

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

**Submission No:** 16  
**Submitted by:** Prisoners' Legal Service (PLS)  
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**Submitter Recommendations:**



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22 August 2022

Committee Secretary  
Parliament House  
George Street  
Brisbane QLD 4000

By email: [cssc@parliament.qld.gov.au](mailto:cssc@parliament.qld.gov.au)

Dear Committee Secretary,

**Re: Inquiry into the decriminalisation of certain public offences, and health and welfare responses**

Thank you for the opportunity to provide the following submissions to the Inquiry into the decriminalisation of certain public offences, and health and welfare responses.

***About Prisoners' Legal Service***

Prisoners' Legal Service (**PLS**) is a community legal centre that has operated in Queensland for over 30 years. We provide legal advice and representation to people in prison about matters arising from imprisonment. PLS has significant expertise regarding the impact of incarceration on the most vulnerable members of our society.

PLS conducts prison visits, operates a telephone advice line, provides community legal education and responds to mail from people in prison across the state. PLS also provides legal representation to people in prison, in relation to parole decisions and prison matters. The majority of people who receive legal representation from PLS are First Nations people and people with disabilities.

Through our work, we have observed the disproportionate impact of public offences on people who are vulnerable. PLS is also particularly concerned about the way in which the policing of public offences contributes to the rising prison population in Queensland, and particularly the overrepresentation of First Nations people, people with disabilities and women in Queensland prisons.

***The need for legislative reform***

PLS supports and endorses the submissions made to this Committee by Professor Tamara Walsh (University of Queensland), and Sisters Inside Inc. Both Professor Walsh and Sisters Inside have decades of experience in researching public offences and advocating for criminalised women and girls charged with public offences, respectively.

In particular, PLS echoes the submissions of Professor Walsh and Sisters Inside and submits that:

- The offence of begging should be repealed;
- The offences of public intoxication and consuming liquor in a public place should be repealed;
- The offence of public urination should be repealed; and
- The offence of public nuisance should be repealed.

Repealing these offences is necessary in order to address the criminalisation of vulnerable people. Many of the behaviours that are targeted under the above offences occur out of necessity, and are



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targeted simply because they occur in a public place. PLS further echoes the concerns of Professor Walsh and Sisters Inside that repealing some of the above offences may result in police charging people with more serious offences, such as public nuisance. The Committee must consider how any indirect consequences of reform to public offences will be addressed.

Further, PLS joins other stakeholders in supporting recent developments in the ACT, where the ACT government recommended the ACT Legislative Assembly pass a Bill to decriminalise personal use and possession of a small amount of commonly used drugs. The ACT Bill recognises the personal use of drugs as a health issue, rather than a criminal justice issue, and acknowledges that decriminalisation will reduce the involvement of people who commit '*minor personal possession drug offences*.'<sup>1</sup> We submit that introduction of similar legislation in Queensland is required, and that doing so will assist the government to develop and resource a drug and alcohol strategic response that is underpinned by necessary social, housing, education, health and other support services.

Thank you for your consideration of these submissions.

Yours faithfully,

**Vanessa Krulin**  
**A/ Principal Solicitor**

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<sup>1</sup> See ACT Government Response to the Select Committee Report on the Inquiry into Drugs of Dependence (Personal Use) Amendment Bill 2021, 1.