



Speech By  
**Corrine McMillan**

**MEMBER FOR MANSFIELD**

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Record of Proceedings, 20 April 2023

**COMMUNITY SUPPORT AND SERVICES COMMITTEE**

**Report, Motion to Take Note**

 **Ms McMILLAN** (Mansfield—ALP) (3.54 pm): I move—

That the House take note of the Community Support and Services Committee Report No. 23, 57th Parliament, *Towards a healthier, safer, more just and compassionate Queensland: decriminalising the offences affecting those most vulnerable*, tabled on 31 October 2022.

In 2017, Ms Tanya Day, mother, grandmother and a proud Yorta Yorta Victorian woman, was arrested for being drunk in public on a train and detained in custody. She sustained a serious head injury after falling in a police cell and died 17 days later, on 22 December 2017.

On 24 June 2022, the Legislative Assembly referred to the Community Support and Services Committee an inquiry into decriminalising public intoxication, begging and public urination offences and health and social welfare-based responses. This report presents a summary of the committee's inquiry into the decriminalisation of public intoxication, begging and public urination in the Summary Offences Act 2005 and available health and social welfare responses required to support decriminalising these offences in Queensland's communities.

During the inquiry the committee met with police, people supporting persons experiencing homelessness, people assisting in safe night precincts and urban entertainment districts, people working in diversionary centres and detoxification centre, as well as advocates for First Nations people, local council representatives and community members. The committee witnessed the great work of many people in programs and services throughout Queensland that make a real difference in people's lives, often working throughout the night and in challenging conditions.

The issues that create problematic public intoxication, begging and urination are complex and multifaceted. It is clear that our health and welfare response needs to strike a balance between community safety and people's enjoyment of public spaces and the need to ensure that vulnerable people who are not acting aggressively or in a threatening manner are not charged with minor offences committed because they suffer from chronic ill health, poverty or homelessness. They have no realistic prospect of paying these fines, nor should they be put at risk by being incarcerated.

Research shows a strong correlation between intoxication and a higher risk that a person will die in custody. In the 30 years since the Royal Commission into Aboriginal Deaths in Custody made its recommendations addressing the over-representation of First Nations people in custody and dying in custody, statistics still show an over-representation of First Nations peoples among those charged with these offences in Queensland. These statistics are deeply concerning.

The committee's report takes into account the path taken in other Australian jurisdictions to decriminalise these offences, including the model proposed in the more recent report to the Victoria Attorney-General *Seeing the clear light of day: expert reference group on decriminalising public*

*drunkenness*. The Victorian report recognised that places of safety are essential to ensuring the health and welfare of intoxicated people, and a range of services must be supported to meet the decriminalisation reforms.

As well as saving lives, there are great benefits to society by diverting people from the criminal justice system onto a pathway to wellbeing with greater use of diversionary approaches. A response to the problems that the committee identified requires wraparound services with police, health and welfare services all having a role to play, one that is both community led and trauma informed.

The committee recommends that public intoxication, begging and public urination be decriminalised subject to appropriate community-based health and social welfare responses being in place. Should the committee's recommendations be accepted by the Palaszczuk government, Queensland will be last jurisdiction in the nation to decriminalise the offences that affect those experiencing periods of vulnerability and our most marginalised Queenslanders. As Queensland embarks on the journey to a Path to Treaty—a momentous occasion and a highly significant moment in Queensland history—we must address recommendations 79 to 91 of the Royal Commission into Aboriginal Deaths in Custody report handed down in 1991. This is an essential first step to right the wrongs of our past—an essential first step towards a fairer, more just and compassionate Queensland.

On behalf of the committee, I thank the many people who took the time to meet with the committee to share experiences honestly and frankly, setting time aside from their essential work to address this important issue. The committee also acknowledges the tireless work of the secretariat to ensure this report accurately captures the views of our vast, decentralised and diverse Queensland community. I commend this report to the House.