



**Queensland Public Interest Law Clearing House  
Incorporated**

# **HOMELESS PERSONS' LEGAL CLINIC**

## **SUBMISSION**

### **Crime & Misconduct Commission**

Offence of public nuisance

How is the new public nuisance offence provision being enforced and what is its impact on the Queensland public?

**July 2006**

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Thank you for the opportunity to respond to the CMC Issues Paper on the offence of public nuisance.

### **About QPILCH**

The Queensland Public Interest Law Clearing House (QPILCH) is a non-profit community based legal service that coordinates the provision of pro bono legal services in public interest matters for individuals and community organisations.

### **About the Homeless Persons' Legal Clinic**

The Homeless Persons' Legal Clinic (HPLC) is a signature project of QPILCH. The HPLC provides free legal advice and assistance to people experiencing or at risk of homelessness at 8 outreach locations in Brisbane. Providing legal services through an outreach model removes a structural barrier to accessing the law for people whose legal issues would otherwise likely go unaddressed. Each clinic is staffed by volunteer lawyers from private law firms on a rostered basis. In total, approximately 150 lawyers from 11 private law firms in Brisbane actively participate in the HPLC.

Current HPLC Clinic location and operating times:

<b>Clinic</b>	<b>Operating time</b>
Brisbane Homelessness Service Centre South Brisbane	Tuesday 8.30am to 10.30am
Anglican Women's Hostel New Farm	Fortnightly Tuesday 10am to 11am
Red Cross Youth Night Café City Hall, Adelaide Street	Tuesday 7pm to 9pm
Salvation Army Pindari Men's Hostel Spring Hill	Tuesday 9.30am to 10.30am
Salvation Army Pindari Women's Hostel Spring Hill	Fortnightly Wednesday 12noon to 2pm
Mission Australia Café One Fortitude Valley	Thursday 9am to 11am
4AAA Kiosk Boundary Street, West End	Friday 12.30 to 1.30pm
HART4000 Ann Street, City	Fortnightly Tuesday 10am to 11am

The HPLC is well placed to respond to the CMC's review of the new public nuisance offence as it:

- is the only legal service dedicated to addressing the legal needs of homeless people in Brisbane;
- has direct experience in assisting clients who have been charged with public nuisance and other public space offences; and

- is a founding member of the Rights In Public Space Action Group (RIPS) and has had prior involvement in lobbying for changes to the now repealed *Vagrants, Gaming and Other Offences Act 1931* (VGOOA).

### **Homelessness defined**

Homelessness means more than not simply having a roof over one's head. In Australia, the most recognised definition of homelessness is one which categorises homeless as primary, secondary or tertiary homelessness.<sup>1</sup>

- *Primary homelessness* refers to people without conventional accommodation, such as sleeping rough in parks or on the streets, squatting, living in vehicles or in improvised dwellings.
- *Secondary homelessness* refers to people moving between various forms of temporary shelter, such as refuges, emergency hostel accommodation or 'couch surfing' between the homes of family and friends.
- *Tertiary homelessness* is where a person lives in a boarding house on a medium to long-term basis, including marginally housed residents who live in caravan parks because they are unable to afford or find alternative accommodation.

In addition to housing status, homelessness also refers to a person's feelings of disconnection and exclusion from society.<sup>2</sup> Being "at home" therefore incorporates subjective feelings of personal safety, connectedness with one's community and a sense of personal autonomy and control.

### **How big an issue is homelessness in Queensland?**

On any given night, more than 20,000 people are homeless in Queensland. The Australian Bureau of Statistics estimates that on the night of the 2001 census, 24,596 Queenslanders were homeless.<sup>3</sup> Of that number, an estimated 16% of people were primary homeless, 62% secondary homeless and 22% tertiary homeless. The rate of homelessness for Queensland in 2001 was 69.8 per 10,000, the second highest in Australia. In 2003, a census by the Brisbane Homelessness Taskforce estimated that on one particular night,

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<sup>1</sup> Chris Chamberlain and David MacKenzie, 'Understanding Contemporary Homelessness: Issues of Definition and Meaning' (1992) 27 *Australian Journal of Social Issues* 274

<sup>2</sup> See Council to Homeless Persons Information Sheet Number 1, [http://www.chp.org.au/public\\_library/items/2005/03/00055-upload-00001.doc](http://www.chp.org.au/public_library/items/2005/03/00055-upload-00001.doc) Accessed 20.06.06

<sup>3</sup> Chamberlain and MacKenzie, 'Counting the Homeless - Queensland' 2004 [http://www.salvationarmy.org.au/reports/Counting\\_The\\_Homeless/SWI002\\_Qld\\_report.pdf](http://www.salvationarmy.org.au/reports/Counting_The_Homeless/SWI002_Qld_report.pdf) Accessed 04.06.06

there were 345 homeless people sleeping rough or staying in crisis accommodation within three kilometres of Brisbane City Hall.<sup>4</sup>

### **Causes of homelessness**

Causes of homelessness are complex and varied, however they are generally acknowledged to include:

- *structural causes* (poverty, unemployment and inadequate supply of affordable housing);
- *fiscal, social and public policy causes* (taxation policy and expenditure on public and community housing, health care, education and vocational training);
- *individual causes* (ill health, mental illness, intellectual disability, substance and alcohol dependency, problem gambling, domestic violence, family breakdown); and
- *cultural causes* (the provision of culturally inappropriate housing or support services to indigenous communities).

In many cases of homelessness, these causes intersect and interrelate.<sup>5</sup>

### **Homelessness & public order offences in Brisbane**

In recent years, academics, statutory and government departments have recognised the impact of summary criminal offences on homeless people in Queensland.<sup>6</sup> The effect of this growing recognition has been the implementation of a number of initiatives to respond to the impact of public order offences on the homeless. The Legal Aid Queensland *Street Offences Project* which provided representation to homeless people in the Brisbane Magistrates Court from January to June 2005, and the newly established Homeless Persons' Court Diversion Program are two examples.

### **HPLC clients, criminal law & public space offences**

**22% or one in five** HPLC clients seek criminal law advice and assistance and of that number, summary criminal offences comprise the overwhelming majority of matters. Our service particularly sees many clients charged with:

- Public nuisance, begging and being drunk in a public place under the *Summary Offences Act 2005* (SOA);

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<sup>4</sup> See <http://www.qshelter.asn.au/> & City South Homelessness Profile, Brisbane City Council [http://www.brisbane.qld.gov.au/bccwr/plans\\_and\\_strategies/documents/cs\\_homelessness\\_profile.pdf](http://www.brisbane.qld.gov.au/bccwr/plans_and_strategies/documents/cs_homelessness_profile.pdf) Accessed 04.06.06

<sup>5</sup> We acknowledge the work of the PILCH Homeless Persons' Legal Clinic in Victoria for this definition of causes of homelessness.

<sup>6</sup> See in particular Tamara Walsh, 'From Park Bench to Court Bench: developing a response to breaches of public space law by marginalised people' 2004, available at: [http://www.law.uq.edu.au/staff/tempprofiles/publications/Walsh\\_T\\_ParkBenchToCourtBench\\_Combined.pdf](http://www.law.uq.edu.au/staff/tempprofiles/publications/Walsh_T_ParkBenchToCourtBench_Combined.pdf)

- Contravening a lawful police direction, particularly a police move-on direction under the *Police Powers and Responsibilities Act 2000*;
- Traffic offences under the *Traffic Offences (Road Use Management) Act 1995*; and
- Unlawful possession of drugs and/or possession of a utensil under the *Drugs Misuse Act 1986*

### **What assistance can the HPLC provide?**

If a client intends to plead guilty to a summary criminal charge, the HPLC will facilitate representation for their plea of guilty by preparing a written brief to the Legal Aid Duty Lawyer. As of May 2006, clients who plead guilty for public space offences are also eligible for diversion through the newly established Homeless Persons' Court Diversion Program. In this situation, the HPLC will make a referral to both the Duty Lawyer and the Homeless Persons' Court Liaison Officer.

A client who intends to plead not-guilty to a summary criminal offence is unlikely to receive any representation by LAQ (due to its strict merits test). The only option for that client is to self-represent. This situation is less than ideal and often leads to a client pleading guilty to avoid the stress and complications of self-representing. In response to this, in May 2006 the HPLC developed a "Criminal Law List" comprised of barristers from the private bar to represent HPLC clients for not-guilty pleas on a pro bono basis. The Criminal Law List is in its infancy however we anticipate a steady number of referrals for public nuisance matters as below statistics demonstrate.

### **HPLC clients and public nuisance**

**Appendix A** is an Index of HPLC clients charged with public nuisance. It is broken into two sections:

- **CMC Period:** 11 Clients charged from April 2004 to October 2005 (19 month period); and
- **Current Period:** 12 Clients charged from November 2005 to June 2006 (8 month period).

Although the CMC's focus is on the impact of the public nuisance offence from April 2004 to October 2005 (the CMC Period), we have also included our clients charged from November 2005 to June 2006 (the Current Period) because:

- During the CMC Period, the HPLC was coordinated on a part-time basis by various "secondees" from participating law firms. From October 2005, (the beginning of the Current Period) the HPLC employed a full-time coordinator. This has meant greater documentation and follow up of clients charged with public nuisance offences, which ultimately provides the CMC with a more accurate "snapshot" of HPLC clients' experience with public nuisance;

- During the Current Period, our service experienced a “spike” in clients charged with public nuisance; and
- The Current Period enables the CMC Period to be seen in the context of a steady increase in public nuisance charges since the introduction of the offence in April 2004.

It can be difficult for our service to collect factual information about a client’s public nuisance charge and personal information about the client. This is due to two main reasons:

- HPLC clients are sometimes unable or reluctant to divulge personal information, such as their DOB or their current living situation.
- It is not unusual for the HPLC to lose contact with itinerant clients who have minimal contact details and no alternative contact information.

We have provided the CMC with as much detail as possible in Appendix A in relation to individual public nuisance charges. Individual cases referred to in this submission are referred to by their Index number i.e. #1, #2 etc.

### **Statistical Snapshot - CMC Period: April 2004 to October 2005**

Of the 11 HPLC clients charged with public nuisance during the CMC Period:

- 1 was female and 10 male
- 2 were young people (aged 25 years or less)
- 3 were sleeping rough at the time of the charge
- 2 were living in emergency accommodation hostels
- 2 were living in boarding houses
- 5 were charged simultaneously with other offences
- Of the simultaneous charges, 2 were obstruct police and 2 for possession of property suspected of being tainted.
- 4 also presented with mental health, alcohol and/or drug dependency issues
- 7 were either unemployed or in receipt of some form of Centrelink benefit

## Statistical Snapshot - Current Period: November 2005 to June 2006

Of the 12 HPLC clients charged with public nuisance during the Current Period:

- 3 were female and 9 male
- 5 were young people (aged 25 years or less). Of the 4 young people charged (one was charged on two separate occasions), 2 of them identified as “Goths”
- 6 were sleeping rough
- 2 were living in boarding houses
- 2 were in private rentals
- 4 were charged simultaneously with other offences
- 8 also presented with mental health, alcohol and/or drug dependency issues
- 11 were either unemployed or in receipt of some form of Centrelink benefit

The key findings and differences between the CMC Period and Current Period are illustrated in the below table:

Issue	April 04 to Oct 05 (19 months)	Nov 05 to June 06 (8 months)	Differential
Rough sleepers	27%	67%	248% increase
Boarding House residents	18%	17%	Consistent
Clients with mental health/drug/alcohol issues	36%	67%	186% increase
Females	9%	25%	277% increase
Young people (under 25)	18%	42%	233% increase
Unemployed or on Centrelink benefits	64%	92%	144% increase
Charged with other offences	54%	33%	61% decrease

The balance of this submission is spent responding to the specific questions identified by the CMC in its Issues Paper.

### **1. What range of behaviour or language has resulted in a charge of public nuisance?**

In the CMC Period, recorded behaviour which resulted in a charge of public nuisance included:

General Behaviour	Percentage of total
Swearing and/or verbal arguments with police or another person	36%
Public urination	9%
Physical contact (pushing, hitting)	18%
<b>Incidents where behaviour was alcohol-induced</b>	<b>18%</b>

In the Current Period, recorded behaviour included:

General Behaviour	Percentage of total
Swearing and/or verbal arguments with police or another person	50%
Public urination	17%
Physical contact (pushing, hitting)	17%
<b>Incidents where behaviour was alcohol-induced</b>	<b>33%</b>

### Swearing / verbal arguments

The statistics reveal a significant increase in public nuisance charges for HPLC clients as a result of verbal altercations. In the last 8 months, 50% of clients charged with public nuisance were charged as a result of swearing and/or shouting at police or other members of the public.

This is despite the 2004 High Court decision of *Coleman v Power* which narrowly interpreted the statutory definition of offensive language in relation to the then section 7 VG00A.<sup>7</sup> In light of that decision, the behaviour of HPLC clients who called police officers a “wanker” or a “slut” arguably failed to meet the statutory definition of offensiveness.<sup>8</sup>

### Public urination

Another cause for concern is the increasing number of elderly homeless men charged with public nuisance for urinating in a public place. During the CMC period, 1 client was charged for public urination, and during the Current Period, the HPLC saw 2 clients in a 3 week period charged with public nuisance for urinating in public.

In each case, the client cited his “bladder problem” as the reason for urinating in public. Two clients were able to get a medical certificate verifying the existence of their bladder problem.

<sup>7</sup> [2004] HCA 39

<sup>8</sup> For a thorough analysis of the High Court’s decision in *Coleman v Power*, see Dr Tamara Walsh, ‘No Offence’: *The enforcement of offensive language and offensive behaviour offences in Queensland* April 2006. Available on-line at: [www.lawandpoverty.org/tamarawalsh](http://www.lawandpoverty.org/tamarawalsh) Accessed 12.06.06

It is a simple fact that homeless people experience poor physical and mental health compared to the general population. It is understandable that an elderly man sleeping rough or residing in a homeless men's hostel, with limited access to showers and a poor ability to maintain good personal hygiene will develop a bladder problem or related symptoms such as a urinary tract infection more easily than the general population.

In each case, a more appropriate charge was clearly that of wilful exposure under section 9(1) SOA. It is curious that the police charged these clients with public nuisance when the lesser charge of wilful exposure was available. Further, had they been charged with wilful exposure instead of public nuisance, each client could have raised the defence of "reasonable excuse" on the basis of their homelessness, lack of access to private toilet facilities and existing medical condition.

## **Goths**

The HPLC has also seen an increase in young people identifying as "Goths" being charged for public nuisance. During the Current Period, two clients were charged (see #15, #16 and #21), one young male being charged with two individual incidents in a two week period.

In the latest incident, a young woman with a leopard-pattern hairstyle was charged with public nuisance after she allegedly called a police officer a slut, made an offensive finger gesture and walked in a 'threatening' manner towards police officers. The police version of events differs significantly to the client's, who states that it was she who was called a slut by police. She was arrested in a scuffle involving 6 police officers pinning her to the ground, at which point she suffered an asthma attack and her boyfriend's face was "rubbed into the bitumen" by police officers resulting in skin grazing.

These incidents highlight the vulnerability of young people identifying as a different subculture and their susceptibility to police interaction, often leading to arrest.

## **2. *What proportion of public nuisance charges have been the result of a complaint by a member of the public?***

Of the total 21 clients charged, only a small number of incidents resulted from complaints by members of the public, namely:

- a) A complaint by a bottle shop store attendant to remove a person from the premises (#23). We note that this was not a "public place" for the purposes of the legislation and was therefore an unlawful charge.
- b) A complaint by a Queensland Transport officer at a railway station who was called a "dyke cunt" by an Aboriginal woman in the presence of other general members of the public (#12).

- c) A young male catching a bus whilst intoxicated. The bus driver called the police and the man was subsequently charged (#1).

Cases #3 and #15 may also have resulted from complaints by members of the public, however the facts are unclear.

Most charges involving HPLC clients resulted from either direct interaction between the HPLC client and police or police intervention into verbal disputes between the client and a third party, as follows:

<b>Time Period</b>	<b>HPLC Case No.</b>	<b>% of Period</b>
<b>CMC Period</b>		
Direct interaction between client and police leading to charge	4, 6	18%
Police intervention into dispute between client and third party but not as a result of public complaint	2, 8, 9	27%
Total % of period		<b>45%</b>
<b>Current Period</b>		
Direct interaction between client and police leading to charge	20, 21, 16, 22	33%
Police intervention into dispute between client and third party but not as a result of public complaint	13, 14,	17%
Total % of period		<b>50%</b>
<b>Total % HPLC clients (CMC &amp; Current Periods) charged due to direct interaction with police or police intervention not as a result of public complaint</b>		<b>48%</b>

### ***3. Have vulnerable groups in society been disproportionately charged or individuals disadvantaged?***

The HPLC considers that homeless people, particularly those experiencing primary homelessness, are disproportionately charged with public nuisance offences compared to the general population. Although the HPLC cannot make direct statistical comparisons with the general population as our service is limited to assisting homeless people, this is evident by two things:

- Summary criminal matters (particularly SOA offences) are the single most demanding area of law that homeless people seek legal assistance with; and
- HPLC clients sleeping rough are disproportionately charged with the offence of public nuisance compared to other HPLC clients.

Perhaps more than any other marginalised group in society, people experiencing homelessness are vulnerable to being charged with public

nuisance as a consequence of the large amount of time spent in public places. Rough sleepers literally do not have private space to retreat to and their behaviour and presence is therefore more visible to police and public authorities. The experience of our clients is that they feel more targeted by police as a result of their presence in public space.<sup>9</sup>

The problem of visibility is also relevant to hostel residents. The “house rules” of most accommodation hostels in Brisbane prevent hostel occupants from accessing their rooms during the day. Many hostel residents gravitate to public space during the day as it provides a space for social interaction and for some, an opportunity to “escape” from accommodation which may be unsuitable.

The new pilot Homeless Persons’ Court Diversion Program is a direct response to the reality of homeless people being disproportionately charged with public space offences compared to the rest of the general population. That the State government is providing considerable resources and cross-departmental support for the program illustrates its recognition of the detrimental effect of public space laws on homeless people and the need to introduce court diversionary schemes in a partial attempt to respond to the issue.

#### **4. Does the SOA provide adequate defences for a person charged with an offence of public nuisance? If so, why? If not, why not?**

The HPLC considers there is no adequate defence for the offence of public nuisance.

As was recommended by RIPS in its submission to the Minister for Police and Corrective Services on the review of the VGGOA,<sup>10</sup> the HPLC considers that a defence of **reasonable excuse** is necessary and would enable the courts to view a homeless person’s public nuisance behaviour in the context of their vulnerable and exposed living situation.<sup>11</sup>

#### **5. What impact, if any, has the public nuisance provision had upon the safety or community use of public space?**

The HPLC considers that the offence of public nuisance has had a deleterious effect on the ability for homeless people to use and enjoy public space. For people already living on the margins of society, heavy regulation of public space reinforces existing feelings of social exclusion and loneliness in addition to providing an entry point into the criminal justice system.

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<sup>9</sup> See QPILCH HPLC submission to the Brisbane City Council regarding move-on powers. Available on-line at: [http://www.qpilch.org.au/dbase\\_upl/Move%20On%20Powers.pdf](http://www.qpilch.org.au/dbase_upl/Move%20On%20Powers.pdf)

<sup>10</sup> RIPS Submission to the Minister for Police and Corrective Services on the Review of the *Vagrants Gaming and Other Offences Act 1931*, August 2004.

<sup>11</sup> Walsh, Tamara, ‘Who is the ‘Public’ in ‘Public Space’? A Queensland perspective on poverty, homelessness and vagrancy’ *Alternative Law Journal* Vol 29:2 April 2004

**6. Does the current public nuisance offence overlap with other existing offences? If so, what other offences and in what way?**

In our experience, many clients who are intoxicated are ultimately charged with public nuisance. Of the 21 HPLC cases listed, 33% involved clients who were drunk at the time of the offence, however none of those clients received a charge of being drunk in a public place pursuant to section 10 SOA. This is not to suggest that more section 10 charges should be made, but rather, to indicate the rise of public nuisance as a “catch all” offence. The decrease in multiple offences during the Current Period also indicates the use of public nuisance as an all-purpose, “one size fits all” charge.

**7. Has a charge of public nuisance ever been used as an alternative to another offence? If so, what was the alternative charge?**

As stated above at Q6, the HPLC considers that the public nuisance charge is being used as an all-purpose, “catch all” offence. As stated at Q1, public nuisance has been used on 3 occasions for public urination when the lesser charge of wilful exposure was more appropriate.

**8. Have charges of public nuisance typically been accompanied by other charges? If so, what charges and in what circumstances?**

During the CMC Period, 54% of clients charged with public nuisance were simultaneously charged with other offences, which included:

- Failure to obey a police direction
- Obstruct police x 2
- Possession of a dangerous drug x 2
- Possession of property suspected of being tainted x 2
- Stealing

Less ‘multiple charges’ took place during the Current Period. 1 in 3 or 33% of HPLC clients charged with public nuisance were charged with other offences, which included:

- Possession of a dangerous drug
- Common assault x 2
- Begging
- Trespass

This indicates that the offence of public nuisance is being used, at least against homeless people, as a “catch all” offence, as stated above.

**9. Where have most charged incidents of public nuisance taken place?**

The majority of public nuisance incidents took place in public places:

PERIOD	Public Place	No. Incidents	HPLC No.	% total
CMC Period	King George Square	4	2,8,9,11	36%
	Queen Street Mall	1	4	9%
Current Period	At/near railway station	3	12,18	17%
	King George Square	1	13	8%
	Queen Street Mall	2	15,16	17%
	Valley Mall	1	19	8%
	Street	5	14, 17, 20, 21, 22	42%

Incidents of public nuisance which took place in private places included a bottle shop (#23) and the Dooley's Pub in Fortitude Valley (#3). The HPLC considers that in both these instances, the charge of public nuisance was:

- Unnecessary, as the client was charged simultaneously with other offences; and
- Unlawful, as the behaviour which gave rise to the offence did not interfere (and was not likely to interfere) with another person's peaceful passage though or enjoyment of a public place.

#### **10. Do police exercise their discretion appropriately with respect to public nuisance incidents? If so, why? If not, why not?**

The HPLC statistics indicate that selective enforcement of public nuisance offences by police officers against homeless people is commonplace, due largely to their visibility in public space. Some homeless people, particularly young people sleeping rough, are "known" to police officers who, as one young HPLC client has remarked, "love to pounce on ya".

The wide discretion available to police is precisely the reason why, in our view, the public nuisance offence is selectively enforced against homeless people who end up being charged for behaviour which in many cases could be dealt with more appropriately by an alternative, informal response.

In order to limit the police discretion which allows selective enforcement, the HPLC considers that police officers should be statutorily required to consider alternatives to charging a homeless person for public nuisance. A key example is RIPS' suggestion of a 'vulnerable persons' test, which would require a police officer, prior to arresting a vulnerable person, to consider:

- Taking no action
- Administering a caution
- Issuing a move-on direction
- Contacting a welfare agency
- Taking the person to a place of safety.

The insertion of this test would go significant lengths to addressing and reducing selective public order policing which exists as a result of the wide discretion available to police.

**11. What has been the most common police response to a public nuisance incident? (eg. Arrest, issue a notice to appear, caution)**

The vast majority of HPLC clients are issued with a Notice to Appear in the Brisbane Magistrates Court for public nuisance. The HPLC is unaware of the number of homeless people who are actually arrested for public nuisance because our outreach service does not pick up such clients.

The HPLC is also unaware of the number of homeless people who are informally cautioned or diverted to support services as a result of public nuisance behaviour. This is primarily because if a charge does not ensue, a client is unlikely to seek assistance from our service.

**APPENDIX A: Index of QPILCH HPLC clients**

**April 2004 – October 2005**

No	Date	HPLC clinic	Age	Sex	ATSI	Accomm at time of charge	Income	Other details	Details of public nuisance charge	Other charges also made?	Outcome
1	17.04.04	RCNC	25 yrs	M	No	"Lives in Bardon"	Unknown	-	Client catching bus when intoxicated. Pressed button numerous times to get out but bus driver wouldn't stop. Bus driver called police and client subsequently charged.	No	Unknown
2	28.09.04	RCNC	22 yrs	M	No	Back-packers	unemployed	-	Client having a verbal fight with his girlfriend in King George Square. 4 police officers came over and grabbed him. Was handcuffed and taken to watch house at Roma Street. Client very upset and swore at police officer and hit police officer. Allegations of police taking him out to back cells and kicking client in stomach, standing on client's hands.	Yes	Unknown
3	12.10.04	AWH	37 yrs	F	No	Women's Hostel	Centrelink DSP	-	Client at Dooley's Pub in Fortitude Valley and asked another person to mind her bag. Other person stole cash. She hit her. Police also asked her to move on and she didn't.	Failure to obey police direction, Obstruct police	Unknown
4	14.01.05	RCNC	26 yrs	M	No	Squat	Centrelink	Mental illness	Client called a police officer a "wanker" in Queen Street Mall and QP9 states police officer was offended.	Obstruct police	Unknown
5	31.03.05	Ozcare	35 yrs	M	No	Squat	Centrelink DSP	-	Exact details unknown	Possession dangerous drug & tainted property	Unknown

No	Date	HPLC clinic	Age	Sex	ATSI	Accomm at time of charge	Income	Other details	Details of public nuisance charge	Other charges also made?	Outcome
6	17.06.05	MA Café	36 yrs	M	Yes	Sleeping Rough	Centrelink	Alcohol dependent	Client responded verbally to police questioning.	Possession tainted property	Unknown
7	15.07.05	MA Café	30 yrs	M	No	Parent's house	unemployed	-	Exact details unknown.	Stealing (1x pair sunglasses)	Unknown
8	26.07.05	RCNC	27 yrs	M	No	Boarding house	Casual employ.	Mental health issues & drug dependent	Client with his girlfriend in King George Square. Both drunk. Police took bottle off his girlfriend and she went "crazy". Client tried to calm girlfriend down and was charged. Spent night in lock up.	No	Unknown
9	27.07.05	RCNC	27 yrs	M	No	Boarding house	Casual employ.	Mental health issues & drug dependent	Client in King George Square and pushed a guy over. Charged with public nuisance. Client stated he is now friends with the victim.	No	Unknown
10	13.09.05	MA Café	-	M	No	-	-	-	Exact details unknown	Unknown	Unknown
11	20.09.05	Ozcare	43 yrs	M	No	Men's Hostel	Centrelink DSP	-	Client charged after urinating in public (King George Square). Client stated he had bladder problem and there were no public toilets.	No	Unknown

October 2005 onwards

No	Date	HPLC clinic	Age	Sex	ATSI	Accomm at time of charge	Income	Other details provided	Details of charge	Other charges also made?	Outcome
12	19.01.06	MA Café	38 yrs	F	Yes	Squat	Centrelink Newstart	Client appeared to have mental health problems	Client charged at Roma St police station after calling a Qld transport officer a 'dyke cunt' in front of customers.	No	Client pleaded not guilty – unsure of outcome.
13	14.02.06	RCNC	21 yrs	M	No	Squat	unemployed	Alcohol dependent	Client drunk in King George Square. Had a verbal argument with another person. When arrested police made taunts about client's level of education.	Possess dangerous drug	Unknown
14	April 06	RCNC	23 yrs	M	No	Squat	Centrelink Newstart	Drug & alcohol dependent	Client yelled at passerby who was laughing at his friend being arrested outside their squat.	No	Client failed to appear. Fined \$600.
15	22.04.06	RCNC	24 yrs	M	No	Sleeping rough	Centrelink Newstart & The Big Issue	Attention Deficit Disorder and identifies as a Gothic	Client got into verbal argument with "preacher" in Queen Street Mall. Client a 'gothic'. Preacher made taunts to client about his gothic appearance and devil worshipping.	No	Client pleaded guilty. HPLC represented client - \$75 fine and no conviction.
16	10.05.06	RCNC	24 yrs	M	No	Sleeping rough	Centrelink Newstart & The Big Issue	Attention Deficit Disorder and identifies as a Gothic	Client drunk and riding a push scooter in the Queen Street Mall. Client recalled giving police a "mouthful". QP9 indicates client threw scooter. Client disputed this.	No	Client pleaded guilty. HPLC represented client - \$60 fine and no conviction.

No	Date	HPLC clinic	Age	Sex	ATSI	Accomm at time of charge	Income	Other details provided	Details of charge	Other charges also made?	Outcome
17	15.05.06	4AAA	69 yrs	M	No	Boarding House	Centrelink Old Age Pension	-	Client urinated in public. Tried to keep out of public view. Produced medical report for bladder problem.	No	Currently adjourned. HPLC has written a request for charges to be withdrawn on basis of charge not amounting to public nuisance
18	31.05.06	BHSC	42 yrs	M	No	Sleeping rough	unemployed	-	Charged outside Roma Street Transit Centre	Common assault	Unsure of outcome
19	05.06.06	MA Café	69 yrs	M	No	Sleeping rough	Centrelink Old Age pension	-	Client charged for urinating into a rubbish bin in the Valley mall. Client cited bladder problem as reason for urinating.	No	Client pleaded guilty fined \$200 + 2 month good behaviour bond
20	13.06.06	MA Café	47 yrs	M	No	Rental	Casual employ	-	Client chased by police after not paying rail fare. Issued with public nuisance infringement notice but ultimately charged with obstruct police.		Currently adjourned. HPLC assisting client to assess his prospects.

No	Date	HPLC clinic	Age	Sex	ATSI	Accomm at time of charge	Income	Other details provided	Details of charge	Other charges also made?	Outcome
21	15.06.06	MA Café	22yrs	F	No	Rental	Centrelink DSP	Identifies as a Gothic and diagnosed with bipolar disorder	QP9 says client called police officer a slut and made an offensive finger gesture (middle finger) and walked in a 'threatening' manner towards police officers. Client instructs that police yelled 'slut' to her and arrested her in a scuffle, and she suffered an asthma attack.	No	Currently adjourned. Client intends to plead not-guilty with assistance of HPLC.
22	19.06.06	BHSC	38 yrs	M	No	Sleeping rough	Centrelink Newstart & The Big Issue	Alcohol dependent	Client was charged when drunk and was walking down the street and he hit a bus sign.	Common assault & Begging	Client pleaded guilty and diverted through HPCDP
23	04.07.06	HART 4000	51 yrs	F	No	Boarding House	Centrelink DSP & The Big Issue	Alcohol dependent & had taken 2 panadeine forte for arthritic pain relief prior to offence	Client refused to leave bottle shop after becoming drunk at invitation of store attendant. QP9 states client hit store attendant and police officer in the face. Client has no recollection of events.	Trespass	Client pleaded guilty and diverted through HPCDP

References:

**RCNC** – Red Cross Youth Night Café  
**4AAA** – 4AAA Kiosk on Boundary Street, West End  
**BHSC** – Brisbane Homelessness Service Centre  
**Ozcare** – Ozcare Homeless Men's Hostel

**AWH** – Anglican Women's Hostel  
**MA Café** – Mission Australia Café One on Wickham  
**HPCDP** – Homeless Persons' Court Diversion Program  
**DSP** – Disability Support Pension