

# Old offence

## *Vagrants, Gaming and Other Offences Act 1931*

### **7. Obscene, abusive language etc.**

- (1) Any person who, in any public place or so near to any public place that any person who might be therein, and whether any person is therein or not, could view or hear —
- (a) sings any obscene song or ballad;
  - (b) writes or draws any indecent or obscene word, figure, or representation;
  - (c) uses any profane, indecent, or obscene language;
  - (d) uses any threatening, abusive, or insulting words to any person;
  - (e) behaves in a riotous, violent, disorderly, indecent, offensive, threatening, or insulting manner;
- shall be liable to a penalty of \$100 or to imprisonment for 6 months...

# New offence

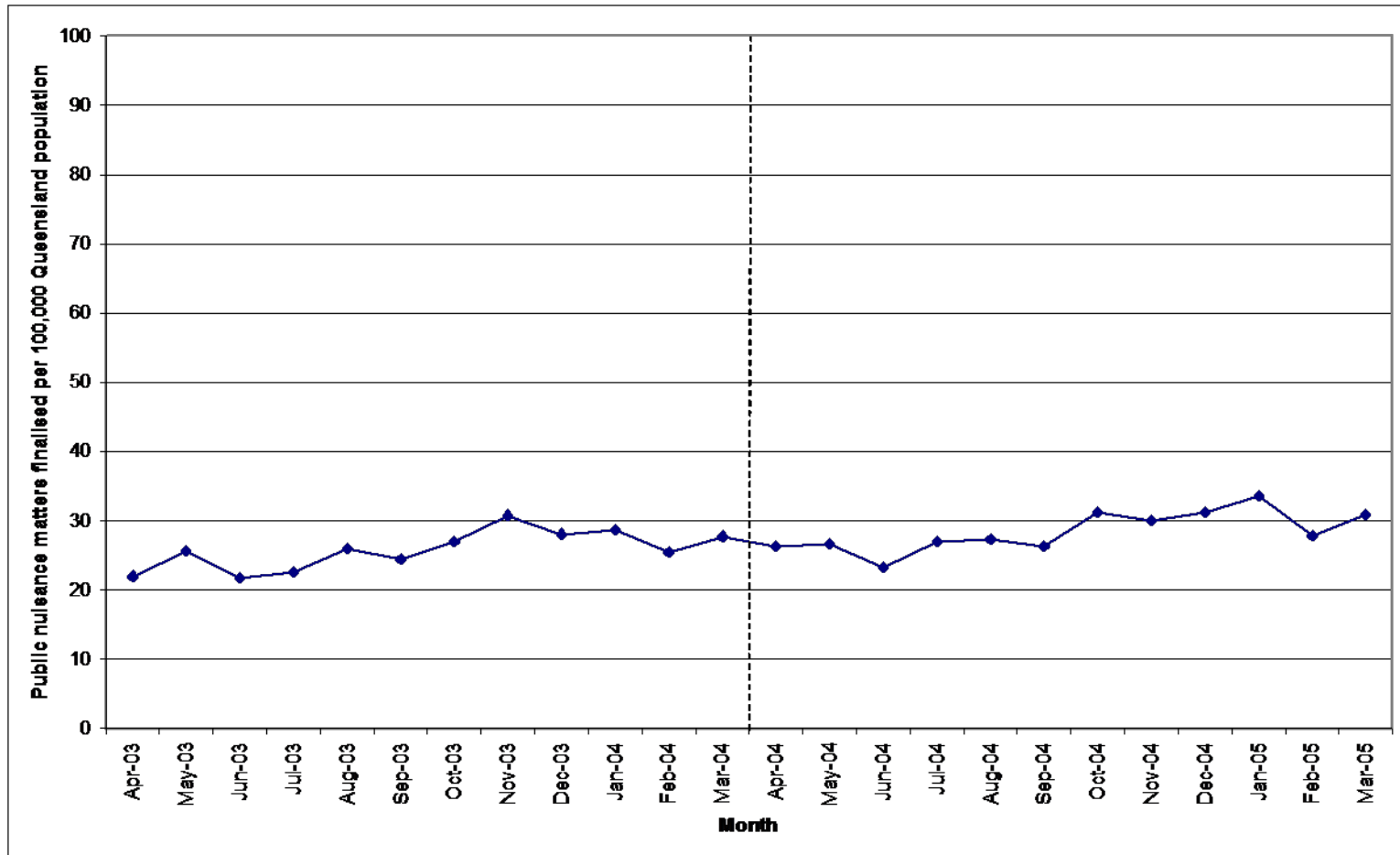
## ***Summary Offences Act 2005***

### **6. Public nuisance**

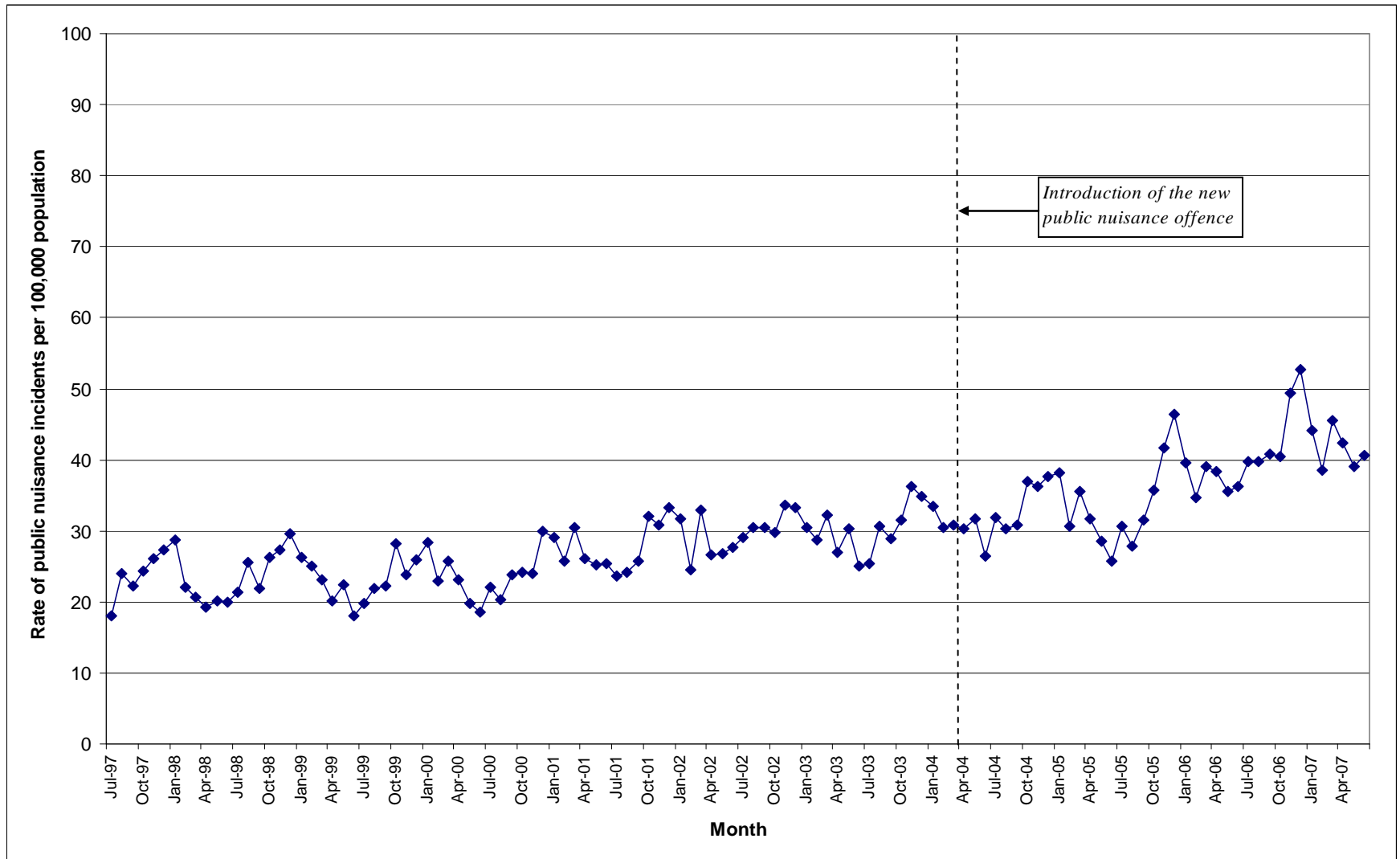
- (1) A person must not commit a public nuisance offence. Maximum penalty — 10 penalty units or 6 months imprisonment.
- (2) A person commits a public nuisance offence if — (a) the person behaves in —
  - (i) a disorderly way; or
  - (ii) an offensive way; or
  - (iii) a threatening way; or
  - (iv) a violent way; and(b) the person's behaviour interferes, or is likely to interfere, with the peaceful passage through, or enjoyment of, a public place by a member of the public.
- (3) Without limiting subsection (2) —
  - (a) a person behaves in an offensive way if the person uses offensive, obscene, indecent or abusive language; and
  - (b) a person behaves in a threatening way if the person uses threatening language.

...

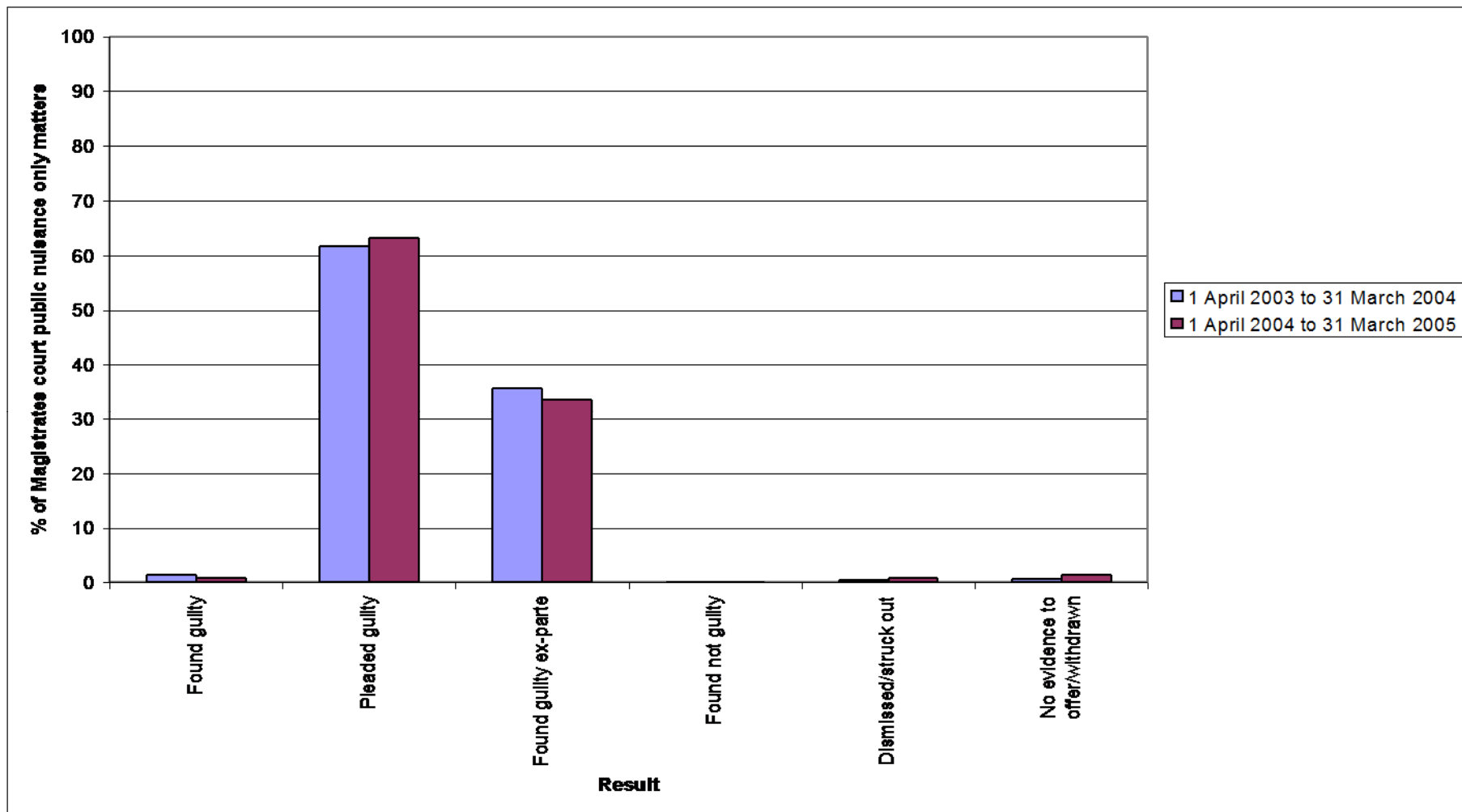
**Figure 1: Public nuisance incidents per 100,000 pop per month during the 12-month periods before and after the introduction of the new offence**



**Figure 2: Ten-year trend: public nuisance incidents per 100,000 population per month from July 1997 to June 2007**



**Figure 3: Magistrates Court 'results' for public nuisance matters during the 12-month periods before and after the introduction of the new offence**



‘the majority of public order charges we have seen at our Centre do not involve any complaint from members of the public...[rather] police are on routine duties when they see the behaviour...’

(submission of Caxton Legal Centre, p. 7)

## **Police generated or response to calls for assistance?**

- In the Toowong, New Farm and Fortitude Valley suburbs of the Metropolitan North region, we were able to match 64 of 77 public nuisance incidents (83%) to call-out dates.
- In the Inala, West End and South Brisbane suburbs of the Metropolitan South region, we were able to match 15 of 17 public nuisance incidents (88%) to call-out dates.

...offender stated to the informant in this matter, words to the effect of: 'I know you, I know where you live you work, I'll fucking kill you cunt'. A short time later the offender in this matter was intercepted by police...

At the offence time the offender has been involved in a physical altercation with another patron, during which the offender has kneed the other patron in the stomach. No complaint forthcoming.

All three offenders were involved in a scuffle outside the [Name] Hotel following verbal taunts by both parties.

Footage was observed on council monitor of a fight in [Name] Avenue. Fight involved four men and the offender. Offender observed kicking and punching another male. Offender subsequently arrested.

Police had cause to speak to the offender in relation to another matter. During the interview the suspect yelled out 'fuck man, this is fucked, fuck you all'. Police warned the offender to stop but he continued. The suspect was subsequently arrested. And then said 'you are a fucking cock sucking cunt'.

... police were speaking to a group of persons in relation to another matter. As police were leaving the location offender stated to police 'thanks a lot, have a good weekend you fuckheads'. Offender was arrested.

The offender and friend were walking along the [Name] Expressway where pedestrians are not permitted. The offender and friend were conveyed by police vehicle to [Name] Street and advised by police to make their way home via a safer route. The offender then said 'thanks for nothing pig'.

Police attended the disturbance involving an altercation between two men. Whilst trying to resolve the situation the offender was yelling and screaming obscene language and aggravating the situation. The offender was warned to stop her behaviour. Moments later the offender continued her disorderly behaviour, once again using obscene language and fuelling a volatile situation. Offender was again warned to stop her behaviour to which the offender screamed to police 'fuck you'.

The defendant in this matter stood at the doorway of the [Name] Hotel and yelled towards Police 'you fucking cock sucking cunt'. The defendant was then dragged back inside the hotel by another patron. At the time the [Name] police officer was in his vehicle on [Name] Street and heard the offender clearly.

Offender screamed at police 'you fucking pig' as officer was closing the door to the police beat. Offender was intoxicated and has been drinking at licensed premises [Name].