

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

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Committee Secretary
Community Support and Services Committee
Parliament House, George Street
Brisbane Qld 4000

By email: cssc@parliament.qld.gov.au

Dear Committee Members

Inquiry into the decriminalisation of certain public offences, and health and welfare responses (the 'Inquiry')

Thank you for the opportunity to provide feedback on the Inquiry.

QCOSS (Queensland Council of Social Service) is the peak body for the social service sector in Queensland. Our vision is to achieve equality, opportunity, and wellbeing for every person, in every community.

QCOSS' position

QCOSS supports decriminalisation of public intoxication, begging in a public place, and urinating in a public place. We have arrived at this position in light of member feedback, the disproportionate impact these offences particularly have on Aboriginal and Torres Strait Islander Peoples and people experiencing homelessness, as well as a considerable body of other supportive material which we have referenced throughout this submission. We make further specific recommendations in response to the Inquiry throughout this submission. This submission has been framed in line with the Terms of Reference.

QCOSS hosted a webinar that explored some of the key emerging issues with respect to the Inquiry. A total of 23 participants attended the webinar, which featured panellists from the Caxton Legal Centre, the Institute for Urban Indigenous Health, and the Aboriginal and Torres Strait Islander Women's Legal Service NQ. Data was gathered from sector attendees who responded to a series of polling questions in line with the Terms of Reference of the Inquiry. The webinar panellists also provided further direct feedback to QCOSS regarding the Inquiry. Their specialist knowledge and experience in this area has been invaluable. Our recommendations have also been informed by other major inquiries, commissions, and reviews, as well as the requirements under the *Human Rights Act 2019* (Qld) ('HRA').

1. Changes to legislation and operational policing responses to decriminalise public intoxication and begging offences; and appropriateness of repealing offence of urinating in a public place (Terms A, C, and I).

1.1. Background

The Queensland Police Service ('QPS') data provides that in Queensland in the financial year 2020-21, there were 182 persons charged for urinating in a public place, with 667 infringement notices issued. There were 44 persons charged for begging in a public place, and 17 infringement notices were issued. There were 1,256 persons charged for public intoxication.¹

Aboriginal and Torres Strait Islander Peoples are overrepresented in the QPS data. The data indicates that in the 2020-21 financial year, 47 per cent of those charged with public intoxication, 64

¹ Queensland Police Service (11 July 2022), [Briefing Paper to Community Support and Services Committee on the Inquiry into the decriminalisation of certain public offences, and health and welfare responses](#), (accessed 12 July 2022), Attachment 1.

per cent of those charged with begging, and 47 per cent of those charged with urinating in a public place, identified as being Indigenous.² Evidence gathered in other jurisdictions indicates public intoxication offences can also particularly impact people experiencing homelessness, mental health and substance use issues,³ and begging offences can particularly impact people experiencing homelessness.⁴ We note the Committee holds concerns regarding the impact of these offences on seniors and people living with a disability. Anecdotal evidence from our members indicates that people with complex and intersecting needs have been charged with public order offences multiple times, when access to support and services would have resulted in better outcomes.

Queensland is the only remaining jurisdiction in the country where public intoxication is yet to be decriminalised. The majority of our webinar participants were in favour of decriminalising offences related to public intoxication, begging and urinating in a public place.

Significantly, there have been numerous calls for change in this space. Most notably from the Royal Commission into Aboriginal Deaths in Custody in 1991.⁵ We draw the Committee's attention to further significant bodies of work calling for similar reforms, including a report by the Human Rights Law Centre, *Over-represented and Overlooked*;⁶ the 2019 Queensland Productivity Commission *Inquiry into Imprisonment and Recidivism Final Report*;⁷ a report to the Victorian Attorney-General, *Seeing the Clear Light of Day*;⁸ and most recently in Queensland, the *Hear Her Voice Report* series prepared by the Women's Safety and Justice Taskforce. This is by no means an exhaustive list. QCOSS has referred to the report *Seeing the Clear Light of Day* in its submission on a number of specific issues, but we also broadly recommend the Committee engage with the thoughtful and comprehensive content and recommendations in that report, which considered the decriminalisation of public drunkenness in Victoria.

1.2. Transition to decriminalisation

The report, *Seeing the Clear Light of Day*, emphasises that decriminalisation of public intoxication requires a "...shift in systems and attitudes to move away from a criminal justice approach to public intoxication."⁹ That report recommended that while police may inevitably play some role in responding to public intoxication in Victoria, that role should be strictly limited; there should be a high threshold for police intervention; and that health and community service providers should serve as the primary first line of response, with police serving as a last resort responder.¹⁰ The report also highlights that any power of police in responding to public intoxication needs to be coupled with considerable training, record keeping, oversight and accountability.¹¹ The report considers specific

² Ibid.

³ Expert Reference Group on Decriminalising Public Drunkenness, (2020), '[Seeing the Clear Light of Day: Expert Reference Group on Decriminalising Public Drunkenness. Report to the Victorian Attorney-General](#)', (accessed 13 July), ('*Seeing the Clear Light of Day*'), (see, for example, pp 1, 25, 34, 37).

⁴ Women's Safety and Justice Taskforce, (2022), '[Hear Her Voice Report Two, Women and girls' experiences across the criminal justice system](#)', (accessed 13 July 2022), p 469, ('*Hear Her Voice 2*').

⁵ Royal Commission into Aboriginal Deaths in Custody (1991), '[National Reports](#)', (accessed 12 July) See, in particular, Volume 3, Part D; and Volume 5, Recommendations 79 to 86 ('*RCIADIC National Reports*').

⁶ Human Rights Law Centre (2017), '[Over-represented and Overlooked – the crisis of Aboriginal and Torres Strait Islander women's growing over-imprisonment](#)', (accessed 18 July 2022), see, in particular, recommendation 3.

⁷ Queensland Productivity Commission (2019), '[Inquiry into Imprisonment and Recidivism Final Report](#)', (accessed 30 August 2022), see in particular, recommendation 5 ('*Inquiry into Imprisonment and Recidivism Final Report*').

⁸ *Seeing the Clear Light of Day* (n 3), generally.

⁹ Ibid, p 35.

¹⁰ Ibid pp 41-51.

¹¹ Ibid pp 48-50.

scenarios of how this may operate in practice. For example, the need for police to wait for a health or community service provider to provide appropriate transport to a safe place.¹² Further alternatives to police interaction and involvement will be expanded upon in section four of this submission.

This is consistent with feedback from members who have outlined that legislative and operational authority enabling any kind of law enforcement intervention or interaction in relation to public intoxication, begging and urinating in public, establishes a large role for police; a role which needs to be moved away from. That in the absence of threat or risk of harm, police should not be involved.

Interaction with police can be an escalating factor. For example, *Hear Her Voice 2*, highlights that "...[responses] to public order issues frequently involve the making of move-on directions, with offences for failure to comply with these directions contained in the PPR Act."¹³

QCOSS notes the Committee is seeking feedback on possible unintended negative consequences of decriminalisation. One concern is that if decriminalisation is not handled effectively, intoxicated people may still ultimately be detained in police cells, in situations where supervision is deemed necessary and where there are no other alternatives. This has been a problem in other jurisdictions, where, despite decriminalisation, powers of police detention have been over-utilised.¹⁴ Another concern shared by our members is that police may instead charge people with other offences, some of which could involve more serious consequences.

These concerns were also expressed in the 1991 Royal Commission into Aboriginal Deaths in Custody. One tool of mitigation in this respect would be to adopt recommendation 85 from that Commission's report:

"85. That:

- a. Police Services should monitor the effect of legislation which decriminalises drunkenness with a view to ensuring that people detained by police officers are not being detained in police cells when they should more appropriately have been taken to alternative places of care;
- b. The effect of such legislation should be monitored to ensure that persons who would otherwise have been apprehended for drunkenness are not, instead, being arrested and charged with other minor offences. Such monitoring should also assess differences in police practices between urban and rural areas; and
- c. The results of such monitoring of the implementation of the decriminalisation of drunkenness should be made public."

Further comments on mechanisms of mitigation against these unintended negative consequences of decriminalisation will be explored in later sections throughout this submission. Unintended negative consequences should not be considered as a reason not to proceed with this reform.

Recommendations:

- i. The Committee should recommend in favour of changes to legislation and operational policing responses to decriminalise public intoxication and begging offences, and to repeal the offence of urinating in a public place.
- ii. In decriminalising these offences, it must be made clear in the legislation and operational policing guidance that some circumstances do not warrant intervention at all; that where circumstances do require intervention or an interaction, non-punitive health and social welfare-based mechanisms of support or de-escalation must be engaged; and alongside

¹² Ibid p 47.

¹³ *Hear Her Voice 2* (n 4), p 469, citing *Police Powers and Responsibilities Act 2000* (Qld) ss 48, 791.

¹⁴ *Seeing the Clear Light of Day* (n 3), p 34.

decriminalisation, communities and other service providers need to be supported as primary first responders.

- iii. Any police powers or involvement in responding to public intoxication, begging and public urination needs to be strictly limited and supported by considerable training, record keeping, oversight and accountability.
- iv. Investment in community and health services should ensure there is adequate services available to people when they need them so that a police response is not necessary.

2. Appropriateness of other police powers and offences to ensure community safety and public order arising from public intoxication and begging, particularly in the context of events where there may be significant alcohol consumption (Term G)

Our members have suggested that the terms of the Inquiry should be broadened to include consideration of the offence of public nuisance. If a person commits a public nuisance offence within or in the vicinity of a licensed premises, the maximum penalty is 25 penalty units, or 6 months imprisonment; otherwise the maximum penalty is 10 penalty units or 6 months imprisonment.¹⁵ Our members hold concerns that the offence of public nuisance could become an obvious alternative charge when police are interacting with a person who is begging, intoxicated in public, or urinating in a public place, given its broad scope.

Conduct amounting to public nuisance includes behaving in a disorderly way, or an offensive way, and can also include using offensive language.¹⁶ We have received member feedback that the threshold for the offence of public nuisance should be clarified, the offence should be narrower in scope, and it should be accompanied by clearer guidance on its application.

Our members are also keen to see broader reforms in a range of areas, examples of which include the operation and impact of banning notices, move on powers, local laws regarding drinking in public, and laws regarding minor drug offences. This feedback is consistent with numerous calls for reform to public order and other low-level offences.¹⁷ Indeed, the Queensland Productivity Commission called for a principled “stocktake” of the criminal law in Queensland:¹⁸

“...[There] is a reasonable basis to be concerned about the scope of the criminal law in Queensland. It has expanded over a long period of time and many offences appear to have a relatively weak underlying rationale.

...there would be value in a formal root and branch review of the criminal law, focusing on whether the criminal law is the best policy option available.”

Queensland can and should be part of a bigger movement towards health and social welfare-based responses to a range of behaviour. For example, the ACT has recently concluded an inquiry regarding personal possession of common illicit drugs.¹⁹

Recommendations:

- v. The Committee should make recommendations in line with a much broader journey of law reform regarding a wide range of police powers, public order offences, and other low-level

¹⁵ *Summary Offences Act 2005* (Qld) s 6(1), ('SOA').

¹⁶ *Ibid* s 6.

¹⁷ See for example, the recommendations made by the *RCIADIC National Reports* (n 5); Chapter 3.3 of *Hear Her Voice 2* (n 4); *Inquiry into Imprisonment and Recidivism Final Report* (n 7), recommendation 5.

¹⁸ *Inquiry into Imprisonment and Recidivism Final Report* (n 7), p 202.

¹⁹ Legislative Assembly for the Australian Capital Territory, [Inquiry into the Drugs of Dependence \(Personal Use\) Amendment Bill 2021](#), (accessed 9 August 2022).

offences. If that degree of discussion on criminal law reform is beyond the scope of the Inquiry, in whole or in part, QCOSS urges the Committee to make recommendations on the need for future steps towards further change.

3. Compatibility of proposed legislative amendments, and health and social welfare-based service delivery responses, with rights protected under the *Human Rights Act 2019* (Term B)

Term B seeks feedback on whether the proposed legislative amendments and health and social welfare-based service delivery responses to public intoxication and begging are compatible with rights protected under the HRA. QCOSS has also applied a human rights analysis to the proposed repeal of the public urination offence.

The purpose of the Public Order offences contained within the SOA is to ensure "...members of the public may lawfully use and pass through public places without interference from acts of nuisance committed by others."²⁰ Relevantly, the SOA was also established because many provisions of its predecessor, the *Vagrants Gaming and Other Offences Act 1931* (Qld), "...were so outdated that they were no longer suitable for enforcement in today's society."²¹ The same statement could be made about the current proposed offences for decriminalisation under the SOA, as many of the behaviours currently caught by the offences arguably do not require law enforcement intervention of any kind.

The explanatory memorandum for the *Summary Offences Bill 2004* (Qld) provided further insight into the intent and purpose of the legislation.²² The intended purpose in relation to the offence of begging in a public place was to deter the practice of persons in public places begging for money, goods or soliciting donations, as people who loiter in public places in order to beg for money or goods often chose 'soft' targets such as women or elderly persons who are more likely to be intimidated and acquiesce, and that this type of conduct was unacceptable. There was no explanation provided in the explanatory notes regarding the offence of public intoxication. The offence of urinating in a public place was introduced as a separate offence in 2008, with that behaviour previously caught under the offence of public nuisance.²³ This change was implemented following the Crime and Misconduct Commission report on the review of public nuisance provisions.²⁴ That report found that urinating in a public place was one of the more trivial behaviours covered by the public nuisance offence, and recommended its introduction as a separate offence with a lower maximum penalty.²⁵ The report also acknowledged "...[a] number of the submissions to the review noted the views of some people that public urination is a trivial behaviour that may not warrant criminal justice system attention".²⁶

It should be noted that the CMC report also recommended that the public nuisance offence should remain flexible, responsive to community standards, and that QPS management should provide oversight and guidance regarding police discretion on de-escalation mechanisms for informal resolution where possible.²⁷ This is consistent with QCOSS feedback that the public nuisance offence currently requires review.

²⁰ SOA (n 15) s 5.

²¹ *Summary Offences Bill 2004* (Qld), '[Explanatory Notes](#)', (accessed 9 August 2022).

²² *Ibid.*

²³ *Summary Offences and Other Acts Amendment Act 2008* (Qld).

²⁴ *Summary Offences and Other Acts Amendment Bill 2008* (Qld), '[Explanatory Notes](#)', (accessed 16 August 2022); Crime and Misconduct Commission, (May 2008), '[Public Policing Order, A review of the public nuisance offence](#)', (accessed 16 August 2022), xviii ('*Public Policing Order, A review of the public nuisance offence*').

²⁵ *Ibid.*

²⁶ *Ibid* p 120.

²⁷ *Ibid* p xviii.

As discussed in section one of this submission, the offences being proposed for decriminalisation currently have a disproportionate impact on certain groups including Aboriginal and Torres Strait Islander Peoples, people living with a disability, people experiencing homelessness, substance use issues, and issues relating to mental health. The proposed legislative change is likely to impact human rights positively, as decriminalisation would correct an incompatibility with human rights posed by the current offences. The rights likely to be impacted in this way may include:

- Recognition and equality before the law.²⁸ Every person has the right to recognition before the law and is entitled to equal protection before the law. Discretionary criminal charges that have a disproportionate impact on people who have an attribute or characteristic (for example, on race, age, disability, location) would likely be considered to impact human rights.
- Freedom of movement.²⁹ Limiting a person's movement in public spaces, including banning notices or even detention and bail conditions, would be considered an impact on human rights, particularly when applied in a discretionary manner.
- Liberty and security of person.³⁰ People must not be arrested and detained unless provided for by law; and their arrest and detention must not be arbitrary. This can include detaining a person, whether or not they are suspected of committing an offence (for example, to enable them to 'sober up'). This human right will be engaged if the intent of detainment is to provide some form of treatment or care to persons impacted by alcohol.
- Right to humane treatment when deprived of liberty.³¹ Given reports regarding treatment of people detained in watch-houses,³² the engagement of these offences can ultimately lead to situations where a person deprived of liberty is not afforded dignity or treated humanely.
- Given the underlying social and health determinants, which can lead to conduct captured by these offences, a punitive response (rather than a health and social welfare-based response) may operate to prevent a person from accessing the health services they need, thus limiting their right to health.³³
- The engagement of these offences, and the consequences that can then ensue, may also operate to impede a person's ability to maintain and enjoy their cultural rights.³⁴
- *Hear Her Voice 2* also highlighted that the overuse of public order offences with Aboriginal and Torres Strait Islander women and girls "...may also limit the right to life, through their close association with Aboriginal and Torres Strait Islander deaths in custody."³⁵

Further, *Hear Her Voice 2*, responded to concerns that "...decriminalising public intoxication and begging may be considered to limit the rights of the broader community to personal safety (liberty and security of person)...".³⁶ That report noted "...evidence indicates that criminal law responses including incarceration can have a criminogenic effect, leading to reduced public safety in the long term."³⁷ The report further explains that "[the] purpose of the limitation is to reduce inappropriate criminal responses to behaviours that require a health-based or community response, significantly

²⁸ *Human Rights Act 2019* (Qld) s 15, ('HRA').

²⁹ *Ibid* s 19.

³⁰ *Ibid* s 29.

³¹ *Ibid* s 30.

³² *Hear Her Voice 2* (n 4), p 486-90.

³³ *HRA* (n 28) s 37.

³⁴ *Ibid* ss 27-28.

³⁵ *HRA* (n 28) s 16; *Hear Her Voice 2* (n 4), p 476.

³⁶ *HRA* (n 28) s 29; *Hear Her Voice 2* (n 4), p 476.

³⁷ *Hear Her Voice 2* (n 4), p 477.

protecting the rights of vulnerable people, which are limited by inappropriate criminal justice system responses... Any potential limitations on community safety are reasonably and demonstrably justified".³⁸ A similar analysis could also be applied to the offence of public urination. Significantly, there are less restrictive and more effective mechanisms to achieve the goals of individual and public safety, (described further in section four of this submission).

While police do have powers of discretion on whether to detain and/or charge a person for these offences, it would be more appropriate to remove these damaging offences entirely. These offences are human rights limiting, and they are not justified, proportionate or reasonable. They are therefore not compatible with the HRA. A shift towards decriminalisation and towards health and social welfare-based responses would assist to correct that incompatibility.

Further, while proposed legislative amendments and health and social welfare-based service delivery responses would improve the enjoyment of human rights, these offences do not exist in a vacuum and their review does not go far enough. It is the cumulative effect of a much broader punitive system which must also be examined. While other offences have not been the focus of our human rights analysis, QCOSS notes that the amendment or repeal of a number of punitive laws, as discussed in section two of this submission, would also have a positive impact on the human rights of Queensland communities.³⁹

Recommendations:

- vi. The Committee should recommend in favour of decriminalisation of public intoxication, begging and urinating in a public place, in light of rights protected under the HRA.
- vii. The Committee should broaden the Inquiry or make recommendations regarding the next steps needed in relation to criminal justice law reform, in light of rights protected under the HRA.

4. Health and social welfare-based responses to public intoxication and begging; design of social welfare-based responses; and public messaging on the harm of alcohol and other drugs (Terms D, F and H)

The benefits of health and social welfare based responses are well-established. For example, they can lead to better long-term outcomes for both individuals and communities. They are also often more cost-effective.⁴⁰ Significantly, the current laws are outdated and highly damaging.

In this submission QCOSS has not sought to provide a comprehensive list of services and initiatives needed in this space, rather we seek to provide examples of health and social welfare-based responses that form part of a broader comprehensive system, developed using co-design, empathy, understanding and evidence-based research.

We have received member feedback emphasising the critical importance of a holistic, collaborative, multi-disciplinary approach that addresses the many social determinants of health including housing, employment, education, and social, emotional, and cultural wellbeing. This is consistent with recommendations from the Australian Law Reform Commission report, "Pathways to Justice",

³⁸ *Hear Her Voice 2* (n 4), pp 476-7.

³⁹ See, for example, the analysis and recommendations made in *Hear Her Voice 2* (n 4), (particularly Chapter 3.3).

⁴⁰ *Hear Her Voice 2* (n 4), Part 3; *Inquiry into Imprisonment and Recidivism Final Report* (n 7), Chapter 7.

which calls for, among other things, the implementation, facilitation, and promotion of “justice reinvestment” strategies.⁴¹

Our members have highlighted a need to ensure capacity of services such as sobering-up shelters, outreach services, and other community-controlled health services to prioritise strategies based on prevention and harm-minimisation, treatment and support, to support specialised programs in relation to alcohol and other drugs, and to further develop referral pathways and relationships with service providers.

While there is already a significant network of service providers in place throughout Queensland, we encourage the Queensland Government to work with the many diverse Queensland communities, health and social welfare service providers and organisations to assess any areas of potential unmet need. Working with the community-controlled health sector will be particularly important. We also outline our firm position on the critical need for more social housing in Queensland in this context, given that these offences can disproportionately impact people experiencing homelessness.

We reiterate that there is a need for a shift in attitudes towards issues like public intoxication and begging. This attitude shift will be fundamental in ensuring people are given the supports they need in light of their unique circumstances. This will help to ensure service providers and other responders can correctly identify whether a response is in fact needed. If so, what kind of response is most appropriate and from who. Legislative and operational guidance, clear statements on government policy, training, oversight, accountability and active monitoring of the effects of decriminalisation, would all assist in achieving this shift.⁴²

Underpinning the effective delivery of health and social welfare-based responses is the need to engage in comprehensive co-design with key communities and organisations, and to develop responses that are also community-led.⁴³ The co-design and consultation process should be reflective of the many intersecting and underlying factors, as noted in section one of this submission.

QCOSS commends the engagement demonstrated in this respect by Queensland Health, and the Department of Communities, Housing and Digital Economy, as noted at the public briefing to the Inquiry. QCOSS encourages the continuation and expansion of this work.

In response to term H, QCOSS believes co-design and community led initiatives are also an important feature in the development of effective public messaging on the harms of alcohol and other drugs. Members have also noted that further public messaging regarding the range of relevant supports and services would assist to ensure widespread awareness of the help available.

Recommendations:

- viii. The Committee should recommend in favour of further supporting and facilitating co-designed health and social welfare-based responses to public intoxication, begging and urinating in public. Co-design and consultation should be inclusive of key service providers, communities and representative bodies.
- ix. The Committee should recommend in favour of the co-design process extending to public messaging initiatives.

⁴¹ Australian Law Reform commission (2017), '[Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples](#)', (accessed 19 July 2022), recommendation 4 (*'Pathways to Justice'*).

⁴² As outlined in section one of this submission.

⁴³ *Pathways to Justice* (n 41), see chapters 4 and 13 in particular.

5. The impacts of decriminalising public intoxication and begging in rural and remote communities (Term E)

There has been insufficient time provided to consult widely with our members providing services in rural and remote communities. As such we are only able to provide limited feedback to Term E.

In the course of consultation with members, we have received feedback regarding the impact and operation of Alcohol Management Plans ('AMPs'), which operate in 19 discrete and remote Aboriginal and Torres Strait Islander Communities in Queensland.⁴⁴ AMPs were also discussed in the *Inquiry into Imprisonment and Recidivism Final Report*.⁴⁵ QCOSS understands that a relatively recent review into AMPs has already concluded. We understand that the Queensland Government is working with communities subject to AMPs to develop and co-design Community Safety Plans and to "...revise AMPs to reflect the outcomes and results of co-design and community engagement."⁴⁶ In light of the discussions and key issues emerging from the Inquiry, though, QCOSS encourages the Queensland Government to consider the punitive nature of AMPs and to seek the views of local communities in that respect; to extend this discussion to those very specific local contexts and spaces of co-design.

Community services in Queensland are experiencing levels of demand that they cannot meet.⁴⁷ In order to ensure there are sufficient services to provide support to people who may otherwise have had a police response, it is important that the Queensland Government properly resources community organisations – including those in rural and remote communities.

Recommendations:

- x. The Committee should recommend on the need for Government to further work with health and social welfare service providers and Queensland's diverse communities to comprehensively assess potential areas of unmet need with respect to health and social welfare-based responses to public intoxication and begging. Working with the community-controlled health sector will be particularly important.
- xi. QCOSS encourages the Queensland Government to consider the punitive nature of AMPs and to seek the views of relevant local communities in that respect.

Conclusion

QCOSS strongly encourages the Committee to recommend in favour of decriminalising public intoxication, begging and urinating in a public place; and moving further towards community co-designed, holistic, health and social welfare centric responses, which address the many determinants of health. The current operation of these offences disproportionately impact certain groups including Aboriginal and Torres Strait Islander Peoples, people experiencing homelessness, substance use issues, and mental health, and people living with a disability. The transition to genuine decriminalisation must be handled effectively through clear legislative, operational and policy guidance regarding the roles of first responders and the move away from punitive response measures. The transition must also be supported through mechanisms of accountability, training and support for all responders in navigating the cultural and attitude shifts required for effective implementation of these changes to the legislation. Health and social welfare based service providers and organisations must be resourced and supported in their primary roles as first

⁴⁴ *Liquor Act 1992* (Qld), ss 168B-168C, Part 6A; *Liquor Regulation 2002* (Qld), Part 8A, Schedules 1A - 1S.

⁴⁵ *Inquiry into Imprisonment and Recidivism Final Report* (n 7), Chapters 21 and 23 in particular.

⁴⁶ Department of Aboriginal and Torres Strait Islander Partnerships, '[A new approach to managing alcohol](#)', (date of publication unknown), (accessed 10 August 2022).

⁴⁷ Queensland Council of Social Service (November 2020), '[State of the Sector](#)', pp 18-20 in particular.

responders across Queensland's diverse communities. Decriminalisation of these offences must also go hand-in-hand with further reform to the criminal law in Queensland. The current offences are not compatible with the Human Rights Act. Decriminalisation would assist to correct that incompatibility, and any potential impact on the rights of others through decriminalisation would be demonstrably justified.

Thank you again for the opportunity to provide our submission to the Inquiry.

Yours faithfully,

A handwritten signature in black ink that reads "Aimee McVeigh". The signature is written in a cursive, flowing style.

Aimee McVeigh
Chief Executive Officer