

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

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Ms Corrine McMillan MP
Chair
Community Support and Services Committee
Parliament House
George Street
Brisbane QLD 4000



Mayor Darren Power

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Dear Ms McMillan

Inquiry into the decriminalisation of certain offences and health and welfare responses

Thank you for the opportunity to make a submission to the inquiry being undertaken by the Community Support and Services Committee in relation to the decriminalisation of certain offences and health and welfare responses.

Background

The City of Logan is experiencing unprecedented population growth. Our population is expected to grow from nearly 350,000 to over half a million people by 2036, with several 'new cities' planned for development over the next 30 years.

Logan is a young city with around 50 per cent of our residents under the age of 30. We have comparatively large proportions of 'babies and pre-schoolers', 'primary school students' and 'secondary school students'. Recent trends also show an ageing population, which is expected to continue.

Over the next 20 years the City of Logan will continue to accommodate a significant proportion of South East Queensland's population growth, particularly in the State approved Priority Development Areas of Greater Flagstone and Yarrabilba, estimated to be home to over 200,000 people by 2066.

The current impact of public intoxication, begging and public urination on our community

The safety and amenity of our neighbourhoods is of considerable importance to the Logan community, who rightly should feel able to go about their lives without the negative impact of undesirable or unsafe behaviours from individuals.

Logan City Council (Council) carries out regulation of amenity, safety and nuisance related matters relating to public and private property through education, compliance, and enforcement activities. As part of this regulatory function, Council officers commonly deal with marginalised and disadvantaged people, including those experiencing homelessness, health conditions and substance abuse challenges. We understand that research shows such individuals are disproportionately likely to be prosecuted for public order offences.

From a community safety perspective, Council occasionally undertakes Crime Prevention Through Environmental Design (CPTED) audits of public spaces in response to resident complaints including consumption of alcohol, drug use (including discarded drug paraphernalia, such as used syringes), volatile substance misuse (for example, inhaling Rexona) and urinating in public.

However, there are structural factors outside of our control that are contributing to Council and community concerns regarding anti-social behaviour in the city, including:

- Increased sale and access to alcohol, including increased opportunities to purchase alcohol through fast food/take-away delivery and early opening hours of retail outlets of 9:00 am (for example, bottle shops).
- The low weighting often given to local information from Council when we respond to Office of Liquor and Gaming Regulation (OLGR) applications.

Council believes that the impact of public intoxication could be reduced if the OLGR put in place stronger conditions on licensed premises to ensure safe dispersing of patrons and access to courtesy buses or taxis. In addition, a Community Impact Statement should be required in the case of OLGR applications within close proximity to parks and other sensitive areas.

Potential impact on the Logan community of decriminalisation of public intoxication, begging and public urination

Council understands that a key purpose of criminal prosecution (at sentencing) is to create general or specific deterrence (that is, deterring the public or individuals from committing such offences in the future). However, deterrence relies on rational actors who will not engage in criminal conduct due to the potential consequences of this conduct.

It is our experience that fining and prosecuting marginalised and vulnerable people for minor amenity related offences creates little meaningful general or specific deterrence and has no behavioural impact. Along similar lines, it is our view that police prosecution of minor public order offences, as they relate to vulnerable and marginalised people, is unlikely to achieve deterrence objectives or create enduring behavioural change.

A reasonable balance must be struck between a welfare-oriented approach and an enforcement-oriented approach in the broader interests of public safety. As such, any decriminalisation reform should not erode the powers of the Queensland Police Service (QPS) to intervene where the conduct of an individual poses a real threat to public safety or property. In this context, we note that powers under the *Police Powers and Responsibilities Act 2000 (QLD)*, as well as other provisions of the Summary Offences Act, will still enable the QPS to respond to antisocial behaviour, including powers to issue move-on orders and to charge people with good order offences such as public nuisance, disorderly behaviour and/or indecent behaviour.

It is Council's view that decriminalising public intoxication, public urination and begging is unlikely to negatively impact our community provided this change is accompanied by a well-designed and resourced communication program that makes it clear that the QPS will still have the power to take appropriate action in relation to anti-social behaviour. If this is not done, then there is the potential for an initial increase in anti-social behaviour in parks or other sensitive areas (for example, areas in close proximity to licenced premises) as people could misunderstand this legislative change and wrongfully assume that the QPS will no longer act in relation to these behaviours.

Decriminalisation of these acts would also help remove the negative stigma of appearing in court for these minor offences and, we hope, lessen the burden on an overburdened criminal justice system.

Health and welfare services in the Logan community

Ensuring that the QPS is still able to act where necessary from a welfare perspective supports a 'guardianship' rather than an 'enforcement' approach to managing these behaviours. Moreover, viewing these offences through more of 'a health and welfare' lens rather than a 'criminal lens' will likely be more effective in responding to these behaviours and potentially reduce the workload of the QPS.

However, it is Council's strong view that police powers should not be reduced before the State Government significantly increases its investment in social welfare support, including increased levels of early intervention and meaningful diversionary strategies. Current resourcing is inadequate for the QPS and hospital emergency wards and staff to support working with intoxicated individuals.

Furthermore, increased funding is also needed to provide services to people where intoxication is a symptom of more fundamental health and welfare issues. Additional services required in Logan include:

- Increased resourcing for the Queensland Ambulance Service (QAS), Queensland Health and community support agencies responding to publicly intoxicated individuals, including facilities that are medically equipped to accommodate people safely for short periods of time who are intoxicated with alcohol.
- Funding for a structured co-response model that incorporates wrap around support services and improved referral pathways for people where intoxication is linked to addiction and/or mental health and other factors such as homelessness. Homelessness is of increasing concern and the State Government urgently needs to support the establishment of a homelessness support hub in Logan to help people navigate an increasingly difficult housing environment.
- Funding for appropriate health, substance abuse/addiction services, and domestic and family violence services, to provide much needed support in reducing the social impact and negative consequences of public intoxication.
- Increased support for service providers and owners/operators of licenced premises to respond to anti-social behaviour, as well as a licencing condition that requires training for owners/operators and staff to enable them to respond safely and compassionately to intoxicated individuals.
- Raising awareness and educating the general community on appropriate responses to incidents in order to increase safety, compassion and a sense of collective responsibility in assisting intoxicated people, utilising, for example, an Active Bystander model.
- Consideration of an amnesty for persons historically convicted of these offences.

Factors that need to be considered in the design of health and social welfare responses

Logan is home to more than 217 different cultures, as well as a relatively high percentage of First Nations people. Pockets of our community are also experiencing high levels of socioeconomic disadvantage.

Given the demography of our city, it is essential that a communications program is developed that effectively engages with people from diverse backgrounds and abilities to ensure that they are aware of their rights and obligations regarding any legislative changes, including access to information in a format that they understand. Strong engagement with Indigenous welfare services and First Nations Elders is also required in the design of responses to intoxication, as First Nations people are sadly overrepresented as both victims and perpetrators in our city.

Irrespective of whether public intoxication is decriminalised, in Logan we strongly recommend that a collaborative approach is taken to addressing public safety and associated welfare issues that includes local community, health, homelessness, drug, and alcohol addiction service providers, Queensland Health, QAS and QPS. Examples of this approach include the co-responder model between the QPS and Queensland Health for mental health related matters and between the QPS and other local service providers for youth-related offences.

I trust the perspective we have provided proves useful to you and your committee. If you require further information, please do not hesitate to contact Rebecca Smith, Manager of the Office of the CEO, by email rebecca.smith@logan.qld.gov.au or by phone on [0755001000](tel:0755001000)

Yours faithfully



Mayor Darren Power
City of Logan