



Speech By  
**Melissa McMahon**


**MEMBER FOR MACALISTER**

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Record of Proceedings, 25 May 2023

**COMMUNITY SUPPORT AND SERVICES COMMITTEE**

**Report, Motion to Take Note**

 **Mrs McMAHON** (Macalister—ALP) (3.34 pm): I rise to contribute to the debate on the Community Support and Services Committee report into the decriminalisation of certain summary offences. In speaking to this bill, I draw upon my previous experience in working with the Summary Offences Act and the Vagrants, Gaming and Other Offences Act, which preceded it. It is only right that we now take the time to consider the relevance of some offences within the Summary Offences Act, which was assented to in 2005. Certainly, the Vagrants, Gaming and Other Offences Act, widely known as the Vag act, had reached its limit of relevance, with offences such as being a vagrant in a public place finally being repealed. It was actually an offence to appear not to be able to support yourself financially. If you had less than \$10 in your pocket, you could have found yourself locked up.

I note that for this inquiry the work of the committee focused on the offences of urination in public, begging in a public place and being intoxicated in a public place. I cannot say that I ever personally commenced proceedings against someone for begging in a public place but, having worked at some of the Gold Coast's entertainment precincts, I know that the other two offences were certainly prevalent. I will spend my time this afternoon talking about the offence of being intoxicated in a public place. Having spent many years working in the Surfers Paradise precinct policing large events like schoolies, new years and the old Indy and Supercar events, this was policing bread and butter, but to suggest that locking people up was the primary response would be incorrect.

When an intoxicated person is let out onto the streets by a licensed proprietor, the best place for them to be is home and supervised. Many an early morning was spent ushering intoxicated people and their friends into waiting taxis with the requisite duty of care to make sure they had the means to get home. Police intervention usually only ensued when the intoxicated person insisted that they remain in public whilst being a potential danger to themselves and others was evident. Notices to appear were usually the next step in addressing this behaviour. It should be noted that being intoxicated in a public place and consuming alcohol in a public place are two different offences.

The last step would be to arrest someone for public intoxication. This would only occur when there were no alternatives to deal with the intoxicated person. The usual procedure would be to arrest the person, transport them to a place of safety and then unarrest them into the care of another person. Transportation to the watch house to 'sleep it off' would only occur if no person could be identified to care and monitor the intoxicated person. When working in the Oxley district, if the intoxicated person identified as Indigenous and there was no place or person identified that could take responsibility, they were taken to Murri Watch at Woolloongabba.

I acknowledge that the data on people being charged with these public order offences is predominantly and disproportionately our First Nations people. I would comment that police would generally make an effort to find a supervised place of safety for someone who is intoxicated and that

when successful there was generally no record of that. However, our First Nations people are overwhelming unlikely to have that support network around them; hence, provisions where they are taken into custody and charged and this is when data is captured. There is also the X factor in all cases—that is, how the intoxicated person interacts with police and how the situation unfolds—which is usually a big determinant on the outcomes of that incident.

Diversion for public intoxication has always been the preferred method. Both as an arresting officer and previously having been a watch house supervisor, I know that police do not want to be the point of call for caring for intoxicated persons. Watch house keepers would ask an exhaustive list of questions to check that the officer had inquired about any other diversion and custody options to make sure that all other options other than the watch house had been exhausted.

However, I do note that the recommendation in the report in terms of decriminalising this offence does take specific care to mention that there needs to be sufficient diversionary places throughout the entire state prior to any step to decriminalise this offence. As with other members who have commented on this bill and expressed some concern—and certainly the concerns of police—this is usually couched around the fact that there was nowhere else to take them. If we have a policy in which diversion centres are established around the state, this will address those concerns. I therefore commend the recommendation that this offence be repealed and that appropriate community-based diversion services be provided for those people.