

# CORPORATE SERVICES

CITY SAFE



Date >> 08 June 2006



**Mr Derren Moss**  
Research & Prevention  
Crime And Misconduct Commission  
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Dear Mr Moss,

In reference to the email from Susan Johnson, Director, Research and Prevention, Crime and Misconduct Commission requesting input from local governments in relation to a review of the public nuisance offence, please find below Townsville City Council's submission.

## Townsville City Council's Submission

**In general:** Townsville City Council holds the view that the public nuisance offence provision under the *Summary Offences Act 2005* has made a positive contribution to making public areas safe for the whole community and not just havens for drunks and anti social activities. In addition it enables such groups and persons to come to the attention of authorities so that health and welfare services can provide them with assistance, and allows the general community, even should they never actually witness such behaviours, to feel confident that social and community values are being upheld in a meaningful way.

**Behaviour not directed at any person:** There are times when people are affected by drugs or alcohol and their behaviour creates alarm and fear to others in close proximity. The perpetrator may have no intention of creating this alarm or fear but nevertheless, it occurs. With the rise of drug and alcohol abuse in our communities it is important that this clause remain in the act. At the very least a complaint of public nuisance or the witnessing of public nuisance by a law enforcement officer can enable the provision of assistance to the perpetrator, particularly on health terms.



Council's Health Surveillance section concurs with the recommendation that this clause remain in the Act. North Queensland is well known for its ever-increasing focus on outdoor social activities in public places i.e. a la cart dining/footpath dining. It is important that there remains a legislative tool which allows authorities to monitor and control 'antisocial' behaviour, which although may not be directed at any one person at any given time, in these circumstances would have a negative impact on public peace and amenity, which consequently poses a threat to the North Queensland lifestyle.

**Complaint unnecessary:** The fact that no complaint of public nuisance is made by a member of the public does not mean it has not occurred or that people have not felt intimidated. The fear of reprisal, particularly for the vulnerable in our communities, could be a factor. In addition these public nuisance provisions are not well known or publicised such that the general public may not know they have any right to make a complaint or that if they were to make a complaint that they would be treated with respect whilst doing so. Sadly some law enforcement officers appear similarly confused as to the ability to address an issue of public nuisance without a formal complaint being made by a member of the public.

**Public nuisance and social identity:** It is Council's view that any group acting in an anti-social manner in public needs help. The public nuisance offence is one way for such groups and individuals, even without their realising it, gaining attention of health and welfare agencies such that assistance can be provided to them. So it enables communities to exhibit their caring side rather than ignoring the problems of perpetrators.

**Public nuisance offences and police responses:** As a local government Townsville City Council does not have legislative authority to address the issues of public nuisance or the contributing factors that result in such public nuisance. However the general public do not always understand that so Townsville City Council staff regularly receive reports on such behaviours. Sometimes the general public also mistakenly believe a local government is responsible for the Police service and complain about the way their reporting of a public nuisance has been handled. Whilst Townsville City Council works closely with the Police and supports their work in addressing issues of public safety and reducing crime it does appear that some police officers are not fully conversant with the public nuisance provisions under the *Summary Offences Act 2005*.

**Questions:**

2.b The public interest served where there is no complainant to a public nuisance charge is three-fold - 1: the restoration of quiet and good order sending a message to the community that they have a right to safely enjoy the amenity of a public space and to move through it; 2: much needed assistance provided to the perpetrator/s; 3: the dissemination of the important message to everyone that you cannot behave any way you like in public, but that there are consequences and the impacts of public nuisance behaviours resonate negatively in myriad ways across the whole of a community - in terms of reduction to wellbeing and mental health not only of the perpetrator, on the people living in close proximity to or witnessing the behaviour, and on the wider community in terms of safety and promotion of tourism and business investment.

5. The impact the public nuisance provision has on the safety or community use of public spaces can be wide ranging and for everyone, including the perpetrator/s, however it needs to be more widely advertised so that the general public know their rights and responsibilities in regards to this and for the perpetrators to similarly understand the provision. It would also send the broader message to the community about how to behave in public space.



**Adrienne Isnard**

City Safe Officer