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06/04510

CMC Review of Public Nuisance
Attention: Mr Derran Moss
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BRISBANE QLD 4001

Dear Mr Moss

CMC REVIEW OF THE PUBLIC NUISANCE LAWS

Thank you for your letter of 30 May 2006 about the Crime and Misconduct Commission's review of the public nuisance offence provision, as required under the *Summary Offences Act 2005* (the SOA).

We note that the review is to cover the 18 month period from 1 April 2004 to 1 October 2005 and encompasses both section 7AA of the repealed *Vagrants, Gaming and Other Offences Act 1931* and section 6 of the SOA. We also note that the CMC's primary interest is in respect of any changes brought about as a consequence of the 'new' public nuisance law.

Legal Aid Queensland appreciates the opportunity to contribute to this important review.

The context of our comments

1. Our services

The Legal Practice of Legal Aid Queensland provides legal assistance to Queenslanders in a number of ways, including through the provision of legal advice, and representation through duty lawyer services or specific grants of aid. Services are delivered through our 14 offices located throughout Queensland – Brisbane, Bundaberg, Caboolture, Cairns, Inala, Ipswich, Mackay, Maroochydore, Mount Isa, Rockhampton, Southport, Toowoomba, Townsville and Woodridge.

Duty lawyer services

Duty lawyer services are provided to the majority of the State's magistrates and children's courts, either by Legal Aid Queensland lawyers, lawyers from private firms or other legal services. In the 2004 – 2005 year, 'in-house' Legal Aid Queensland duty lawyers provided representation to 26,692 adult defendants in Queensland magistrates courts, and 2523 young people appearing before children's courts.

Our Criminal Law Practice provides duty lawyer services in the Brisbane Magistrates Court each weekday, on Saturdays and on public holidays. The only other provider of duty lawyer services to this court is the Aboriginal and Torres Strait Islander Legal Service; no private firms

undertake duty lawyer work in these courts. A specific Brisbane based team provides duty lawyer services to clients in custody (Court 1 matters) and to clients on bail or notices to appear (matters in Courts 2 & 3); the provision of duty lawyers services in Courts 2 and 3 is shared with other teams in our Legal Practice.

Legal advice

Our legal advice program provides free legal advice to clients, to help them understand their legal issues and available options. Legal advice is provided via telephone, videoconferencing, at Legal Aid Queensland offices and at designated outreach services, including prisons.

In 2004 – 2005 the Legal Practice provided 14,762 advices in relation to criminal matters. The majority of legal advices are provided by our First Advice Contact Team (FACT) and our regional lawyers.

Grants of aid

Legal Aid Queensland is the state's largest criminal law practice. We represent children and adults charged with criminal offences before all criminal courts, and provide assistance and representation in specialist areas, such as mental health law, appeals against conviction and sentence, juvenile justice matters and in the state's Drug Courts.

2. Our role in relation to the public nuisance laws

Our primary interaction with clients facing public nuisance charges occurs in relation to our provision of duty lawyer and legal advice services. Clients will only be able to obtain specific grants of aid for representation in respect of summary charges, such as public nuisance offences, in limited circumstances.

In general, our relevant funding guidelines in this area are as follows.[1]

Pleas of guilty

Aid is not usually granted when a plea is taken in a magistrates court where there is a duty lawyer scheme operating, unless it would be unreasonable to expect the duty lawyer to enter the plea, such as in the following circumstances:

- when an interpreter is required; or
- when the defendant suffers from a mental or physical disability; or
- when, having regard to all the circumstances surrounding the incident, including prior convictions, a conviction will result in a term of imprisonment being imposed.

Summary hearings

Aid to conduct a summary hearing may be approved in limited circumstances. Where it is considered that the applicant has a reasonable defence to the charge (and the charge does not involve a minor traffic prosecution or regulatory offence), aid may ordinarily be approved if one of the following criteria also apply:

- conviction would be likely to result in imprisonment; or
- conviction would be likely to have a detrimental effect on the defendant's livelihood or employment (actual or prospective); or

[1] Source – Legal Aid Queensland *Grants Handbook,* which can be viewed at http://www.legalaid.qld.gov.au/gateway.asp?c=about

- the defendant suffers from a disability or disadvantage which prevents self representation; or
- there are reasonable prospects of acquittal; or
- the applicant is a child.

Specific projects

As the First Advice Contact Team and our in-house duty lawyers speak with and represent so many clients, they are sometimes able to identify systemic issues which merit a broader response than just the provision of specific advice or duty lawyer representation to individual clients. In 2004 – 2005 their work informed two broader criminal justice projects, both of relevance to the area of public nuisance offences.

The first was a police assault watch project, during which FACT lawyers identified a small number of cases which should be funded to proceed to trial. The project was established as a result of FACT lawyers detecting an increase in clients charged with minor or street-type offences, who alleged misconduct (such as the use of excessive force) by arresting police.

The second was our Homelessness and Street Offences project, which was established in response to the needs of homeless people who enter the criminal justice system.

3. Legal Aid Queensland's Homelessness and Street Offences project

During 2004, staff at Legal Aid Queensland working in the courts began to notice an increase in the number of homeless people appearing in court on 'street' offences, such as public nuisance. It was apparent that due to their high visibility in the community, homeless people (particularly those with a mental illness) often drew police attention and ended up in the criminal justice system. Typically, homeless people engaged poorly with the criminal justice system, and fell into a downward spiral leading to imprisonment.

In 2005, we established a short term project to examine these issues more closely. Our homelessness and street offences project ran for six months from January to June 2005 (i.e. within the period relevant to the CMC's review). Under the project, guidelines for granting legal aid were expanded, enabling homeless people to obtain legal aid and representation for summary matters before the Brisbane Magistrates Court.

The project lawyer provided legal representation to 60 homeless people charged with summary offences who appeared before the Brisbane Magistrates Court. The aims of the project were to identify:

- the level of need for representation of homeless and mentally ill people charged with street offences;
- the nature of the need, in terms of common charges, current resolution of matters and effective resolution of matters; and
- systemic issues affecting the effective disposition of matters involving homeless and mentally ill people charged with street offences.

The experience of these homeless people was used to identify a profile of homeless people before the court on summary offences, and to understand their experience of the criminal justice system. The project worked closely with other government departments who were developing policy responses for providing services and support to homeless people, as well as key agencies involved in direct service provision.

The study found that a third of the homeless people represented had alcohol and substance addiction problems, and a further 50 percent had mental health problems that affected their behaviour and decision making abilities, which contributed to their arrests.

The study also found that homeless people suffered extreme poverty and lived in circumstances which made it difficult for them to interact with social systems and services. For example, a high proportion of homeless people did not attend at court when they were supposed to, often because immediate priorities of finding food and shelter had taken precedence. Public order type charges, including public nuisance, were the most prevalent.

A final report was published in August 2005 outlining the project's findings, recommendations and conclusions. A copy of that report is attached for your information.

The project produced six key recommendations which focussed on:

- diverting homeless people away from the justice system into rehabilitation or other services to break the cycle of homelessness; and
- building understanding of the special needs of homeless people and collaborative long term approaches aimed at supporting homeless people.

Legal Aid Queensland's study helped to inform the establishment of a state government funded, two-year court support and diversion pilot program for homeless people charged with minor, non-violent offences. As you would know, the Homeless Persons Court Diversion Program and the Special Circumstances List commenced operation in the Brisbane Magistrates Court from 2 May 2006. Some more specific observations about the diversion program and the Special Circumstances list are made below.

The CMC Issues Paper: Specific questions

1. What range of behaviour or specific behaviour has resulted in a charge of public nuisance? Also, what language has resulted in a charge of public nuisance?

It is difficult to specify, in any meaningful way, the 'range' of behaviour which has resulted in police preferring public nuisance charges. Any day in a busy Magistrates court will present a number of cases of public nuisance arising from a wide range of circumstances. To the extent that it is possible to generalise, the behaviour in question, on an objective assessment, will ordinarily have some 'anti-social' element to it, and there is usually a direct correlation between the charge and the alleged offender being under the influence of alcohol or a drug, or suffering from a mental illness or intellectual disability. Not infrequently a combination of those circumstances will exist.

More specifically, it is our experience that the public nuisance provision will often be used to charge in cases involving minor violence (such as a scuffle in the street), especially where the alleged victim is unwilling or unable to make a complaint. Urinating in public generally leads to a charge of public nuisance, rather than one of wilful exposure. However, begging is normally the subject of a charge under s.8, rather than s.6. Behaviour that might conceivably found a charge under relevant transport/traffic laws, such as an intoxicated person crossing a road in a manner that disrupts traffic, is often charged instead as public nuisance.

Many cases now charged as public nuisance would previously, under the repealed s.7 of the *Vagrants, Gaming and Other Offences Act 1931*, have been charged as obscene language. One trend that we have observed at the duty lawyer level is a clear willingness on the part of police to prefer a public nuisance charge in circumstances where a person has allegedly used obscene language towards police officers. We have seen instances of this even where the

alleged swearing has occurred in a relatively isolated area, with no members of the public (beyond the attending police) in the vicinity. More about this is said below.

In summary, we have not recognised a change in the range of behaviour, including language, that results in a charge being preferred. However, we perceive that in some locations, including Brisbane city, there has been an increase in the number of persons charged in relation to such behaviour and language.

We note that in its 2004-05 Statistical Review the Queensland Police Service noted the following in relation to "Good Order Offences":

> *"Good Order Offences increased by 6% from 2003/04 to 2004/05. A total of 32551 offences were detected by police which equates to a rate of 820 offences for every 100,000 persons. An increase in Resist, hinder etc., Fare Evasion and* ***public nuisance type offences contributed to the overall increase. Public nuisance type offences, being the largest group of offences had the most impact on the outcome***[2]*.*
>
> *Only three regions, Northern, Central and North Coast recorded decreases. The largest increases occurred in Southern and South Eastern Regions (18% for each). Higher rates are generally seen in the northern regions and this occurred again in 2004/05. Similarly, the lowest rate traditionally occurred in Metropolitan South and the current year was consistent."*[3]

Our perceptions are further supported by the startling announcement made by the Minister for Police and Corrective Services on 26 October 2005, that preliminary figures for the 2004/05 financial year at that time showed that police arrest rate figures for the Central Brisbane District for offences involving the use of "obscene, insulting and offensive language against police"[4] had risen by 2,600 percent.[5] No doubt the data underlying that assertion will be sought by the CMC to further inform this review.

Such a huge increase in the arrest rate for these types of offences is even more surprising given the decision of the High Court in the case of *Coleman v Power*[6], involving circumstances where the appellant had been charged, among other things, with offences involving the use of allegedly insulting words to a police officer under the now repealed *Vagrants, Gaming and Other Offences Act 1931*. In upholding Mr Coleman's appeal against his conviction, the High Court was of the view that the term "insulting words" (and words such as "abusive" and "offensive" which continue in the *Summary Offences Act*) is/was to be narrowly construed so that it did not fall foul of the Constitution by burdening the implied freedom of communication about government or political matters.

Obviously s.6 of the SOA has now been enacted. The offence of public nuisance can now be committed, amongst other ways, if a person behaves in a disorderly, offensive, threatening or violent way; and 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. A person may behave in an offensive or threatening way by using offensive, obscene, indecent, abusive or threatening language.

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[2] emphasis added
[3] at p. 15; the report also notes "[*O*]*n 1 April 2004, amendments were made to the* Vagrants, Gaming and Other Offences Act, 1931, *section 7AA. The offence of "Public Nuisance" was created to replace the offences of Indecent Behaviour, Language Offences and Disorderly Conduct. This Act was repealed on 20 March, 2005 and was replaced by the* Summary Offences Act, 2005.
[4] Presumably charged as public nuisance
[5] Ministerial Media Statement, 26 October 2005
[6] (2004) HCA 39

In our view, the accent of the new provision is on the use of public space. It must be proved that the conduct interfered, or was likely to interfere, with the peaceful passage through, or enjoyment of, a public place by a member of the public.

We would have thought that the combined effect of the High Court decision and the new public nuisance provision would have been to produce fewer prosecutions, and certainly fewer convictions, than under the old VGOOA provision.

Such an increase in public nuisance charges is perhaps more reflective of changes in policing policy and practice, particularly in certain locations, rather than being attributable to the wording of the current or previous offence provision. The increase noted by the Minister can only be interpreted as reflecting that police are now pursuing a policy shift of taking more enforcement action and effecting more arrests, in circumstances where other resolution tactics may previously have been used to defuse and resolve interactions between the police and members of the public.

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

We know of no way to reliably measure the proportion of charges deriving from a complaint made "by a member of the public", unless the Queensland Police Service record this detail at the time of instigating proceedings. There is of course the complicating factor here of the District Court authorities which have held that operational police, performing their active duties, are themselves to be regarded as "members of the public", with a right to "enjoy" public places, for the purposes of s 6.

In our experience, most public nuisance charges do not result from a complaint made to police by "civilian" members of the public. To the extent that it is possible to generalise, the charges that do emanate from "public' complaints most frequently arise from those employed in licensed premises.

3. Have vulnerable groups in society been disproportionately charged or otherwise disproportionately affected by public nuisance charges? If so, in what way have such groups been disproportionately charged or individuals disadvantaged?

The public nuisance law has the potential to disproportionately impact upon people who are the regular users of public space and civil amenities. Our perception is that some vulnerable groups in society are disproportionately charged. The relevant groups affected are the homeless, Indigenous people[7], the mentally ill and intellectually disabled, and young people.

Young people, particularly those under the age of eighteen years, tend to be frequent users of public space like the parks and the streets. Their use of such public spaces differs from adults. Obviously, young people are restricted from using licensed premises and generally have less financial resources available to them than adults do. So, many young people use public spaces, particularly the areas of the inner city which are in close proximity to major transport hubs, to congregate and socialise.

Similarly, Aboriginal and Torres Strait Islander people often gather in public areas likely to be the focus of policing activities. The effects of disproportionate application of the public nuisance law may be exacerbated in the case of people who belong to more than one of the abovementioned groups, such as young Indigenous people, already a very marginalised group in our society.

[7] In Brisbane and major regional centres duty lawyer services for Indigenous people are predominantly provided by Aboriginal and Torres Strait Islander Legal Services.

It is trite to comment that the homeless, by very definition, have no personal 'private space' to retire to, in the manner of those who do enjoy reliable and safe accommodation. They have no choice other than to spend much of their time in public space. For these people, daily life is a regular struggle – to maintain their personal safety and find food and accommodation. The causes of homelessness are diverse, but it is clear from research that the homeless have a higher than average prevalence of mental illness, substance abuse issues and trauma – such as being the victims of sexual and/or physical abuse, and usually on multiple rather than isolated occasions.

In terms of the impact of the provision upon particular groups, Legal Aid Queensland's report upon our Homelessness and Street Offences Project noted:

> *Like other service providers, Legal Aid Queensland has found homeless people often enter the criminal justice system as victims rather than perpetrators. When homeless people are brought before the courts to answer charges, it is often for minor charges, some of which arise simply from the realities of homelessness. During 2004, lawyers and other staff noticed an increase in the number of homeless people appearing in the Magistrates Court on "street offences", such as public nuisance. Objective data supported more street offences were coming before the courts.*
>
> ...
>
> *With a growing awareness about homelessness and increased street offence charges, Legal Aid Queensland became concerned that as a client group, homeless people were systematically over-represented in the courts. There was also concern homeless people were being charged for relatively minor matters, in circumstances where the result for the individuals would be unhelpful at best, and disproportionately punitive at worst.*[8]

The following was noted in the findings arising from the project:

> *The experience of this project has been that people living in public spaces will not simply go away. Homeless people use public spaces for a variety of activities, some of which are activities that would routinely occur within the confines of a home for most people.*
>
> *The project has found that police intervention has postponed or relocated the potential for further objectionable behaviour. This report suggests the community and in particular the police and the courts, should view public space activities as a social issue and not as a criminal issue.*
>
> *A more positive response would be the acceptance of a range of uses of public spaces and for tolerance of unusual behaviour. This should be balanced with a system of providing support and information to homeless people about acceptable behaviour in public spaces.*[9]

The Law and Justice Foundation of NSW recently examined the legal needs of homeless people in that state, and said the following about the criminal law issues that the homeless face; which is also apposite to the current proposal:

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[8] Legal Aid Queensland, *Final report of the Homelessness and Street Offences Project,* August 2004, pp.1-2.
[9] Ibid, p 27

> *The criminal law issues they face reflect their living situation: public transport fines and street offences are a result of them being particularly visible to police and other enforcement officers responsible for regulating the use of public space; drug and alcohol- related crime, assault, and theft. Their interaction with the criminal law should be viewed within its context of serious homelessness.*[10]

Through their high level of use of public space and consequent visibility to other members of the public and police, homeless people are at significant risk of being subjected to policing attention and public nuisance charges.

Many people who are young, or homeless, or Indigenous, or who have psychiatric issues, currently connect with services such as health, crisis support and other welfare services in public areas. Relationships and understandings have been established, over a period and in challenging circumstances. Law enforcement practices, such as the Minister's stated "get tough" policy, which will have the effect of driving these groups away from these locations has the potential to affect, adversely, the capacity of the relevant agencies to deliver these services to people clearly in need. The intended recipients will be less visible and may not connect with necessary support services. The delivery of inclusive, existing services will be ended or at the least disrupted.

Simple prosecution action does nothing to address the underlying factors which have led to these people being in need of support services. Disconnecting people from helpful services can only be expected to lead to detrimental outcomes, for those people and the community at large if offending levels escalate as a consequence (which could readily happen, if feelings of alienation and injustice arise as a result of the exercise of police powers).

For all of the above groups, entering the criminal justice system through a public nuisance charge can lead to further consequences. Some people will, because of factors such as their homelessness or mental illness, fail to appear. The ordinary outcome of a plea of guilty to a charge, for most of our clients, is a fine in the vicinity of $150 to $200. Many people will have limited capacity to satisfy a fine. These issues are covered at further length in our Homeless Project report.[11]

You would be aware that the Brisbane Magistrates Court is presently conducting a pilot diversionary program, being the Special Circumstances List/Court, which incorporates the Homeless Persons Court Diversion program. In essence, the program seeks to divert certain eligible offenders, charged with comparatively minor offences (with a public space component), to a dedicated list where access to support can be achieved through a court liaison officer and the presence of relevant specialist, support agencies. Legal Aid Queensland sees the establishment of this program as a positive step in the criminal justice system toward a more appropriate response to disadvantaged defendants.

4. Does the SOA provide adequate defences for a person charged with an offence of public nuisance?

The SOA itself provides no specific defences to the public nuisance charge.

Our primary concern in this regard is the current practice of police to prefer public nuisance charges against people who swear in their presence, in an area where no other "member of the public" is present.

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[10] Law and Justice Foundation of NSW, *Access to Justice and Legal Needs (Vol 2): No Home, No Justice? The Legal needs of Homeless People in NSW*, July 2005, p 105

[11] at pp. 33-36

As noted, there is a developing line of authority, at only the District Court level, to the effect that for the purpose of interpreting the public nuisance law, police are members of the public.[12] Under such a view, charges of public nuisance have been upheld in circumstances where a defendant has used swear words in the presence of the police but otherwise not in the presence of other members of the public.

The issue here is perhaps more one of policing attitudes and practice. We query whether it is appropriate for experienced operational police to respond to a situation where a person (usually intoxicated, perhaps with a mental illness) has sworn at them, by charging public nuisance on the basis that their personal sensitivities have been offended by such conduct. We accept such comments are usually unwelcome, and that policing can be a difficult exercise at times. We are not proposing that the public have wholesale licence to denigrate police. The matter is one of degree; in some circumstances a legitimate question arises as to whether police should invoke the criminal law against someone, possibly intoxicated or suffering from a mental illness, who simply uses some relatively common swear words when interacting with the police away from the presence of other members of the public.

These concerns were the subject of comment by some of the members of the High Court in *Coleman*. Gleeson CJ commented:

> *"It is impossible to state comprehensively and precisely the circumstances in which the use of defamatory language in a public place will involve such a disturbance of public order, or such an affront to contemporary standards of behaviour, as to constitute the offence of using insulting words to a person …*
>
> *…*
>
> *The fact that the person to whom the words in question were used is a police officer may also be relevant, although not necessarily decisive. It may eliminate, for practical purposes, any likelihood of a breach of the peace. It may also negate a context of victimisation. As Glidewell LJ pointed out in Director of Public Prosecutions v Orum, it will often happen that "words and behaviour with which police officers will be wearily familiar will have little emotional impact on them save that of boredom". But police officers are not required to be completely impervious to insult ... "*

Gummow and Hayne JJ said:

> *"By their training and temperament police officers must be expected to resist the sting of insults directed to them. The use of such words would constitute no offence unless others who hear what is said are reasonably likely to be provoked to physical retaliation."*

As noted, the issue involves fundamental considerations as to what appropriate policing strategies should be. But if it is to be contended that police officers are, in the application of the provision, to be members of the public, we would suggest that such a contention be clearly spelled out in the provision.

5. What impact, if any, has the public nuisance provision had upon the safety or community use of public spaces

In our view, it is difficult to measure any such impact. If there has been any increase or decrease in public safety, is that attributable to the new law or a difference in emphasis in policing strategies?

[12] *Green v Ashton* [2006] QDC 008 and *Kris v Tramacchi* [2006] QDC 035

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

We have given some examples in 1. above as to when police prefer certain charges over others. The potential overlap between alternative offence provisions is not usually problematic, provided police do not prefer duplicitous charges and prefer a charge that is appropriate, having regard to the facts alleged and the chosen offence provision, and the possible penalty attaching to the offence.

7. Has a charge of public nuisance ever been used as an alternative to another offence?

Further to what has been said above, in our experience public nuisance charges may be preferred in circumstances involving minor violence. In such circumstances, the public nuisance charge is a less severe alternative than the *Criminal Code* assault provisions. However, it would seem that this course of action is often taken when the alleged victim of the violence may be unwilling or unable to make a complaint or co-operate with the police, leading to obvious evidentiary problems if other offences were pursued.

8. Have charges of public nuisance typically been accompanied by other charges?

This situation occurs frequently in our experience. The most common accompanying charges are those of contravening a police direction and/or assault/obstruct police. The facts of such matters often indicate the situation has escalated upon police intervention in relation to the perceived public nuisance. It is not uncommon that no "substantive" charge eventuates from police intervention. The police/citizen interaction itself generates the only charges.

However, there has been little change in the sorts of matters that have given rise to such combinations of charges since the introduction of the new public nuisance law.

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

In Brisbane, most incidents arise in public space in proximity to licensed premises in the city – e.g. the Valley and Queen Street malls, King George Square, CBD streets. A significant number of clients are charged also as a result of conduct in the vicinity of railway platforms and stations.

10. Do police exercise their discretion appropriately with respect to public nuisance incidents?

On occasions, no. The provision is a wide one, and with the District Court decisions holding working police to also be members of the public, coupled with the apparent sensitivity of some police to insult and interference with their 'enjoyment' of public places while performing their duties, in most instances the police will be able to put forward evidence to support the bringing of a charge. We repeat our above comments as to whether current policing practices, reflecting an apparently low level of tolerance for any anti-social behaviour, are appropriate. Such an approach necessarily leads to increased use of the public nuisance offence.

Every criminal lawyer will be aware of instances where police have improperly charged members of the public with public nuisance offences. Some such instances are mentioned in our Homeless Project report.[13]

We have seen instances where police have been called to disturbances involving persons with obvious mental illness, of a level or type that may not support immediate detention or hospitalisation under the *Mental Health Act*. In some instances public nuisance charges have

[13] see pp. 27 -29

ensued; on occasion apparently because the attending police, no doubt mindful of other work pressures, have simply been unable to resolve the incident in any more constructive way. While such policing incidents are obviously challenging, resort to criminalizing the person's behaviour does nothing to address their underlying issues.

There are of course also occasions when police instigation of charges goes beyond what is simply inappropriate or misconceived, and amounts to an abuse of power. No doubt the CMC will know of instances of this through its complaints function. There have been other instances where, on clients' instructions, public nuisance charges have resulted after the police themselves have abused or insulted those clients.

11. What has been the most common police response to a public nuisance incident? (e.g. arrest, notice to appear)

Since 1 April 2004 we believe proceeding by arrest has become more common. In particular, in the Brisbane area, arrest has become the norm since the Minister's above press release. Therein, the Hon. Minister stated that a trial was being undertaken to the effect of *"[I]nstead of issuing drunken and violent offenders with a notice to appear in court, CBD and Valley police are now arresting these offenders, filling in pre-prepared carbon copy forms and having these people transported in vans to the watchhouse ... "* This apparent practice is inconsistent with the policy contained in the Queensland Police Service Operational Procedures Manual that *"instituting proceedings, wherever possible, should be by means of notice to appear."*[14]

Thank you for the opportunity to contribute to your review. If you have any queries arising from this submission, please contact Warren Strange on 3238 3923 or email **wstrange@legalaid.qld.gov.au**

Yours sincerely

ROSS BEER
Acting Chief Executive Officer
Legal Aid Queensland

ENCL.

[14] OPMs, Ch 3.5.3