




Speech By
Cynthia Lui

MEMBER FOR COOK

Record of Proceedings, 25 May 2023

COMMUNITY SUPPORT AND SERVICES COMMITTEE

Report, Motion to Take Note

 **Ms LUI** (Cook—ALP) (3.09 pm): In Queensland, public intoxication, begging and public urination are all considered public offences and are therefore subject to criminal charges. 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. 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 centres as well as advocates for First Nations peoples, 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.

As a member of the Community Support and Services Committee, I feel that this inquiry challenges our way of thinking and, if anything, challenges us to change the way in which we view certain societal problems. Evidence suggests that public intoxication, begging and urination affects the most marginalised, disadvantaged and disenfranchised groups in our society, so criminalising these public offences will clearly affect people with the greatest social and economic needs.

The issues that create problematic public intoxication, begging and urination are complex and multifaceted. Until we move our thinking beyond the actions of individuals associated with the three public offences and focus on the underlying root cause of the problem, we will not see a shift in social outcomes. Criminalising people for public intoxication, begging and urination is not an effective method to deter the behaviour. It is not going to solve the homelessness issue, drug and alcohol misuse, health and mental health issues or the ability to pay fines. We need to put in place strong measures that will address the problem from a holistic perspective, one that will address health and wellbeing.

When we talk about the most marginalised and disenfranchised groups in our society, we are talking about a percentage of our population who experience extreme poverty and social exclusion. Too often we find that opportunities for the most marginalised to develop socially or simply to have their voices heard become limited. Statistics show that there is an overwhelming rate of Aboriginal and Torres Strait Islander people being represented among those charged with public offences. Aboriginal and Torres Strait Islander people made up 4.6 per cent of Queensland's population in 2021 but represented more than 47 per cent of people charged with these offences in 2021-22. To put this into perspective, Aboriginal and Torres Strait Islander peoples are charged with these offences at almost 19 times the rate of the non-Indigenous population. The majority of Aboriginal and Torres Strait Islander people charged with public intoxication are aged between 30 and 49. In the non-Indigenous community there is less variation across age cohorts. People aged between 18 and 49 are charged with public intoxication at roughly similar numbers.

According to the Australian Human Rights Commission, the time has come to put an end to the ongoing criminalisation and incarceration of people for being poor, homeless and in need, for substance misuse and addiction and for failing to access and utilise ablution facilities. There are major inconsistencies when it comes to criminalising public offences. For instance, in some parts of Queensland police responses to public offences such as urination vary from talking to the offender or, under certain circumstances, issuing an on-the-spot fine. In contrast, in Far North Queensland, if police do act upon the offence they charge more people with public urination than they issue with on-the-spot fines.

The health and welfare response clearly needs to be considered to strike a balance between community safety and people's enjoyment of public spaces and to ensure vulnerable people who are not acting aggressively or in a threatening manner are not charged with these minor offences committed because they suffer from chronic ill health, poverty or homelessness. They have no realistic prospect of paying their fines; nor should they be put at risk by being incarcerated. The QPS highlighted that, in 2020-21: 40 per cent of all people police charged for urinating in a public place identified as being Indigenous; 47 per cent of all people charged with public intoxication identified as being Indigenous; and 64 per cent of people charged with begging identified as being Indigenous. While begging occurs primarily in Brisbane, public intoxication is far more common on the Gold Coast and in North and Far North Queensland.

Queensland is the only Australian jurisdiction in which specific offences criminalise all three of the acts examined by this inquiry—public intoxication, begging and public urination. While other states and territories have removed specific offences criminalising some or all of these acts, most maintain more general public order offences that can criminalise such behaviour in certain circumstances. We can do better; we must do better. I commend the report to the House.