Inquiry into the Decriminalisation of Certain Public Offences, and Health and Welfare Responses

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Submitted by: Mareeba Crime Action Group

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Submission to

Inquiry into the Decriminalisation of Certain Public Offences, and Health and Welfare Responses

Chairman and Members
Community Support and Services Committee Inquiry

We the undersigned, community members and Mareeba Crime Action Group spokespeople collectively thank you for inviting and accepting the below submission, made in good faith, to the Inquiry into the Decriminalisation of Certain Public Offences and Health and Welfare Responses in the State of Queensland.

We do so as a response to the present and real impacts resultant from adoption of said proposed changes upon our community, our Far Northern region and the general population in the State of Queensland and as a direct response and outcome relating to proposed changes to decriminalise public intoxication, public urination and begging offences etc.

We, the undersigned, do not share the quoted popularist/political view that such proposed changes should be adopted to "bring Queensland into line with laws that apply to other states of Australia"

We respectfully point out that public offences, public urination, begging etc offences exist within the direct Laws and Summary Offences Acts in New South Wales, South Australia and Western Australia.

We believe and confirm that the proposed changes do not uphold, nor reflect the current and acceptable community standards currently endemic among the greater population of this State.

We further respectfully point out that current and previous Queensland Government laws and standards laws set this state apart from others e.g. State Government response to COVID-19 Lockdowns and procedures and also the State Government and general population response to adoption of Eastern Australian Summer Time (Daylight Saving) protocols and other legislative differences.

In short, we believe, this State should not "simply follow others in the interest of their "trends" and popularist political whims" and thus maintain and adopt legislation and laws that uphold and indeed improve existing behavioural and other community/public standards in the lifestyles and regimens that are enjoyed by Queenslanders and visitors to our State.

PUBLIC INTOXICATION:

Given first hand local experience and other personal experience, we have seen direct results of public intoxication, and its effects on our immediate population and also in remote communities across our state.

Direct negative and debilitating Health Issues, Domestic Violence, Anti social Behaviour, Child Abuse, Sexual Harassment and Assault et al already are reaching unmanagable levels in our general community.

The often touted diversionary centres provide minimal actual relative positive responses or outcomes for those affected by repeated public intoxication.

Accordingly, we respectfully suggest that Public Intoxication laws be supported by State Court/Health Services ordered legal and mandatory placement of those found guilty of public intoxication in diversionary centres for set periods of time.

Actual reality confirms that the current volunteer attendance model for offenders attending diversionary centres for alcoholism show little, if any, reduction in incidents of public intoxication in short or longer terms.

Relaxing of current Public Drunkenness Laws as proposed, will neither advance nor improve the already compromised community situation and standards regarding alcohol abuse, in fact, serve to worsen it via removal of such action as an offence.

In fact, research of other States of Australia in which being intoxicated is not deemed an offence, utterly confirms no such positive, derivative improvement.

BEGGING:

Given the current government and other support via welfare strategies, health advocacy and intervention, pensions in various forms, income support and “on tap” assistance from a myriad of well supported registered charity organisations (Salvation Army, St Vincent De Paul, Red Cross, the Smith Family and various church groups and community assistance entities etc.) we purport that the act of begging remain an offence via the Summary Offences Act legislation.

As in other centres, the act of begging already is established as a matter of public harassment in our community, and is prevalent across the State of Queensland, in that law abiding citizens of any age who are going about their legal and rightful passage or past times are regularly accosted by various drug and alcohol affected persons and others enacted in subsequent acts of begging.

Those begging are verbally and physically abusive towards their "targets" and more often than not, towards those citizens who either refuse or otherwise do not comply favourably with the beggars' requests.

Subsequently, we believe that Begging should remain a public offence under the current Summary Offences legislation with Police able to enforce move on or arrest strategies.

PROPOSAL FOR SEPARATE CONSIDERATION FOR PEOPLE OF FIRST NATIONS ORIGIN ETC:

Given the plethora of culturally sensitive Police Liaison Officers already provided across the State, the matter of attending to cultural sensitivities for offenders already is considered amply catered for under existing applicable legislation.

It is fact that despite this, and other culturally sensitive activated consideration on behalf of current State government laws and legislation, it also remains crystal clear that proportionately, many people who claim First Nations origins are found legally in default and/or are thus penalised and/or incarcerated in greater proportion than other sectors of the general population of this State.

On consideration of the current status quo, it is clear that any further other consideration/allowances in terms of extra privileges or legal rights granted to people of First Nations or other nationality/racial/cultural definition would not lead to any appreciable reduction in the over represented numbers of offences committed and proved by First Nations people or others on the basis of race.

This would certainly not necessarily result in the number of instances of First Nations being involved in public drunkenness, anti-social behaviour and disorder, health, domestic violence, assault, child abuse etc. than previously and currently evident and proven.

In fact, it should be clearly evident to anyone who has first hand insight into such First Nations miscreant behaviour and other similarly current illegalities and activities, that making separate laws and legal allowances would not necessarily result in any reductions, rather, would proportionately serve to increase repetition of such incidents with little or no legal or other responsibility on the part of the perpetrators based on proposed legal racial/cultural exclusion.

In short, it is considered that to add further consideration of exclusion on the basis of First Nations or other racial decree would debilitate the real and positive effect

that is established under the concept of applying the same laws for all people in the State of Queensland.

Such action would also serve to provide the possibility and probably for one section of the community to view the law that serves others racial/cultural or other sector with abject impunity.

POLICE POWERS IN THE COMMUNITY

In respect of events where there is "significant" alcohol, we believe that police should be empowered to detain and/or arrest those deemed intoxicated or begging.

Whether there is the opportunity for people to become publicly intoxicated or not, the onus should remain with the imbiber to consume alcohol to the current legal and accepted levels as a matter of personal responsibility.

As proved so many times in our State wide community, intoxication more often than not contributes to road accidents/deaths, domestic violence/death, self harm, physical and verbal abuse, public disorder and more, so why cater for that growing sector of people who are prevalent in terms of public intoxication.

EXISTING MESSAGING ON THE HARM OF ALCOHOL/DRUGS

While a collective of millions of dollars are being expended to highlight the harmful effects of alcohol and drugs, the message still is not getting through to many of those affected.

The governance of any society with appropriate standards also imbues the responsibility to continue to inform, educate and treat those affected by alcohol, drugs or other substances.

However, it also is incumbent upon those in government to uphold appropriate and legal standards that are accepted by the great populace.

We respectfully point out the painfully obvious:

Any removal of laws that do not allow Public Intoxication will similarly remove the good work and results that already are provided and alerted relative to the negative and harmful effects of resultant from alcohol and drug abuse.

REPEALING URINATING IN A PUBLIC PLACE OFFENCE

On the basis of application of common law, that are reflective of acceptable behaviour and acts, Public Urination in the State of Queensland is an offence.

We believe that any change to the current legal status quo, current laws should remain.

Any repeal of the current law applied under the Summary Offences Act would not serve to improve, but would rather certainly debilitate current acceptable public behaviour and standards across the widespread community.

Given that councils, government and local businesses etc. restaurants, service stations, hotels, entertainment, accommodation, national parks, sporting, roadside amenities already provide toilet facilities at numerous access points across the State of Queensland, there should be no valid reason for any repeal of Public Urination Laws.

Further, repeal of such law could be used via legal means as a defence in certain cases relating to wilful exposure or other similar illegal acts.

Making the above submissions and requests for the benefit of the greater majority of Queenslanders, we remain your servants

DENIS McKINLEY JP

BARRY SIMPSON JP C.Dec

MICHELI BORZI AM, OBE