




Speech By
Amy MacMahon

MEMBER FOR SOUTH BRISBANE

Record of Proceedings, 25 May 2023

COMMUNITY SUPPORT AND SERVICES COMMITTEE

Report, Motion to Take Note

 **Dr MacMAHON** (South Brisbane—Grn) (3.15 pm): The member for Maiwar, who sits on the Community Support and Services Committee, and I generally support the committee's report, especially the primary recommendation that parliament repeal the three offences of begging, public urination and being intoxicated in a public place. This support is subject to some caveats, outlined in the member for Maiwar's statement of reservation to the committee report.

Recommendation 2 of the report recommends repealing these offences 'subject to appropriate community-based diversion services being in place'. The Greens absolutely support the expansion of such services as well as detox and rehabilitation facilities. In my electorate of South Brisbane, Murri Watch runs diversionary and support programs to support incarcerated First Nations people and to provide alternatives to incarceration for First Nations people. Murri Watch's facilities in South Brisbane provide food, care and beds for people sleeping rough and intoxicated persons who would otherwise be incarcerated in a police watch house. Such services are universally oversubscribed, under-resourced or simply unavailable in some parts of the state, and these kinds of First Nations led and controlled services require an urgent and major funding boost. That said, the government should not delay taking steps to decriminalise the offences that are the focus of the report until appropriate services are in place.

The inquiry makes it clear that these offences do little to improve community safety and wellbeing and instead increase interactions between vulnerable people and the criminal justice system, leading to worse long-term outcomes. To delay reforms until a universal framework has been adopted across the state risks the reforms being delayed indefinitely. In the meantime, these offences punish people for the government's failure to adequately resource services to meet community needs. It is more than 30 years since the Royal Commission into Aboriginal Deaths in Custody explicitly recommended the decriminalisation of these offences. How much longer will we have to wait?

There was some concern during the inquiry that the removal of these offences may lead to an increase in police using the more serious offence of public nuisance. We share these concerns but do not consider this to be an inevitable outcome or a valid argument against decriminalisation. Rather, this concern would be best addressed by narrowing the public nuisance offence. Presently, a person can commit a public nuisance offence if they behave in a disorderly or offensive way. Caxton Legal Centre and the Institute for Urban Indigenous Health recommend narrowing the offence to apply only to behaviour that is threatening or violent. The Greens implore the government to take this sensible suggestion on board.

The committee's recommendation 7 recommends that police be authorised to transport an intoxicated person to a place of safety where there is no other appropriate transport option. However, this recommendation is made alongside related findings that police interactions with intoxicated people should be as minimal as possible, that police custody in holding cells presents a real risk to an

intoxicated person and that protective custody should only be used as a last resort. I remain concerned about any proposal that would allow police to retain powers to detain people against their will. Any proposal for the police to transport someone to a place of safety should be on a voluntary basis and guarantee that this does not include any ongoing police detention, especially in watch houses. Given the history of deaths, racialised violence and child abuse in police custody, the police are often ill-suited to respond to matters of public health. The priority should instead be funding community services to assist intoxicated people in nonviolent matters.

Recommendation 13 of the report provides an important and frank recognition that law enforcement responses to alcohol and other drug addiction, especially incarceration, are more expensive and less effective than health responses and treatment options. The report refers to the Queensland Mental Health Commission's report *Achieving balance: the Queensland Alcohol and Other Drugs Plan 2022-2027* and its strategic priority of expanding diversion, which includes the priority action of increasing the availability of health responses and reducing criminal justice responses for people experiencing problematic alcohol and other drug use.

The reforms under discussion this week are a positive step in that direction. Public support for decriminalisation of personal drug possession and use and for the legalisation of low-risk drugs such as cannabis and MDMA continues to grow. The government would be well served to listen to the community and health experts and continue to go further down drug law reform pathways as a matter of priority.