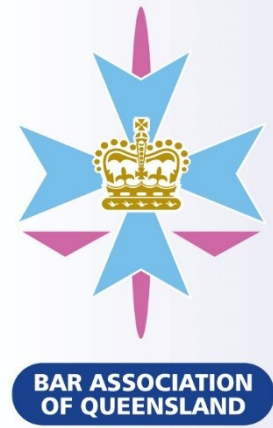


Inquiry into the Decriminalisation of Certain Public Offences, and Health and Welfare Responses

Submission No: 38
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Submitter Recommendations:



PRIVATE AND CONFIDENTIAL

25 August 2022

Committee Secretary
Community Support and Services Committee
Parliament House
Cnr George and Alice Street
BRISBANE QLD 4000

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

Dear Secretary

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

The Association is grateful to be able to provide a submission to the “Inquiry into the Decriminalisation of Certain Public Offences, and Health and Welfare Responses”.

The Inquiry proposes that the *Summary Offences Act 2005* (Qld) be amended to decriminalise public intoxication and begging offences, as well as repealing the offence of urinating in a public place. The Association supports those amendments.

In supporting those amendments, the Association notes the Women’s Safety and Justice Taskforce recommended decriminalising these offences in its second report, *Hear Her Voice Report 2: (Recommendation 101)*.

The Association understands the Taskforce’s recommendation was based on clear evidence demonstrating that public order offences disproportionately impact on First Nations populations, particularly, women.

In 1991, the Royal Commission into Aboriginal Deaths in Custody found that, nationally, “[o]verall, some 46% of the public drunkenness cases were Aboriginal people and more than three-quarters of the female drunkenness cases (78%) were Aboriginal”. The Commission recommended that state governments legislate to abolish the offence of public drunkenness.

The Association notes the Queensland Police Service briefing note to the Committee states that Aboriginal peoples and Torres Strait Islander peoples are disproportionately represented in the number of charges for these offences, providing that:

- 47% of all people police charged for urinating in a public place identified as being Indigenous;

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- 47% of all people charged for public intoxication identified as being Indigenous; and
- 64% of people charged with begging identified as being Indigenous.

It is necessary to address these laws on the basis that they disproportionately affect First Nations people and women. The laws also constitute a continual risk of giving rise to deaths in custody. The laws also contribute to their over-representation in the criminal justice system of First Nations People. Decriminalising public intoxication and begging will promote and recognise human rights, particularly, the rights to life and liberty of the peoples most disadvantaged and affected by these laws.

The Association supports decriminalising conduct which, while anti-social, is overwhelmingly the product of poverty and disadvantage. A punitive approach to dealing with these offences may contribute to ongoing criminogenic effects, leading to a future reduction in public safety, when there exist other appropriate ways to deal with basic public order offending that does not unfairly prejudice those who need assistance.

The Association would be pleased to provide further feedback, if appropriate, or answer any questions you may have.

Yours faithfully



Tom Sullivan QC
President