which is around shared decision-making and partnerships; and priority reform 3, which is about transforming government institutions. Historically, Aboriginal and Torres Strait Islander people in Australia have always been waiting on decisions of different government agencies. I think what we have seen come out of the agreement on closing the gap is empowering Aboriginal and Torres Strait Islander community controlled organisations to go out and work in the communities in which they live and to make a difference, but that also needs government organisations to be prepared to work in partnership with different community organisations. Just to add to what Ms Schwartz said, also tying into that is monitoring and measuring performance. That is something which has been noted in Ms June Oscar's Australian Human Rights Commission report about measuring and monitoring performances as well.

CHAIR: Mr Murray, I am conscious of time. We are almost out of time. Do you have something that you want to make a contribution to?

Mr Murray: I just want to pick up what everyone is saying. When it comes to the public nuisance side of things, as a court support worker one of the things I probably look at is the offence being recorded as a conviction, but it does not specify how long that conviction stays on the record.

Ms Go Sam: For the rest of their lives.

Mr Murray: If it stays on there, that is going to do some damage, because when we implement training and support around them we want to see that offenders are going to make progress. Also in relation to urinating in a public place, did they intentionally do it, was it a situation where they could not hold it or was it some medical condition? It depends on where it happened, how it happened, whether they had access to the toilet. Do the police powers around all these certain public offences need to come under review? Just check the whole scope of it to see that it is not blowing out of proportion. Is public nuisance considered a serious offence or a lesser offence?

When it comes to council, council could play a role in this. For rough sleeping they could designate a certain place. They put in nomad stuff and all these other things, but when it comes to rough sleeping there is no designated place. Council and the community could play a role in trying to ease the burden there.

CHAIR: Thank you very much. We have come to the end of this session. The committee greatly appreciates your time and not only your submission but also the time you have taken today to talk us through your thoughts, experience and knowledge. We thank you for advocating for our most vulnerable people and I know that the committee was most interested in your contribution. Thank you very much, everyone, and we hope you have a good afternoon.

HURIWAI, Mr Rick, Management Committee Member, Cairns Chamber of Commerce

CHAIR: I welcome Mr Rick Huriwai from the Cairns Chamber of Commerce. It is very good to have you here today and we thank you for giving up your time. We will ask you to make a brief opening statement and then I am sure the committee will have lots of questions for you.

Mr Huriwai: I sit on the board with the Cairns chamber, so I was asked to come here today to represent the board and obviously the members of the Cairns chamber. I am also the director of a business here in Cairns. Funnily enough, I am in the security industry, so I see a lot of what we are talking about today as part of that process. Our president wanted me to give his apologies for not being able to come himself, first of all. As a representative, the chamber has had discussions with the relevant businesses within and around Cairns and they are all against the changes in the legislation in terms of decriminalisation. That is probably the simplest and easiest way to put it across. As I heard earlier, tourism is our major industry here in Cairns and we are concerned about the perception by not only the tourists but the community as well as a part of that process. That is what the concerns are around our submission.

CHAIR: Thank you, Mr Huriwai. It is good to hear your concerns.

Mr BENNETT: I guess it is enlightening that we have someone who is actually on the ground and sees and experiences this. I tried to flesh out earlier that policing and security are changing ways of dealing with this stuff and I did not quite get there, but have you observed any differences over the time you have been in security in terms of how we deal with people experiencing public intoxication?

Mr Huriwai: The industry has changed significantly. We have been in business for the last five years. Our business is probably the largest in Cairns and our footprint covers down to Townsville and all the way up to Mossman and up to the Tablelands, so geographically this area is what we see quite regularly. In terms of our footprint in Cairns, I basically have people on the ground 24/7 as part of that process. Has it changed? Absolutely, yes. Probably the significant change is seen around our ability to respond to an incident that police would normally respond to for whatever reason. That is not saying that police are not there; rather, they are prioritising what they need to do. That is where we see the significant changes—whether it is support to the local transport, whether it is support to a location because of what is occurring in that location—and we are being engaged by a lot more of the community to provide that presence whereas it would normally be a business or something like that, so the community is engaging us.

Mr BENNETT: So your role is increasing exponentially with public intoxication?

Mr Huriwai: Yes. Intoxication is probably one of the biggest and therefore our busiest one, and it varies.

Mr BENNETT: So businesses are now buying your services in to try to stem that? Is it licensed premises that we are talking about mainly?

Mr Huriwai: We do not do too many licensed premises but, yes. There are the licensed premises; there are sporting facilities; there are events; there are just local businesses.

Mr BENNETT: Back to my original question, how has it changed that we deal with people who would be deemed to be under the influence? What we are hearing a lot is that the police are getting bashed up for arresting them all the time. If the industry has changed and policing is changing, what differences now are happening in trying to deal with these people who are deemed to be intoxicated?

Mr Huriwai: When we are talking about the intoxication, I think we need to break it into the areas. Where you have intoxication caused by going to a nightclub versus intoxication through itinerants, there are different reasons behind it.

Mr BENNETT: Okay, that is fair enough.

Mr Huriwai: Obviously the solutions to fix those problems are going to be different. You have your safe night precincts in relation to those who are out on a Saturday night and are intoxicated—there are the banning notices in relation to it—but then on a Wednesday night just out of town there will be intoxication based on a group that prefer to be sitting out under a tree and consuming alcohol.

Mr SKELTON: Mr Huriwai, do you have a view as to the adequacy of the current legal framework for dealing with public intoxication, begging and urinating in public? They are an offence, but does it really make any difference?

Mr Huriwai: I am going to talk from a group consensus here in relation to the feedback that I have got from other businesses and not my own personal one. The consensus is that we believe it will make a huge difference. I understand that intoxication and public nuisance go hand in hand, but we have a number of businesses that particularly see urinating in public. They are the ones that are Cairns

then set with having to clean the premises and the costs associated with that going to them. Taking that offence away, where does it sit with these individuals, and we are talking mainly businesses particularly in the CBD area?

Dr ROBINSON: You talk about tourism being a critical and really important job-creating industry here and about small businesses here in Cairns and in the broader region. What sorts of impacts could happen on businesses? Are you aware of any particular data or do you have any sense of how it could impact?

Mr Huriwai: Yes. There are a number of committees that sit where that data sharing occurs, so there is plenty of data around to demonstrate that we have an issue. In terms of how it impacts on businesses themselves, I am surprised that someone from Tropical North Queensland is not appearing because they would probably be able to provide more of an insight on that. It is a perception from the small businesses, particularly along the Esplanade precinct, where you will get a lot more feedback in relation to that perception, because that strip alone is probably the main strip for our tourism. It is not like it is in a lot of other locations where it is spread out a little bit more so you are probably less likely to see it. Because our strip goes from one end to the other end, as soon as you start to get that then there is that perception straightaway because just about everyone who walks that street—a fair few of them; I cannot say right now what the numbers are—the majority of them are tourists.

Mr SKELTON: Are you talking about the Esplanade?

Mr Huriwai: Yes, the majority of them are tourists and we do not want that perception. You do see it in articles and you do see it in comments in relation to the social media side of the fence of what people perceive of Cairns when they do see that sort of thing.

Mr BERKMAN: I appreciate your time today, Mr Huriwai. I am interested—obviously you are here representing the chamber—in your perspective from your own business experience, because it is a really useful one, I think. I do not know if you heard the evidence before both from the community justice group and from the council, if I recall, talking about how the services that might supplement the police work are just not open during the hours they might be most needed, and I suppose your security folks are those likely to be on the spot instead. From your perspective in your business and also from the chamber's perspective, am I right to assume that better funding for and proper support of those non-police responses would be welcomed, all other things being equal?

Mr Huriwai: Yes, absolutely. I will give just a little bit of background. I sit on a number of other committees in relation to the homelessness and alcohol forums. I work with not-for-profit organisations like Wheels of Wellness, where we volunteer services dealing with the homeless and itinerants. My involvement in the security space is providing security, but I also am involved with a lot of the not-for-profit organisations that are currently out there, and I absolutely agree. The lack of funding to some of these groups is definitely there. I am not talking from a level of total understanding on how that funding goes to the various groups, but from what I do see there are some groups out there that provide some really good assistance. When I say 'assistance', if I use youth crime as an example, I always look at kids based on risk. The kids that we deal with who are low risk we have lots of programs for; for the kids that we deal with who are high risk and who are already on the wrong side of the fence, that is where I find there is a lack of support for those organisations that are doing that work. I know of a couple of the basketball groups that the last group spoke about and they are great in terms of what they bring and how they educate the kids. Again, from a wider perspective we have youth crime, we have homelessness and we have itinerant issues in relation to it, and I think sometimes we try to bundle them all into one bag to try to deal with them. Unfortunately, I think the issues are so intricate that they should be separated and dealt with separately, and I am not too sure whether that is occurring at the moment.

Mr BERKMAN: Is it fair to say that, looking at that health and welfare kind of response, there is no real need to reinvent the wheel? In your view, is it the case that the organisations are there and with adequate funding, resourcing and support they could do a lot more to help support that non-policing response?

Mr Huriwai: Yes, definitely. My experience is that organisations like that and all of the organisations around town that I deal a lot with provide a great service, but there is always that bit missing. To put it in our example, when we go out and find somebody at nine o'clock at night, there is not anybody to contact at nine o'clock at night. It is not just a matter of providing those services but the duration of that service.

Mr BERKMAN: Around the clock?

Mr Huriwai: Yes, where you can say, 'I've got this person here.' If I found them at one o'clock in the afternoon, I would know I could do this. If I find that person at nine o'clock at night, it is like, 'Now I've got to wait until tomorrow morning to try and work something out as part of that process.' Yes, there are a lot of issues in relation to that. The groups that we have within and around Cairns that are providing those services need more funding. Sorry, but that is being basic. It could not be any more blunt than that.

Mr BERKMAN: I appreciate your answer. Thank you.

CHAIR: Mr Huriwai, of the three public offences, which would be giving the chamber the most grief?

Mr Huriwai: Probably the intoxication.

CHAIR: Is that because of the perception by tourists that you are worried about or is it because they are offensive?

Mr Huriwai: Both.

CHAIR: Both?

Mr Huriwai: Yes. So not everybody who is intoxicated is being offensive and that is the realisation, but there is probably a larger number of those who can be offensive and that is what you do not want. We are not talking just at night-time; we are talking any time in a 24-hour day.

CHAIR: Yes, any time of day. So are they mostly residents or mostly tourists?

Mr Huriwai: That we are concerned about?

CHAIR: Yes.

Mr Huriwai: As in those intoxicated?

CHAIR: Yes.

Mr Huriwai: A bit of both, but I would not categorise some people in the tourism spectrum of coming to Cairns, if I can say that. They are not locals but they are definitely not tourists either, if that makes sense.

CHAIR: Right.

Mr BERKMAN: In terms of the different sorts of parallel services, there are alcohol and other drug services, homelessness services or basic three-square-meal food provision. Can you give any indication of what you think are the highest priority non-policing responses that need that extra support, or are there particular groups, whether that is Aboriginal and Torres Strait Islander community—

Mr Huriwai: I think there is a mixture, but I think the one that really shines out to me is the medical support. Again, I may not be using the correct terminology, but I refer to those who do not go to a hospital for whatever reason that may be—so those services that enable those people to have their medical advice there and then, without actually turning up to a hospital. With the whole alcohol related side of the fence, there is that ability in terms of where they go. Like everything, there are only so many people who can go into a building, but when that building is full what happens to the rest? I think that is the issue that needs to be addressed as well as part of that.

CHAIR: Thanks, Mr Huriwai. It was good to have you come along today. We thank you sincerely for your time and for everything that you do out there in the Cairns community, so well done. I ask you to please pass on to the chamber our appreciation of its contribution.

Mr Huriwai: No worries. Thank you very much.

Proceedings suspended from 2.32 pm to 3.11 pm.

DIAMOND, Ms Bindi, Manager, Youth Justice Programs, Youth Empowered Towards Independence

OBEYESEKERE, Mrs Andrea, Manager, Multicultural Services, Centacare FNQ

SINCLAIR, Ms Genevieve, Chief Executive Officer, Youth Empowered Towards Independence

TOWNSEND, Ms Emma, Manager, Operations, Centacare FNQ

CHAIR: Good afternoon to you all. It is an absolute pleasure to have you come and appear before our committee. We certainly appreciate the time that each of you have given up out of your busy schedule. No doubt we have dragged you away from some of your clients, so we do apologise. The issue of the public offences that this committee is inquiring into is very important and it is very important that we hear your voice and your contribution. Without further ado, I welcome you. Who would like to make a brief opening statement first?

Ms Sinclair: I do apologise: I have been very unwell this morning so I am struggling a bit, but I have made it.

CHAIR: Do what you can and we can move to questions when you are ready.

Ms Sinclair: I thought if I went first I would get it out of the way. Thanks for inviting us today. I would like to start by acknowledging the traditional owners, the Gimuy Walubara Yidinji, of the land on which we meet today and pay my respects to elders past and present. I talk quickly anyway and I am going to rush a bit because I do not want to take up too much time. YETI was set up in the early nineties to respond to vulnerable young people. We run a range of programs in Cairns, probably half state and half federally funded. We are primarily a youth alcohol and drug treatment service. It is our core business and one of very few where youth alcohol and drug treatment is a specialty and a framework around which we practise. We have about 50 staff, and a third are Aboriginal and Torres Strait Islander staff. We only provide direct service in Cairns. We do a lot of capacity building across the cape, Torres and the lower gulf around youth alcohol and drug treatment needs.

Obviously we support the decriminalisation of the named offences and recognise that we are the last state in the country to do so and also that the current laws are having a disproportionate impact on Aboriginal and Torres Strait Islander people. We visit the watch house every day in our work and we rarely see young people in the watch house associated with public intoxication type charges—very few and none that I can remember, and I look at the list daily. What we do see is intense pressures on the Cairns watch house, so any reduction in other people in there has an impact on the way in which the unfortunate high levels of young people are managed there. We do support a redirection of young people to health services such as ours but we recognise, like others you have met before, that the alcohol and drug treatment sector in Queensland is vastly underfunded compared to other states and we do not have capacity within our service system to necessarily pick up additional work.

I just want to speak briefly on inhalants, because that is our area of expertise and it is a particular aspect of public intoxication that others are probably not so across. We have specific funding to deal with volatile substance misuse and sniffing. We have a current outbreak in Cairns. Much of our work is supporting young people affected by inhalants. We work very closely with Queensland Police Service around supply reduction efforts, particularly around CBD and supporting young people to cease their use of such dangerous products.

We recognise that managing intoxicated young people, if they are to be diverted from police attention, has some really particular additional risks associated with their care that we think need to be thought through in a very different way to how people might think about a response to adults who are intoxicated in a public space. We have intoxicated young people on our premises during the day but obviously our hours of service provision are largely nine to five. We do some outreach after hours but do not bring young people back to a kind of rest and recovery site.

Historically, we know there is some appetite locally at points and in various places across the state around night-time and after-hours diversion space responses for young people. We really believe that rollout or thoughts around any of those sorts of services need to be very carefully thought through, obviously seeking advice from colleagues within Queensland Health dovetailed in particular from our peak QNADA. There are a couple of evaluations done on the rest and recovery services around the AVSM services that ran several years ago. There were two good standalone, independent evaluations that would really need to be considered before there was any thought of a rollout in

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response to young people. Those evaluations, which are not public, have some particular findings around risks associated with drawing groups of young people together in single spaces after hours, risks of young people gathering who might not have needed to be there, diverting young people from homes and residential care services.

We think any work to redirect young people away from that interface with QPS is obviously desirable. We would like to see particularly the alcohol and drug treatment service sector used as a backbone in responses just because we are used to working with people who are at all sorts of stages of change around the way in which they are using drugs and alcohol. Whilst that cohort who are presenting as intoxicated in public might not need a treatment response, you certainly have a sizeable population within there whose use has become problematic, and that could be more useful than the general population.

CHAIR: Thank you, Ms Sinclair.

Mrs Obeyesekere: I would also like to acknowledge the traditional owners of the land upon which we are gathered here today and pay my respect to their elders past, present and emerging. Centacare FNQ is a small community-based organisation delivering community services across Far North Queensland for the past 40 years. Presently, our main service delivery areas are aged care and disability, mental health and wellbeing, and multicultural services. We believe in working collaboratively in the region to build resilient, inclusive communities where everyone feels safe and supported.

We firmly support the changes to the legislation and operational policing responses to decriminalise the public intoxication and begging offences in the Summary Offences Act. We are grateful for the opportunity to speak on the social service response that should be considered in the support of some of our community's most at-risk people, particularly due to the rising homelessness rates in our region.

We work with some of the most vulnerable people in our community who are facing incredible challenges around housing security and housing stability, owing to the current housing crisis; a rise in deteriorating mental health and wellbeing across the Cairns community post COVID-19; and the increased number of migrants in our region who are undocumented and waiting determination of their status who have no recourse to any government or service support. They remain entirely dependent on emergency relief.

We respectfully submit that social service response is needed in the decriminalisation and this response should have a strength based community education focus. Local place based services are best positioned to support a grassroots educational intervention support. Repeat breaches of these offences by the CALD community and ATSI communities increase pressure on our justice systems and their use as makeshift support services.

Centacare across its Cairns location has seen an increase over the last nine months of people sleeping, urinating and trespassing in our building's car parks and outside areas. The lack of social service support for some of the most vulnerable in our community is quite evident and visible. Whilst we support decriminalisation, we emphasise that social services should be funded for changes to respond to the need. We remain dismayed at the minimal public toilet access presently available to the homeless and believe this needs to be increased along with adequate mental health responses like the co-responder program to work intensively.

The key systemic gap that must be addressed is support for vulnerable people to navigate access to community support and systems. We have an incredibly complex public system, and the building of individual and community service navigation capacity while also providing opportunity for varied culturally safe engagements must be prioritised.

We strongly advocate for a strength based response that supports the building of individual capacity to understand community expectations around public intoxication and begging and their personal responsibility to overall community safety. In order for any social service response to be effective it must be locally based and community driven.

Mr BENNETT: Thanks so much for your time. Ms Sinclair, you mentioned 50 staff—did I hear that right? I am interested in the youth who come to your attention. You mentioned there are very few in watch houses.

Ms Sinclair: No, there are many in watch houses. My apologies. They are not in watch houses for public intoxication related offences. There are many within the watch house systems.

Mr BENNETT: For other offences?

Ms Sinclair: Absolutely.

Mr BENNETT: With this focus on intoxication and public drunkenness, if there are very few there, are there large numbers being dealt with in other institutions or by other care?

Ms Sinclair: For public intoxication?

Mr BENNETT: Yes.

Ms Sinclair: I think public intoxication is one of those things that young people are not particularly targeted with in the same way. I think there are a lot of young people who are publicly intoxicated within the Cairns CBD, possibly associated with some nightclubs and that sort of activity. They are generally not the ones coming to police attention in that way.

Mr BENNETT: Thank you. I just needed that clarification. I would love to hear more about Our Place. We heard a bit about West Cairns today and a number of—and I am not targeting a suburb, but I do know that you are based there with Our Place. Maybe for the committee's benefit you could talk about some of those challenges, because it is about building cohesion within your community as well.

Mrs Obeyesekere: You are talking about the Our Place project. We delivered the Our Place project and we were funded to do so by the federal government. Unfortunately, that funding ended at the end of last financial year. Some really great achievements happened with that funding in terms of communities coming together and committees making some decisions about how they best thought they could meet some of the challenges in their need, particularly around the growing number of homeless and the access to service. I think the very clear indication that came through that was there is really no—our systems are so complex for people to access and there are no supports in place. Even at a community level, community leaders from different migrant communities or from First Nations communities are trying to lead their people in being able to understand the system navigation. Because it has become so complex and, again, more complex post COVID-19, it is becoming unachievable for everybody. Once people are seeing blocks, they do not want to go any further.

Mr SKELTON: Are any of your clients impacted by the current legal framework for dealing with public intoxication, begging and urinating in public?

Ms Townsend: Yes, we have a number of clients and participants who identify within the disability cohort, particularly psychosocial mental health. I would say that a high number have experienced long-term homelessness, long-term housing difficulties, even with rehoming or other housing options. They have not been able to navigate that effectively and have had long-term or chronic homelessness as a result.

Mrs Obeyesekere: We also have an increased number of people who are undocumented or waiting determination of their status who were released from detention after COVID. The majority of them came to this region because of their links to PNG. Those people remain very at-risk because they have no recourse to any support other than emergency relief.

Ms Townsend: I would also like to note that a lot of people who are getting discharged from mental health facilities or health facilities have entered into homelessness as a result of some of those systems. Over the last 10 years we have had quite a number.

Ms Sinclair: In relation to young people we work with, we do not see that, certainly not in that younger age group. We work right through to 25 and do the post-prison transition for both Townsville Women's Correctional Centre and Lotus Glen. There are some young people in that 21 to 25 type of cohort who are in. I do not think there are really high numbers. That is the reality with young people.

Mr BERKMAN: We appreciate your time this afternoon. I think you both answered this to varying degrees in your opening statement. When we think about the health and social welfare response that will be needed if these offences are decriminalised, what would you say are the highest priority health and social welfare responses that we would need to step in and appropriately respond to these sorts of behaviours?

Ms Sinclair: I really think the drug and alcohol treatment sector is the ideal place to form a response out of with the backbone—having skilled staff within this kind of service sector is tricky and lots of agencies do not have that skill set. When we are picking up people and diverting them from being intoxicated in public, we want to be sending them to professionals who have some skills and frameworks about linking them through to rehab, to detox services and into that big, wider health system. Whilst there might not be many young people arrested around public intoxication, there are some significant issues for young people and there is substance misuse at the moment, so they may be coming to police attention for other reasons.

Mr BERKMAN: I am interested in Centacare's response.

Ms Townsend: I would agree with Genevieve. I think that definitely there is an AOD response that needs to happen, but I think also we have a lot of people, as I said, with very high mental health needs. I think we need to have a look at how mental health in the community is working. Some of our cohort do not necessarily have AOD issues, but they do have a high level of psychosocial support needs that are not addressed in the community. Also there are circumstances with some people, as Andrea has said, where they do not have any other income options so begging has become a necessity for those who do not have any income support options.

Mr BERKMAN: We had a similar observation from Rebecca Lane of QNADA about how the AOD sector is very well positioned to be the basis for an expansion of services. To what extent do you think we can take existing services and roll them out after hours or 24/7? While that will not necessarily do the job entirely, how important is that?

Ms Sinclair: I think in relation to adult services that is completely viable. In relation to that youth space, I think the rollout of 24/7 type services needs a lot more careful consideration. My service can stay open until 10 o'clock, but we are just dealing with the vulnerabilities around young people in residential care, young people who should be at home. Young people have some issues around the way they use public space and if we set up late-night things—and this has happened across the state in various locations—we can risk creating an inadvertent problem that we did not have to start with. A lot of our work that we believe needs to be done after hours with young people is splitting and diverting peer groups, not necessarily bringing them together.

I know there is a popular idea that we should run these centres late. That can work very well in a remote community where there is not much else going on, but in some of the regional cities I just think they need to be very well thought through. I think the evaluations done on the rest and recovery services around volatile substance misuse, the places of safety evaluations, had good findings. That is my understanding, but I have not read them myself. Adult space, yes, and youth space, yes, but with a lot of caution and planning around the inadvertent consequences of bringing young people together at two o'clock in the morning.

Ms Obeyesekere: I agree totally with Genevieve, particularly in my area of working with multicultural and migrant communities across the region. With adults, yes, but with young people there are so many other complexities that have to be taken into account, particularly the pressure that is going to be caused with an intergenerational phase and discourse within families because, as Genevieve clearly articulated, having young people coming together from different communities is really exciting, of course, but at those hours it is not going to solve a lot of problems. It is probably going to create more.

Mr BERKMAN: What does that practically look like, having 24-hour adult diversionary services? How do you keep kids away from them if they are operating?

Ms Sinclair: Young people should not be there. If we have young people at night we need a response to it, whether it is a child protection response or a response from police to work out where that young person needs to be, if it is with residential care providers. What we do not want is cohorts of 12- to 14- and 15-year-olds all bundled in centres at night. Other young people who were not using substances could end up being attracted to those places. If they are open then they need to be managed very carefully, I would think, with nursing staff on-site. There are complexities around inhalant use. They can happen, with a significant amount of work around them to make sure they are safe. It is a very different type of approach to adults who are making some informed decisions around what they are doing and where they are.

Mr BENNETT: I have been asking this consistently, mainly around adults, but is there any intervention with, say, QPS or those first responders not necessarily dealing with youth in this community?

Ms Sinclair: Yes, there is a co-responder program. We run outreach diversionary from four to 10 on Thursday, Friday and Saturday. That co-responder program runs 24/7—that initiative between Youth Justice and Queensland police. They do a good job. We work very closely with them. That is a useful response around young people. I think everything needs to be delivered by QPS in that space. I think the less contact the better, but I certainly think outreach youth services operating like that is completely fine.

Mr BENNETT: Is there enough on the ground here in the outreach services for youth?

Ms Sinclair: We run three nights a week, four to six hours. No, it is not happening seven days a week. There is definitely a gap within that space.

CHAIR: Thank you. We have come to the end of our time together, but, as I said, we do very much appreciate your contributions and certainly your insight, knowledge, experience and expertise. Thank you sincerely for giving up your time today. We wish you a lovely afternoon.

CUTHBERT, Mr Shane, Private capacity

PYNE, Mr Rob, Private capacity

CHAIR: Thank you very much for being here today. Councillor Rob Pyne, it is good to see you again. Thank you very much for giving up your valuable time. Mr Cuthbert, thank you very much for giving up your time. I understand that you are both community members and here in a personal capacity. We really do appreciate your contribution here today. Councillor Pyne, I invite you to start with an opening statement and say a little bit about why you are concerned about the issue and what it means to you. Then we will turn to Mr Cuthbert and then I am sure we will have many questions. Thank you.

Mr Pyne: I would first like to acknowledge the Gimuy Walubara Yidinji people and pay respects to elders past and present. My interest in this space is longstanding. My family is a four- or five-generation Cairns family. I studied law and politics and have been a councillor for 10 years, with a little stint in the Queensland parliament. I would like to specifically speak around the issue of homeless and itinerant people and the extent to which this would affect them—rough sleepers, as they are often called locally.

From a historical perspective, Cairns has a long history of violence and discrimination towards homeless people and itinerants. Going right back to the frontier days, in the early days it was mainly legislation specifically around Aboriginal and Torres Strait Islander people that affected their presence in the public square. In the 1930s, as you would all be aware, there were people carrying their swag looking for work. For those people carrying their swag, Cairns was the end of the line so they often ended up at the Cairns showgrounds. This led to what is now referred to as the Battle of Parramatta Park. In the thirties, Parramatta Park Showgrounds was filling up with homeless itinerants. That was fine, but then came time for the agricultural show so locals went to their sheds, got their pick axe handles and took them to the showgrounds and beat the living hell out of the itinerants and cleared the showgrounds so the show could go on as normal. That was the first major historical mass violence against homeless itinerants. The next one took place in my lifetime, in the early nineties. The mayor at that time thought the way to fix the homeless itinerants in the CBD would be to hire a bus, so he hired a bus, forced them all onto the bus and sent it up to the cape—whether they all came from the cape I do not know. The bus broke down around Coen. There were people on that bus with medical needs who did not have their medication, had unmet sanitary needs and no change of clothing. It was an absolute disaster in an attempt to clean up the problem, if you will, which led to the subsequent mayor—full disclosure, my father—apologising to the Human Rights and Equal Opportunity Commission for that discriminatory act.

It is relevant to point out in today's context—you all would be aware—that laws that applied uniformly have a disproportionate impact on certain segments of the community. These offences you are looking at impact disproportionately upon Aboriginal and Torres Strait Islander people but I should say people of colour as well, because if you go around and talk to the homeless people as I do, you learn that many of them are also descendants of South Sea islanders who were brought here to cut sugarcane and the like and more recent arrivals. That is one reason I am here today: this is constantly an issue but it ebbs and flows, and the heat around this issue has been elevated over recent months. I have been really impressed with the mayor and other people who have spoken here today in the measured and practical way they have spoken to you about this issue. I think it is a good reflection on the Cairns community.

Certainly there is a fix and it is around, as you really highlighted, social and community services. For example, we have a number of good providers, some of whom are not here today. DIYDG, Deadly Indigenous Youth Doing Good, and Mind Australia are working with this cohort as well. As well as these people doing really good work, there is a lot more good work that could be done. I am a great fan of the NDIS. What a wonderful public policy initiative it is. It is changing people's lives. If I or any other middle-class white person is not getting access to the NDIS we will get on the phone or write correspondence and make sure we are supported by the NDIS because we can self-advocate. A lot of people in this cohort would be eligible for NDIS funding, but I do not think they have that capacity to self-advocate—well, I know they do not have—so they do not get the funding.

Just for the information of the committee, the Synapse brain injury organisation came to Cairns. They had money from a bequest and they went to the diversionary centre and assessed many of the people. I think it was over 40 per cent, but a very high proportion of the people there had different forms of acquired brain injury. It is one of the reasons a punitive approach does not work. With a lot

of these people, you will talk to them and give them some instruction but tragically an hour later they will not remember a lot of it. A lot of these people are also chronically alcoholic which makes it really difficult.

I think one thing council is doing now—and the community needs to understand the need for maybe wet spaces where you can work with these people. If you are waiting for them to sober up, for some of them it is not a practical or realistic outcome, but if you can have wet spaces where services can go in and work with them, that works really well. That is basically my spiel.

Mr Cuthbert: Thank you for having me here. I have made a more in-depth submission to the inquiry. It is very interesting, because I work in so many different spaces. I had a bit of a rough childhood. I am now quite successful and try to work with youth and try to work with Rob Pyne here to address some of those social issues. I am also in my last semester of law. I am a member of the Queensland Law Society. That is why basically I made that submission, now having that background. I am also a business owner in Cairns. I am a member of the Cairns Young Chamber of Commerce. I am also a member of the liquor accord. I am opening a brewery this year. I get to speak with people who are business owners. A good friend of mine owns the strip club in Cairns. In my submission I talked about witnessing a man defecating. That was actually out the front of that premises. I am pretty across the board, if you like, when it comes to knowing the social reasoning behind this, but also I get where the business community is coming from. Nobody likes to see this type of thing.

I guess the big thing in my submission is that I do not think what is currently in place is working. In my submission I do talk about a homeless man who was before the courts for the fourth time for begging in particular, and the magistrate on that occasion looked at the prosecutor and said, 'Look, what am I meant to do here? If I give this man a fine he is going to be back anyway. It is counterproductive because he is not going to pay it.' My personal view is that I think, looking at it through that lens, these types of people are going to do those things anyway so I think it is just taking up resources. I have the benefit of hearing everyone speak today but also watching your broadcast from Brisbane. We could maybe save the costs of prosecuting these offences and put them into more social support, having people there, whether that be more police liaison officers or, as was suggested today, other people from other organisations that are there to support these people.

Mr BENNETT: Thank you both for being here. That is the consistent theme of this inquiry. For the people who have skin in the game it is about what resources we can provide. I do not have to repeat back to you about the costs, but where would we start with that increased social and health welfare response to deal with the issues of your community's expectations about being kept safe?

Mr Cuthbert: It is a difficult question. I think there are already services run through the day that are doing that great stuff, so obviously it would really probably be about starting with funding those organisations that already exist and are already doing that work. They are really the experts, if you like, in that field—they work with this cohort; they know the issues—and probably building those relationships between them and police. I think I heard Mr Skelton ask a question about whether it would be beneficial for police to still be able to be involved and divert these people—pick them up and take them to diversion and things like that. I think 100 per cent it has to be a combined community effort.

Mr BENNETT: First responders could be a bit different into the future if we are going to take on all the concerns that you both have raised here today.

Mr Pyne: If I can speak to that a little bit more, the mayor spoke about some of the issues around young people in West Cairns. That is not going to fix the problem tomorrow, but down the track it is a big part of the fix. A lot of the problem is around housing—overcrowding in housing and Indigenous people living with other people and sharing rooms who should not be in there because there is not enough housing. That is a big issue in West Cairns.

Mr BENNETT: I did not want to demonise the people of West Cairns, but it is important that the committee understands that there are some significant challenges in that community.

Mr Pyne: We have to talk about it.

CHAIR: Do you feel that many levels of government as well as non-government organisations need to take responsibility for the response—all levels of government, not just state governments?

Mr Pyne: Definitely, and I use the NDIS as an example. There actually is money there. It is a matter of somehow getting these people applications or their treatment so they are not missing out. I guess I would like to see our local council do more in the social welfare space. Where I see councils putting more in place is in Victoria. I am not having a go at you guys, but they get a lot of that money from the state. The state government says we have access to money, but it is actually the local council

who is in touch with their local community so they are better off delivering some of these social programs. That said, some of the other organisations that are already here—Mission Australia, Centacare; I do not think council could do a lot of the stuff they do better.

Mr Cuthbert: I definitely agree. I personally do not think the local council is doing enough. For example, I made my submission public on Facebook and that sort of thing. It gained a lot of traction online and I had overwhelming response from people in Cairns who said there are not enough toilets. To give you a personal example of mine, I went out on Friday night. I am still a young person so I occasionally hit the clubs. I was with my partner and the line at the Woolshed, which is our big club in Cairns, probably had about 150 people in it. We had had dinner; we had had a couple of drinks. My partner could not go to the toilet anywhere. You are waiting in that line for half an hour. I heard the man talk this morning about having, on any day, 30,000 to 40,000 extra people putting stresses on those services. I do not think there are enough toilets.

Again, I would like to see all levels of government work together and address the issue. I do not like seeing when one organisation says, 'It's this person's problem.' I think if the problem is happening in Cairns it is a Cairns problem and that is how we should be looking at it.

Mr BERKMAN: You mentioned a couple of additional organisations, some of whom we have heard from today, but are there any other local organisations that you think would be particularly well positioned to feed into the health and social welfare response?

Mr Pyne: I am more familiar with the disability organisations. Anyone who is a service provider can come into that space once someone has NDIS funding. Life Without Barriers is one that I know works with a lot of homeless people. It is not like there are two boxes. There might be mental health consumers supported in Manunda. They might be there most of the time; they might go and catch up with their friends in a space in the city, have a few drinks and then go home. There are great family connections when these people are in Cairns.

Also in terms of public intoxication, I guess where my view is a bit different is: there are parts of Cairns, in the more industrial area, where there are places where I do not think it is a big issue if someone is drunk in public. It is mainly an issue in the city, where some of the businesses have greater concerns. Tourism is an important issue, but the social services sector is much bigger here in Cairns. It is like putting sand across the mud on the Esplanade. It is a bit like putting lipstick on a pig. Do you know what I mean? I do not think we want to put this issue under the carpet. Let's fix the problem. I am really encouraged by your committee coming here to look at these issues.

CHAIR: Thank you, Mr Pyne. Mr Cuthbert, did you have a comment to make?

Mr Cuthbert: I think in Victoria they are doing some really great stuff when it comes to co-responses. I actually did some training with the Victorian government about information sharing, and that was between domestic violence services, police and Child Safety. You have all of these services that work with children or adults. You might have someone who has a mental health issue and they are over in that space but then you see them over dealing with police, and it is better if those organisations can work together and have that co-responsive model. When you have someone over here who might need a little bit of help, it is a lot easier to transition them and divert them. I think one of the big keys here is cooperation between everyone.

CHAIR: Do any other committee member have questions?

Mr BENNETT: I would like to thank Mr Cuthbert for his submission.

CHAIR: Yes, absolutely; it was very thorough. I thank you both for coming along today. For being so committed to your local community to do such a thing is commendable. We thank you both for coming along and caring so much. Thank you for your expertise and your experience. On behalf of the committee, I would like to thank all of the witnesses and stakeholders who have participated today. I also take this opportunity to thank the many submitters who have engaged with this inquiry, whether it be online or appearing in our public hearings. Thank you to Bonnie, our Hansard reporter. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare the public hearing closed.

The committee adjourned at 3.54 pm.