

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

Submission No: 13
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Publication: Make the submission and your name public
Attachments: See attachment
Submitter Comments:
Submitter Recommendations:

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

Australian Red Cross in Townsville work with vulnerable people and provide Case Management and other support through various Community Programs.

I submit that Decriminalising certain public offenses, such as;

1 - Public nuisance
2 - Contravene direction of police officer
3 - Breach of bail, failure to appear
4 - Possession of liquor in restricted area

will significantly improve health and welfare outcomes for vulnerable families. I state this based on the following observations:

- First Nations people are overrepresented in the Criminal Justice system, which leads to structural disadvantage.
- Many First Nations people in Townsville are jailed or accumulate significant SPER debt because of minor offenses. The infringement is often the result of disadvantage (eg. No phone, impaired cognitive capacity, generational trauma-influenced behaviours) so they become further disadvantaged rather than being able to stay connected to their supports.
- First Nations women are often receiving short sentences – of less than six months – for these offences, but these penalties were found to have exacerbated existing disadvantage and have devastating effects on families. Children were left extremely vulnerable to being removed from their care. While jailed, even for short periods, rental arrears can lead to tenancies being terminated. Once children are removed, the mother is unable to receive financial support from Centrelink for their care when she gets out of jail. This can lead to the mother being unable to find affordable family accommodation and thus reunification is not possible. Short term jail sentences can lead to long term dislocation of families and trauma to children.
- Rough sleepers in the Townsville Region are primarily First Nations people. They are overrepresented as offenders for such minor offences such as Public Nuisance. Their homelessness means they are at risk of violence and theft and live in a state of hyper-vigilance and trauma. These conditions mean they often lose the means to follow up on charges and can then be impacted by failing to appear in court or pay fines. Often these charges are related to behaviours which would be normalised and acceptable if they had housing, but constitute an offence in public, therefore they are being further disadvantaged by their homelessness.
- Incarceration disrupts vulnerable tenancies and often results in the person being released from prison into homelessness. I can identify at least 2 cases in the last 6 months where clients of our Homelessness Programs were assisted to find housing after years of being homeless. However, they have lost their tenancies due to minor offenses and short jail terms. Both women are now once again homeless and sleeping rough.
- Decriminalising some minor offenses will improve the capacity of support services to work with vulnerable people and see them achieve sustained positive outcomes.