




Speech By
Peter Russo
MEMBER FOR TOOHEY

Record of Proceedings, 25 May 2023

COMMUNITY SUPPORT AND SERVICES COMMITTEE

Report, Motion to Take Note

 **Mr RUSSO** (Toohey—ALP) (3.39 pm): I rise to speak in support of the Community Support and Services Committee report No. 32, *Towards a healthier, safer, more just and compassionate Queensland: decriminalising the offences affecting the most vulnerable*—an inquiry into the decriminalisation of certain public offences and health and welfare responses—tabled on 31 October 2022. As stated in the committee’s report—

The terms of reference for the inquiry are as follows:

- a. changes to legislation and operational policing responses to decriminalise the public intoxication and begging offences in the Summary Offences Act 2005
- b. the compatibility of proposed legislative amendments, and health and social welfare-based service delivery responses to public intoxication and begging, with rights protected under the Human Rights Act 2019
- c. the costs and benefits of responses to public intoxication and begging in other Australian jurisdictions
- d. the health and social welfare-based responses to public intoxication and begging necessary to support legislative amendments, having regard to existing responses, such as diversion services
- e. the impacts of decriminalising public intoxication and begging in rural and remote communities
- f. the design of health and social welfare-based responses that are culturally safe and appropriate and informed by First Nations people, including Aboriginal and Torres Strait Islander health and legal services and also representative bodies for seniors and people with a disability
- g. the appropriateness of other police powers and offences to ensure community safety and public order arising from public intoxication and begging, particularly in the context of events where there may be significant alcohol consumption
- h. how existing public messaging on the harm of alcohol and other drugs, including alcohol-related violence, can continue to be reinforced following the decriminalisation of public intoxication, and
- i. the appropriateness of repealing the ‘Urinating in a public place’ offence under the Summary Offences Act 2005.

The committee made 16 recommendations in response to this inquiry into decriminalising the offences affecting those most vulnerable. The inquiry heard a range of multifaceted matters which were all within the scope of the terms of reference. As was to be expected, the committee heard there are a range of factors that can influence whether an individual becomes vulnerable, and this can often occur as a result of a complex combination of poverty, ill health, homelessness or past trauma.

There is a disproportionate impact on individuals when they become vulnerable. Sadly, there was shown to be an over-representation of First Nations peoples among those who were subsequently charged with public intoxication, begging, public urination offences or similar offences. Existing offences relating to intoxication, begging and urination were shown to share a common characteristic: they criminalise that behaviour only when it occurs in a public place.

Queensland police statistical data indicated a substantial geographical variation in offence frequency. While begging occurs primarily in Brisbane, public intoxication is far more common on the Gold Coast and in North and Far North Queensland. On the Gold Coast it is overwhelmingly non-Indigenous people who are charged with public intoxication, while in North and Far North Queensland it is overwhelmingly Aboriginal and Torres Strait Islander peoples who are charged with this offence. Police Service data further shows that Aboriginal and Torres Strait Islander peoples are significantly over-represented among those charged with public intoxication, begging and public urination. Aboriginal and Torres Strait Islander peoples made up 4.6 per cent of the Queensland population in 2021 but more than 47 per cent of people charged with these offences in 2021-22. This means that Aboriginal and Torres Strait Islander peoples were charged with these offences at almost 19 times the rate of the non-Indigenous population.

The majority of submissions received supported the decriminalisation of public intoxication and begging. They held the general view that criminalising these behaviours had a disproportionate impact on vulnerable members of the community and was not effective in deterring the behaviour. I commend the report to the House.