



Aborigines and Public Order Legislation in New South Wales

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INTRODUCTION

'The keystone of public order legislation is usually a provision which permits police to act where behaviour in a public place is regarded as offensive, insulting, abusive or indecent' (Brown, Farrier, Neal & Weisbrot 1990).¹ As Brown et al. point out, such provisions are often vague and the classification of the behaviour in question is left to the discretion of police and subsequently, to the discretion of magistrates. The challenge in devising appropriate public order legislation is to balance concern for public safety on one hand and restraint and tolerance for 'offensive' behaviour on the other.²

A recurring theme in the history of debates about public order legislation in Australia has been concern about the manner in which Aboriginal people have been treated.³ More recently, particular reference has been made to situations where an arrest for a single minor offence such as offensive language or offensive behaviour, provokes an altercation with police leading to further serious charges such as resist arrest and assault police.⁴

Comments by Commissioner Wootton in the inquiry into the death of David Gundy echo this concern:

It is surely time that police learnt to ignore mere abuse, let alone "bad language". In this day and age many words that were once considered bad language have now become commonplace and are in general use amongst police no less than amongst

other people. Maintaining the pretence that they are sensitive persons offended by such language ... does nothing for the respect of the police. It is particularly ridiculous when offence is taken at the ranting of drunks, as is so often the case. Charges about language just become part of an oppressive mechanism of control of Aborigines. Too often the attempt to arrest or charge an Aboriginal for offensive language sets in train a sequence of offences by that person and others - resisting arrest, assaulting police, hindering police and so on, none of which would have occurred if the police were not so easily "offended".⁵

In considering the use of offensive behaviour and offensive language charges against Aborigines, the New South Wales (NSW) Aboriginal Justice Advisory Committee, in December 1995, recommended that:

Pursuant to Recommendations 86 and 87 of the Royal Commission into Aboriginal Deaths in Custody, Section 4 of the Summary Offences Act 1988 (NSW), which creates the offence of offensive language and offensive behaviour in public, be repealed.⁶

Whilst criticisms may be levelled at police for their alleged over-zealous use of the Summary Offences legislation, it is the police who are often called (and empowered) to assist the public when confronted by behaviour that is 'offensive' or potentially dangerous.

The NSW Police Service, in a submission to the Inquiry into the Implementation by Governments of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody, said:

There is a great deal of anecdotal evidence suggesting the wide use of discretion by police in relation to language offences. However, police often find themselves in situations where intoxicated persons, Aboriginal and non-Aboriginal, are behaving in such a violent or threatening manner that it is imperative that they be removed from the area before their conduct escalates to more serious offending.

In carrying out their duty to prevent further offending, or injury to themselves, other persons or property, police are often resisted, usually due to the intoxicated state of the person being arrested.⁷

Before examining the operation of the current legislation, it is informative to examine the history of the legislation.

HISTORY OF OFFENSIVE BEHAVIOUR AND OFFENSIVE LANGUAGE LEGISLATION

The history of Summary Offences legislation has been well documented by Egger and Findlay (1988)⁸ and Brown et al. (1990) and this section draws heavily on their work. According to Brown et al., the common law first associated offensive behaviour with the concept of 'breach of the peace'. For example, the *NSW Vagrancy Acts* of 1851 (s. 6), 1901 (s. 8) and 1902 (s. 8) prohibited 'obscene, threatening, abusive or insulting words or behaviour in a public place' that provoked or resulted in a breach of the peace.⁹ More modern variations of the NSW legislation are discussed on the following page.

In their analysis of police discretion, Egger and Findlay point out that the Askin Liberal Government enacted the *Summary Offences Act 1970* as part of a law and order campaign in direct response to civil unrest associated with the anti-Vietnam War demonstrations.¹⁰ As Brown et al. put it, the Act dropped the traditional requirement that the offence be committed with 'intent to provoke a breach of the peace' and it introduced the general term 'offensive' to the string of adjectives describing prohibited behaviour. The phrase 'unseemly words' was used to describe prohibited language (s. 9). The Act reads as follows:

Summary Offences Act 1970, sections 7 and 9

(7) A person who in or within view from a public place or school behaves in a riotous, indecent, offensive, threatening or insulting manner is guilty of an offence.

(9) A person who within hearing from a public place or school uses, in any manner, any unseemly words is guilty of an offence.

Penalty: \$ 200 or imprisonment for three months

The repeal of the Summary Offences Act 1970 was strongly advocated by the Labor opposition, and as Egger and Findlay note, its abolition was party policy for many years before the Labor Government was elected to office in 1976. The Wran Labor Government subsequently amended the legislation and replaced it with the *Offences in Public Places Act 1979*. The three main public order offences in the old Summary Offences Act (indecent exposure, offensive behaviour and unseemly words) were contained in section 5 of the new Offences in Public Places Act which reads as follows:

Offences in Public Places Act 1979, section 5

A person shall not, without reasonable excuse, in or within view or hearing from a public place or school behave in such a manner as would be likely to cause reasonable persons justifiably in all the circumstances to be seriously alarmed or seriously affronted.

Penalty: \$ 200

The inclusion of the 'reasonable person' in this Act espoused the philosophy of the Government that:

... we have to put up with some people who may be rude or uncivil. If the police were able to arrest everyone who engaged in a simple rudeness or lack of civility, most of us would be in court at one time or another. The line is drawn when behaviour becomes so seriously alarming or affronting that it would not be tolerated by reasonable people.¹¹

The 1979 Act was seen to have drastically reduced police powers and was resented by police. Newspaper reports of the day quoted the police as warning that section 5 had effectively 'tied the hands' of the police and made it impossible for them to carry out their duties effectively.¹²

According to Brown et al., it was largely in response to complaints about 'anti-social behaviour' and an increasing community concern about street crime, that the Government amended section 5 through the *Offences in Public Places (Amendment) Act 1983*. Under the new section 5 provision, a reasonable person no longer had to be 'seriously alarmed or affronted' but instead just 'offended' by the conduct.¹³ Later the Government announced plans to impose harsher penalties for 'anti-social behaviour' and the maximum penalty for offensive behaviour rose to \$500 in 1987.

In the State Government election campaign of early 1988 both major political parties campaigned strongly on law and order platforms (Brown et al. 1990). Following their electoral success, the Liberal-National Government introduced the *Summary Offences Act 1988*. The new-fashioned (but tougher) legislation received support from both sides of Parliament. Section 4 of this Act replaced section 5 of the former Offences in Public Places (Amendment Act) dealing with offensive behaviour and offensive language.

In a review of the initial effect of the Summary Offences Act 1988, Bonney (1989) points out that the most obvious change brought about by the new legislation was the (re)introduction of the separate offence of offensive language.¹⁴ Furthermore, the new provisions removed the objective test whereby conduct was deemed offensive if it would have been

regarded so by 'reasonable persons justifiably in all the circumstances'. A third important difference was that a violation of section 4 now carried a gaol penalty whereas previously, violations of section 5 did not.

In 1992 the Summary Offences Act 1988 was reviewed again. The review was prompted, in part, by a television documentary which focused on the impact of arrests for offensive language on the Aboriginal community in Redfern.¹⁵ Subsequently, the *Summary Offences (Amendment) Act 1993* inserted section 4A to the Summary Offences Act 1988 which effectively removed custodial penalties for 'mere' offensive language.¹⁶ Community Service Orders were made available as alternatives to custodial sentences for offensive language.

At present, the *Summary Offences Act 1988* (as amended), includes the following sections:

Summary Offences Act 1988, section 4

Offensive conduct

(1) A person must not conduct himself or herself in an offensive manner in or near, or within view or hearing from, a public place or a school.

Maximum penalty: 6 penalty units [\$ 600] or imprisonment for 3 months

(2) A person does not conduct himself or herself in an offensive manner as referred to in subsection (1) merely by using offensive language.

(3) It is sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

Summary Offences Act 1988, section 4A

Offensive language

(1) A person must not conduct himself or herself in an offensive manner in or near, or within hearing from, a public place or a school.

Maximum penalty: 6 penalty units [\$ 600]

This bulletin examines the relative rates at which persons resident in different Local Government Areas (LGAs) of the State appear in court for offences under section 4 and/or section 4A of the Summary Offences Act. Given the concern that Aboriginal people may be particularly likely to find themselves charged with offensive language and/or offensive behaviour, the bulletin also seeks to assess to what extent Aboriginal people may be over-represented as defendants on charges of offensive language and/or offensive behaviour. An attempt is made to assess whether the method of proceeding (i.e. by charge, summons or court attendance notice) and the sentencing practices for those offences are similar for LGAs with high Aboriginal populations compared with areas with low Aboriginal populations.

DATA SOURCES

Information relating to each finalised court appearance before a Local Court in NSW is routinely collected and stored in a database maintained by the NSW Bureau of Crime Statistics and Research. From this database, information on all finalised appearances involving offensive behaviour and offensive language in the Local Courts during 1994 and 1995 was extracted.¹⁷

The Local Court data include, for each defendant appearing before the court, the LGA in which the defendant resides. This demographic information was used to examine the distribution of appearances across the State. Population data from the Australian

Bureau of Statistics (ABS) were used to ascertain the number of people residing in each LGA so that court appearance rates per 1,000 head of population could be calculated.¹⁸

Each criminal incident that comes to the attention of police is recorded on a computer system called the Computerised Operational Policing System (COPS). From this system, the 'racial appearance' of each alleged offender for offensive language or offensive behaviour was extracted. The data covered the period from April 1994 to December 1995.

FREQUENCY OF COURT APPEARANCES FOR OFFENSIVE BEHAVIOUR AND OFFENSIVE LANGUAGE

People charged with offensive behaviour or offensive language are often also charged with a more serious offence as their principal offence.¹⁹ The most prevalent of these principal offences are: resist arrest, common assault, assault police and malicious damage to property.

When *both* resist arrest *and* assault police charges accompany an offensive language or offensive behaviour charge, the combination is often called a 'trifecta'. While this is widely believed to be the most frequent offence combination, the Local Court data shows that it is actually more common for just *one* of the two charges (i.e. resist arrest *or* assault police) to be listed together with offensive behaviour or offensive language charges. For convenience, this latter combination,

offensive behaviour or offensive language accompanied by either resist arrest or assault police, will be referred to in this bulletin as a 'quinella'.

Table 1 shows the number and percentage of court appearances in the NSW Local Courts during 1994 and 1995 for distinct combinations of offences involving offensive behaviour and offensive language. There were 14,059 appearances in all. The majority of these involved either offensive behaviour (only) or offensive language (only).

Table 1 shows that during 1994 and 1995 there were a total of 4,117 appearances before the Local Courts where the defendant appeared on a charge of offensive behaviour only (29%) and 3,919 appearances where the defendant appeared on a charge of offensive language only (28%). Persons charged with both offensive behaviour and offensive language (only) appeared on a further 295 occasions (2%). These three categories alone, accounted for 4.1 per cent of *all* Local Court appearances in NSW in 1994 and 1995.

Table 1 shows that in 1994 and 1995 there were 531 court appearances involving the 'trifecta' (4%) and a further 1,404 court appearances involving the 'quinella' (10%).

There were also 3,793 court appearances where one or more other offences (excluding the 'trifecta' and 'quinella' combinations) were listed in combination with offensive behaviour or offensive language (27%). These 'other' offences frequently included malicious damage to property, common assault, break and enter, larceny, violent and disorderly behaviour, trespassing, and failing to quit licensed premises.

Table 1: Local Court appearances involving offensive behaviour or offensive language, NSW, 1994 and 1995

<i>Type of offence</i>	<i>Number of appearances</i>	<i>Percentage of appearances</i>
Offensive behaviour only	4,117	29
Offensive language only	3,919	28
Offensive language and offensive behaviour (only)	295	2
'Trifecta' (offensive behaviour or offensive language plus resist arrest and assault police)	531	4
'Quinella' (offensive behaviour or offensive language plus resist arrest or assault police)	1,404	10
Offensive behaviour and/or offensive language and other offences*	3,793	27
Total	14,059	100

* Other offences include malicious damage to property, common assault, break and enter, larceny, violent and disorderly behaviour, trespass and fail to quit licensed premises.

DISTRIBUTION OF COURT APPEARANCES

Offensive behaviour only

During 1994 and 1995 there were a total of 4,117 appearances before the NSW Local Courts where the defendant appeared on a charge of offensive behaviour (only). The largest *number* of appearances were accounted for by residents of the LGAs of Sutherland, Gosford, South Sydney, Blacktown, Warringah and Campbelltown. When viewed as *rates* per 1,000 population, though, the above mentioned LGAs exhibited very low rates of appearance for offensive behaviour in relation to their population sizes (on average, around 1 court appearance per 1,000 population over the two years).

The rates per 1,000 resident population for persons charged with offensive behaviour as their only offence are displayed in Map 1. The map shows the rates for all LGAs in NSW.

Map 1 shows that higher rates of offensive behaviour tended to be concentrated in the north west and far west of the State. The highest rates of appearance for offensive behaviour (only) were by residents of the LGAs of Brewarrina (11.5 per 1,000 population), Walgett (8.8 per 1,000 population) and Central Darling (6.9 per 1,000 population). All of these LGAs had appearance rates for offensive behaviour which were at least ten times the State average (0.6 per 1,000 population).

The following LGAs all had rates of appearance for offensive behaviour (only) that were at least four times that of the State's average: Windouran, Guyra, Goulburn, Gilgandra, Moree Plains, Gundagai, Queanbeyan, Sydney, Warren, Mulwaree, Narrabri, Bourke and Leeton. Five of these are in the north or north west of the State.

Offensive language only

During 1994 and 1995 there were a total of 3,919 appearances before the NSW Local Courts where the defendant appeared on a charge of offensive language (only). The largest *number* of appearances were accounted for by

residents of the LGAs of Coffs Harbour, Campbelltown and Gosford, although on average the residents of these LGAs showed *rates* of offensive language of less than 2 per 1,000 population.

The rates per 1,000 resident population for persons charged with offensive language as their only offence are displayed in Map 2. The map shows the rates for all LGAs in NSW.

Map 2 shows that the highest rates of appearance for offensive language (only) were by residents of the LGAs of Walgett (12.5 per 1,000 population), Brewarrina (11.9 per 1,000 population), Central Darling (11.3 per 1,000 population) and Bourke (10.1 per 1,000 population). All these LGAs had rates of offensive language which were at least fourteen times the State average (0.7 per 1,000 population) and all were in the north west or far west of the State. The next highest rate, in Nundle (4.6 per 1,000 population), was less than half of the average of these high rates.

Other LGAs exhibiting appearance rates for offensive language (only) that were at least four times greater than the State's average were Windouran, Bogan, Wellington, Broken Hill, Narramine, Coffs Harbour, Guyra, Coonamble and Warren. Seven of these are in the north, north west or far west of the State.

'Trifecta' and 'quinella'

In 1994 and 1995 there were 531 court appearances involving the 'trifecta' and a further 1,404 court appearances involving the 'quinella'. Hence there were 1,935 'trifecta' / 'quinella' court appearances in total. The greatest number of these appearances were accounted for by residents of the LGAs of Blacktown, Campbelltown, Sutherland, Gosford, South Sydney, Coffs Harbour and Lake Macquarie. However, as with offensive behaviour and offensive language, the LGAs with the greatest *number* of appearances for the 'trifecta' / 'quinella' generally exhibited very low appearance *rates* for the 'trifecta' / 'quinella' - on average, 0.5 per 1,000 population.

Map 3 shows court appearances for the 'trifecta' / 'quinella' as a rate per 1,000 resident population for each LGA in NSW.

From Map 3 it can be seen that the LGA of Walgett exhibited the highest 'trifecta' /

'quinella' appearance rate (5.5 per 1,000 population), followed by Central Darling (3.8 per 1,000 population), Brewarrina (3.1 per 1,000 population) and Bourke (2.5 per 1,000 population). These LGAs had rates that were at least eight times the State average (0.3 per 1,000 population).

Other LGAs which exhibited appearance rates for the 'trifecta' / 'quinella' that were at least four times greater than the State's average were Carrathool, Sydney, Lachlan, Dumaresq, Narrabri, Guyra, Griffith, Gilgandra and Bogan. Five of these are in the north or north west of the State.

Offensive behaviour and offensive language appearances as a proportion of all court appearances

The preceding sections show that the LGAs of Walgett, Central Darling, Brewarrina and Bourke consistently had higher rates for offensive behaviour and offensive language, and for these offences combined with offences against police. It might be argued that the LGAs in the north west of the State exhibit high appearance rates for offensive behaviour and offensive language, only because court appearance rates in those LGAs are higher in general. Examination of Local Court data for all appearances in 1994 and 1995 revealed that there is some merit in this argument, with the average court appearance rate for Brewarrina, Walgett, Bourke and Central Darling combined (151 per 1,000 population) being nearly five times that of the average court appearance rate for the State (33 per 1,000 population). In order to ascertain more precisely whether a person charged with an offence in a particular LGA is more likely to be charged with offensive behaviour and offensive language than with any other offence, court appearances for offensive behaviour only, offensive language only and a combination of the two were calculated as a percentage of all court appearances in each LGA.²⁰ These percentages are displayed in Map 4.

Over the whole State of NSW, court appearances for offensive language (only), offensive behaviour (only) or a combination of the two accounted for 4.1 per cent of all court appearances in 1994

Map 1: Rate of Local Court appearances for offensive behaviour (only)
per 1,000 population, NSW LGAs, 1994 and 1995

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Map 2: Rate of Local Court appearances for offensive language (only)
per 1,000 population, NSW LGAs, 1994 and 1995

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Map 3: Rate of Local Court appearances for the 'trifecta' / 'quinella'
per 1,000 population, NSW LGAs, 1994 and 1995

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Map 4: Local Court appearances for offensive behaviour (only), offensive language (only) or both, as a percentage of all Local Court appearances, NSW LGAs, 1994 and 1995

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and 1995. Map 4 shows that the four LGAs with high court appearance rates for these offences had relatively high percentages of these offences: for Brewarrina 15.1 per cent of all court appearances were for offensive behaviour (only), offensive language (only) or a combination of the two; for Walgett the percentage was 14.1 per cent; for Central Darling 13.1 per cent; and for Bourke 9.2 per cent.

RELATIONSHIP BETWEEN RATES OF COURT APPEARANCES AND ABORIGINAL POPULATION LEVELS

The evidence presented so far demonstrates that some LGAs (mainly in the north west of the State) exhibit much higher court appearance rates than others for offensive behaviour, offensive language and for these combined with offences against police. In these LGAs offensive behaviour and offensive language charges also constitute a relatively high proportion of appearances before the Local Court. The question arises as to why this is so. If Aboriginal people were over-represented in

appearances for public order offences, one would expect to find high court appearance rates in LGAs with high percentages of Aboriginal residents. Indeed such a finding would explain why the north western LGAs have high rates of appearance for offensive behaviour and offensive language. The existence of a statistical relationship can be assessed by testing the correlation between the percentage of Aboriginal residents and the court appearances rates in each LGA. In this bulletin, statistical correlations are tested using a Spearman's rank-order correlation coefficient.²¹

In the following sections, scatterplots of the relationship between the percentage of people residing in each LGA who are Aboriginal and the court appearance rates in each LGA are presented and the correlations between these variables are tested for statistical significance.

Correlation between offensive behaviour and Aboriginal population levels

Figure 1 shows the appearance rate for offensive behaviour (only) per 1,000 population plotted against the percentage of Aborigines living in each LGA.

There was a statistically significant positive correlation between the

percentage of Aborigines residing in LGAs across the State and the rate of appearance for offensive behaviour (only) (n = 176, $r_s = 0.52$, $p < 0.0001$). In other words, the LGAs with high proportions of Aboriginal residents were generally associated with high appearance rates for offensive behaviour (only).

Correlation between offensive language and Aboriginal population levels

Figure 2 shows the appearance rate for offensive language (only) per 1,000 population plotted against the percentage of Aborigines living in each LGA.

The relationship between the two variables in Figure 2 once again is positive and statistically significant (n = 176, $r_s = 0.61$, $p < 0.0001$). The four LGAs that exhibited the highest percentages of Aborigines in their resident populations, Brewarrina (42%), Walgett (18%), Bourke (23%), and Central Darling (25%), also had the highest appearances rates for offensive language.

Correlation between the 'trifecta'/'quinella' and Aboriginal population levels

Figure 3 shows the appearance rate for the 'trifecta' or 'quinella' per 1,000

Figure 1. Scatterplot of the relationship between the percentage of Aborigines in the population and the rate of Local Court appearances for offensive behaviour (only) per 1,000 population, NSW LGAs, 1994 and 1995



Figure 2. Scatterplot of the relationship between the percentage of Aborigines in the population and the rate of Local Court appearances for offensive language (only) per 1,000 population, NSW LGAs, 1994 and 1995



population as a function of the percentage of Aborigines living in each LGA.

There was a statistically significant, positive correlation between the percentage of Aborigines in each LGA and the rates of the 'trifecta' / 'quinella'

($n = 176, r_s = 0.57, p < 0.0001$).

The LGAs with the four highest Aboriginal populations (Walgett, Central Darling, Brewarrina and Bourke) also had the highest court appearance rates for the 'trifecta' / 'quinella'.

Correlation between the proportion of court appearances accounted for by offensive behaviour, offensive language or both and Aboriginal population levels

It is possible that the percentage of Aboriginal people in an LGA is a good

Figure 3. Scatterplot of the relationship between the percentage of Aborigines in the population and the rate of Local Court appearances for the 'trifecta' / 'quinella' per 1,000 population, NSW LGAs, 1994 and 1995



predictor of the court appearance rates for offensive behaviour and offensive language, but not a good predictor of the proportion of all court appearances made up by these offences in each LGA. The relationship between the percentage of Aboriginals in an LGA and the percentage of all court appearances which were for offensive behaviour (only), offensive language (only) or both was tested. The correlation between the two variables was positive and statistically significant ($n = 176, r_s = 0.45, p < 0.0001$).

Therefore in LGAs with higher proportions of Aboriginals in the population, offensive behaviour and offensive language court appearances generally accounted for a higher percentage of all court appearances. In other words, residents of LGAs with a high Aboriginal population, if charged with an offence, are more likely to be charged with offensive behaviour or offensive language than residents of LGAs with low Aboriginal populations.

VALIDATION OF PROXY MEASURE USING POLICE DATA

Although the evidence presented so far shows that public order court appearance rates are disproportionately high in LGAs with high Aboriginal populations, we cannot be certain from this evidence that the offenders in these LGAs are mainly Aboriginals. To examine this issue, police data for recorded incidents of offensive behaviour and offensive language from April 1994 to December 1995 were examined.

Police data contain a 'racial appearance' indicator which records the Aboriginality of alleged offenders. While this racial appearance indicator is not always reliably completed by police, a conservative estimate of the proportion of alleged offensive behaviour or offensive language offenders who are Aboriginal can be determined by counting the number who are recorded as 'Aboriginal' and assigning all offenders whose racial appearance is 'missing' or 'unknown' as non-Aboriginal.

Table 2 shows the proportion of alleged offensive behaviour or offensive language offenders who were positively identified by the 'racial appearance' indicator as being Aboriginal. The data have been aggregated into three Aboriginal Population Groups according to the percentage of Aboriginals in the population. These groups are defined below. The percentage in brackets gives the percentage of the population of the LGA who were Aboriginal at the time of the 1991 census.

- High Aboriginal Population Group**
LGAs which have a 20% or greater Aboriginal population. There were three LGAs in this group. They were Brewarrina (42%), Central Darling (25%) and Bourke (23%).

The overall percentage of Aboriginals in the High Aboriginal Population Group was 28 per cent.
- Medium Aboriginal Population Group**
LGAs with a 5% to 19% Aboriginal population. There were 20 LGAs in this group. They were Walgett (18%), Coonamble (14%), Moree Plains

(14%), Warren (9%), Lachlan (8%), Narromine (8%), Wellington (8%), Cobar (7%), Gilgandra (7%), Guyra (7%), Coonabarabran (6%), Dubbo (6%), Gunnedah (6%), Narrandera (6%), Wentworth (6%), Bogan (5%), Kempsey (5%), Murrumbidgee (5%), Narrabri (5%) and Tenterfield (5%).

The overall percentage of Aboriginals in the Medium Aboriginal Population Group was 7 per cent.

- Low Aboriginal Population Group**
LGAs with a 0% to 4% Aboriginal population. This group consisted of the remaining 154 LGAs in NSW.

The overall percentage of Aboriginals in the Low Aboriginal Population Group was 1 per cent.

Table 2 shows that Aboriginal offenders accounted for at least 70 per cent of alleged offensive behaviour offenders in the High Aboriginal Population Group, 55 per cent of the offensive behaviour offenders in the Medium Aboriginal Population Group and 9 per cent in the Low Aboriginal Population Group.

Aboriginal offenders also accounted for at least 77 per cent of alleged offensive language offenders in the High Aboriginal Population Group, 57 per cent of offensive language offenders in the Medium Aboriginal Population Group and 13 per cent in the Low Aboriginal Population Group.

The third column in Table 2 contrasts these figures with the proportion of Aboriginals in each of the Aboriginal Population Groups.

Table 2: Percentage of alleged offenders who were Aboriginal, NSW, April 1994 to December 1995

Aboriginal Population Group	Offensive behaviour		Offensive language	Percentage of Aboriginals in the population
	Percentage of offenders who were Aboriginal*	Percentage of offenders who were Aboriginal*	Percentage of offenders who were Aboriginal*	
High (20% and over Aboriginal)	70	77	28	
Medium (5% - 19% Aboriginal)	55	57	7	
Low (0% - 4% Aboriginal)	9	13	1	

* Where the 'racial appearance' indicator was 'missing' or 'unknown' it was assigned as non-Aboriginal.

The pattern of data in Table 2 strongly supports the supposition that Aborigines are over-represented as alleged offenders of offensive behaviour and offensive language. The police data show that Aborigines accounted for the vast majority (75%) of offensive behaviour and offensive language offenders in the High Aboriginal Population Group and over half of the offenders in the Medium Aboriginal Population Group. Moreover, the greatest level of over-representation of Aborigines was in the Low Aboriginal Population Group. Thirteen per cent of offensive language offenders were Aboriginal in the Low Aboriginal Population Group which had an average of only 1 per cent Aboriginal population.

We turn now to examine variations across LGAs in the method of proceeding for offensive behaviour and offensive language defendants.

METHOD OF PROCEEDING TO COURT

There are three principal ways in which an offender can be brought before the court for offensive behaviour or offensive language offences. They are by way of a *charge*, *court attendance notice (CAN)* or

in response to a *summons*. Given that a charge is a more onerous method of proceeding than a summons, this next section seeks to determine whether residents in higher Aboriginal population LGAs are more likely to be proceeded against by charge or otherwise.

When a person is *charged* with an offence by police they are arrested and conveyed (forcibly if necessary) to a charging centre or police station. The offender is detained at the police station, usually searched and fingerprinted, and remains in custody until such time as bail is provided for. Once released on bail, the defendant is required to appear in court on a set date. This charge and arrest procedure itself can be regarded as punitive.²²

A *court attendance notice* is a widely used alternative to charging. The offender is usually escorted to the police station (i.e. arrested) but is not charged; hence, there is no bail requirement. A police officer then issues the offender with a court attendance notice which obliges the offender to appear in court on a predetermined date.²³ The court attendance notice must be acknowledged or signed by the offender. In cases where the offender fails to appear under a court attendance notice, the offence may be dealt with *ex parte* (in the absence of the defendant), whereas failure to appear for

a charge will result in a warrant for the person's arrest being issued.

A *summons* is generally invoked when a police officer witnesses an offence and obtains the personal particulars of the offender. The police officer, as informant, then lays an *information* before a Justice of the Peace at the Local Court. A summons is subsequently issued and is served on the defendant by a police officer. The defendant is then required to appear in court to answer the allegations. Using a summons is a far more discreet style of policing as it serves to limit potential for provocation and further resistance and avoids the drama of arrest.²⁴

For this analysis, the method of proceeding was ascertained for offensive behaviour (only) and offensive language (only) appearances in the Local Courts during 1994 and 1995. The methods of proceeding are shown in Table 3 for each Aboriginal Population Group.

Table 3 shows that for offensive behaviour (only) cases, the hypothesis that Aborigines are more likely to be proceeded against by way of charge is not confirmed. In fact the proportion of *charges* decreased from the Low Aboriginal Population Group (21%) to the High Aboriginal Population Group (16%), while the proportion of *summonses*

Table 3: Number and percentage of Local Court appearances by method of procedure by Aboriginal Population Group, NSW, 1994 and 1995

Aboriginal Population Group		Offensive behaviour only							
		CAN*		Summons		Charge		Total**	
		No.	%	No.	%	No.	%	No.	%
High	(20% and over Aboriginal)	40	66	11	18	10	16	61	100
Medium	(5% - 19% Aboriginal)	307	75	43	11	58	14	408	100
Low	(0% - 4% Aboriginal)	2,402	71	263	8	708	21	3,373	100

Aboriginal Population Group		Offensive language only							
		CAN*		Summons		Charge		Total**	
		No.	%	No.	%	No.	%	No.	%
High	(20% and over Aboriginal)	78	72	19	18	11	10	108	100
Medium	(5% - 19% Aboriginal)	406	78	37	7	79	15	522	100
Low	(0% - 4% Aboriginal)	2,162	70	251	8	674	22	3,087	100

* Court attendance notice

** This table only includes appearances for which the LGA of residence of the offender was known. Hence the totals do not sum to the numbers shown in Table 1.

Table 4: Dismissals and fines for Local Court appearances involving offensive behaviour or offensive language, NSW, 1994 and 1995

<i>Aboriginal Population Group</i>		<i>Offensive behaviour only</i>				<i>Average fine (\$)</i>
		<i>Dismissed*</i>		<i>Fined**</i>		
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	
High	(20% and over Aboriginal)	8	13	50	82	172
Medium	(5% - 19% Aboriginal)	83	20	294	72	163
Low	(0% - 4% Aboriginal)	752	22	2,407	71	180

<i>Aboriginal Population Group</i>		<i>Offensive language only</i>				<i>Average fine (\$)</i>
		<i>Dismissed*</i>		<i>Fined**</i>		
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	
High	(20% and over Aboriginal)	13	12	93	86	142
Medium	(5% - 19% Aboriginal)	71	14	440	84	127
Low	(0% - 4% Aboriginal)	508	16	2,465	80	164

<i>Aboriginal Population Group</i>		<i>'Trifecta' / 'Quinella'</i>			
		<i>Dismissed*</i>		<i>Fined**</i>	
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
High	(20% and over Aboriginal)	0	0	22	69
Medium	(5% - 19% Aboriginal)	12	6	108	58
Low	(0% - 4% Aboriginal)	138	8	963	59

The percentages in this table are based on all outcomes.

* 'Dismissed' includes appearances where the charges were defended and dismissed, dismissed without hearing or dismissed once the offence had been proved.

** 'Fined' represents the number of persons who received a fine as their most serious penalty.

increased from the Low Aboriginal Population Group (8%) to the High Aboriginal Population Group (18%).

Appearances for offensive language show a similar distribution. The proportion of *charges* decreased from the Low Aboriginal Population Group (22%) to the High Aboriginal Population Group (10%), while the proportion of *summonses* increased from the Low Aboriginal Population Group (8%) to the High Aboriginal Population Group (18%).

By far the most commonly used method of procedure was a *court attendance notice*, accounting for 71 per cent of all offensive behaviour and offensive language proceedings across the State.

The relatively high rate of summons usage in the High Aboriginal Population Group is strongly affected by the choice of method of proceeding in the LGA of Bourke. It has been suggested by Darcy (1996) that the

Royal Commission into Aboriginal Deaths in Custody has caused Police Patrol Commanders in areas such as Bourke to employ summonses wherever possible because they limit the number of Aborigines taken into custody for minor offences.²⁵ It should be noted that when Bourke (which accounts for a large number of offences in the High Aboriginal Population Group) is removed, summonses become considerably less frequent in the High Aboriginal Population Group.

COURT OUTCOMES AND PENALTIES FOR APPEARANCES INVOLVING OFFENSIVE BEHAVIOUR AND OFFENSIVE LANGUAGE

The next question we will address is whether residents of LGAs with a high

Aboriginal population are dealt with more harshly by the courts for offensive behaviour, offensive language or a related offence, than residents of LGAs which do not have a high Aboriginal population. To address this issue, we compare selected court outcomes and penalties for each of the Aboriginal Population Groups in relation to charges of offensive behaviour or offensive language and the 'trifecta' / 'quinella'.

From Table 4 it can be seen that, as the percentage of the population which is Aboriginal rises, the percentage of court appearances where charges are dismissed falls. It can also be seen that dismissal rates for 'trifecta' / 'quinella' appearances were much lower than dismissal rates for offensive behaviour and offensive language, but the dismissal rate still increases from the High Aboriginal Population Group (0%) to the Low Aboriginal Population Group (8%).

These data do not prove that Aboriginal defendants in cases of offensive behaviour or offensive language are less likely to have charges dismissed but it does suggest this is a distinct possibility. It could be that the charges in those cases not dismissed are indeed more serious.

Fines were the most frequent outcomes in all Aboriginal Population Groups (followed by recognisances and then imprisonment). The average value of fines did not vary systematically across Aboriginal Population Groups. For example, for offensive behaviour, the average fine in the High Aboriginal Population Group was \$172. The average fine in the Medium Aboriginal Population Group was lower at \$163. The Low Aboriginal Population Group on the other hand had an average fine value of \$180.

DISCUSSION

The brief account of the history of public order legislation at the start of this bulletin illustrates how the legislation's thrust has shifted between provisions which enhance police powers in order to deal with 'law and order crises' and provisions which restrict police powers to prevent their alleged abuse.

The aim of this bulletin has been to describe the extent of use and distribution of charges under sections 4 and 4A of the Summary Offences Act. The results of the analysis show that Local Court appearance rates for these public order offences per 1,000 resident population were highest in the LGAs in the north, north west and far west of NSW. Indeed, statistical tests indicated a relationship between the percentage of Aborigines in LGAs and their rates of court appearances, that is, LGAs with high percentages of Aborigines tended to have higher rates of court appearances for these public order offences.

An examination of police data also showed an over-representation of Aborigines amongst the alleged offenders for offensive behaviour or offensive language. According to police 'racial appearance' indicators the vast majority of alleged offenders in LGAs with high Aboriginal populations were in fact Aboriginal. Surprisingly though, the level

of over-representation for offensive language and offensive behaviour was highest in LGAs with low proportions of Aborigines in their populations (Table 2).

Most appearances in Local Courts for offensive behaviour and offensive language were brought to court via a charge or court attendance notice. Both of these procedures involve conveying the offender to a police station, a process which is often more severe than the resulting fine which is the most common penalty imposed for such offences. Alternative methods of bringing defendants before the court such as the introduction of field court attendance notices (which can be issued on the spot without taking the offender into custody) could help to limit the rate of arrests.

An examination of court outcomes showed that dismissal rates for offensive behaviour, offensive language and 'trifecta' / 'quinella' appearances were lowest in areas of high Aboriginal populations. The average fine amount did not vary greatly according to Aboriginal population levels.

Although the statistical overview of court appearance data and police data give a clear picture of the extent of use and distribution of charges across the State, the use of statistics for this type of analysis suffers three major limitations. Firstly, the statistics do not reveal the circumstances under which offensive behaviour or offensive language charges typically eventuate. Secondly, they do not allow any assessment of whether the legislation is being appropriately used and, thirdly, they do not allow a rigorous assessment of whether the legislation is a useful tool in the maintenance of public order.

The first of these limitations is perhaps the easiest to surmount although the means of achieving this is not without its problems. Police are obliged to provide a narrative description of every crime incident they record. These narrative descriptions are accessible through COPS (i.e. the NSW Police Computerised Operational Policing System). Although narrative descriptions of offences recorded by police cannot be regarded as providing an unbiased picture of the circumstances surrounding a reported offence, they do provide at least the

police view of the relevant facts. This is useful information if only because it can be used to review what police regard as the relevant facts surrounding the exercise of their discretion in matters of public order policing. It is arguable, however, that the narratives also provide some useful insights into the sorts of circumstances which prompt reports of offensive behaviour and language.

In previous analyses of police narratives (e.g. Bonney 1989) the Bureau has usually sought to classify them in terms of certain characteristic features and then compute the frequency with which each of those features are found in a representative sample of cases. In the present case, however, it was considered that a statistical analysis of this kind may not give a clear enough picture of the circumstances surrounding reports of public order offences. This is not to say that the circumstances surrounding every report of or arrest for offensive behaviour and/or offensive language are unique. The point is rather that a table showing the frequency with which incidents of alleged offensive behaviour and offensive language exhibit certain features (e.g. alcohol consumption) would not do justice to the way in which these factors influence the likelihood of an incident being classed by police as constituting a case of offensive behaviour or offensive language.

As an alternative means of conveying some idea of the circumstances surrounding arrests for offensive behaviour and offensive language, police narratives relating to these offences have been randomly sampled from three regions across the State, each with differing demographics. These narratives have been reproduced in Appendix 1. Except that they have been edited to remove any references to names of people or places, the narratives are verbatim from police reports. The selection procedure for the narratives contained in Appendix 1 was as follows. Forty police narratives were randomly selected from a country LGA with a high Aboriginal population (High Aboriginal country area), twenty narratives were randomly selected from a country LGA with a low Aboriginal population (Low Aboriginal country area) and twenty were randomly selected from a more populated

urban LGA (Low Aboriginal urban area). All the offences for which narratives were selected were for offensive language (only) or offensive behaviour (only) and occurred between 1 January 1996 and 25 November 1996. In the narratives the term POI (Person of Interest) is used to refer to an alleged offender.

Inspection of the narratives reveals that the principal distinguishing feature of the majority of incidents of offensive behaviour and offensive language is excessive alcohol consumption and/or interpersonal conflict of some kind. In the high Aboriginal country area this conflict often involves seemingly ritual confrontations between police and Aboriginal people over swearing in public places or at police themselves. Sometimes the person reported for offensive behaviour and/or offensive language seems to have taken the initiative in provoking the confrontation. Sometimes the confrontation occurs when police question or attempt to detain an Aboriginal person in relation to matters unrelated to offensive behaviour or, alternatively, when police attend an altercation or dispute among Aboriginal people or between non-Aboriginal and Aboriginal people. In circumstances where police are called to an incident, charges of offensive behaviour and/or offensive language appear most likely to ensue when police find themselves unable to calm a situation or when they themselves become the subject of abuse.

The pattern is somewhat different in the low Aboriginal urban area, although alcohol intoxication is still a common thread running through most of the incidents. Quite a number of the incidents of offensive behaviour in the urban area involve public urination. There would also appear to be a larger number of cases in the urban area where the behaviour which is the subject of the offensive behaviour or language charge occurs before the police attend the scene of the incident. At the same time, as in the rural area, many of the incidents of offensive behaviour or language arise as a result of a person being told by police that their behaviour is offensive or being asked by police not to engage in certain conduct which they deem offensive. Sometimes the behaviour in question has been directed at police. Sometimes it has been directed

at someone else (e.g. a publican or a female partner). In either case, an arrest or report of offensive language or behaviour typically ensues whenever there is a continuation or escalation of the allegedly offensive behaviour.

The question of whether police are properly exercising their discretion under the legislation is impossible to answer definitively on the basis of the police narratives. It seems unlikely that many police would themselves be genuinely offended by the language which often forms the substance of a report or arrest for offensive language. Yet it is impossible to determine from the police narratives whether third parties, said to be witness to at least some of the alleged incidents of offensive behaviour or language, were genuinely offended. In many of the cases involving Aboriginal people the legislation would appear to provide a trigger for detention of an Aboriginal person who has abusively challenged police authority rather than as a means of protecting members of the community at large from conduct which is patently offensive. In some instances, though (e.g. arresting a person who persistently abused aircraft staff and passengers during a flight), police are plainly acting to protect individuals from behaviour which most people would find disturbing and offensive.

The larger question of whether police need the powers conferred on them under the Summary Offences Act cannot easily be separated from the question of whether they are properly exercising their discretion under the Act. The statistics in this bulletin demonstrate that Aboriginal people are grossly over-represented among arrests for offensive language and behaviour. The trite response to this observation is to argue that it arises only because Aboriginal people are grossly over-represented among those who commit acts of offensive language and behaviour. There are undoubtedly cases where any dispassionate observer would acknowledge that the arrest of a person for offensive behaviour was a necessary and appropriate means of responding to a public order problem. But Appendix 1 also suggests that arrests for offensive language or behaviour sometimes only seem to exacerbate or perpetuate problems of public order rather than reduce them. This is particularly true in

country towns where much of the behaviour which results in charges of offensive behaviour and offensive language seems to stem from intense hostility between Aboriginal people and police vented under the influence of alcohol.

In the ultimate, the question of whether police should have the powers conferred on them under the Summary Offences Act may be far less important than the way in which police choose to exercise their discretion in dealing with problems of public disorder. As was pointed out in the introduction to this bulletin, the Offences in Public Places Act which preceded the Summary Offences Act contained no offence of using offensive language and a more restrictive definition of offensive behaviour. Yet research by Bonney (1989, p. 16) has shown that appropriate instructions from the Commissioner for Police concerning the exercise of police discretion under the Offences in Public Places Act were sufficient to generate very high levels of arrest for offensive behaviour under that Act. Two other facts about the operation of the Summary Offences Act also call into question the value of purely legal approaches to the problem of Aboriginal over-representation among persons arrested for public order offences. Firstly, although the rate of arrest for offensive behaviour continued under the Summary Offences Act in the years immediately after its re-introduction, it has since declined significantly without the benefit of any legislative amendment (NSW Bureau of Crime Statistics and Research 1994, p. 7).²⁶ Secondly, in her evaluation Bonney (1989) observed that, apart from an increase in the rate of arrest for offensive language (only), there was very little difference in the circumstances surrounding arrests for offensive behaviour under the Offences in Public Places Act compared with the Summary Offences Act.

Taken together, these considerations suggest that the abolition of the offensive language provisions of the Summary Offences Act may help reduce the arrest rate of Aboriginal people for summary offences but no certainty can be attached to this outcome. Reductions in the overall rate of arrest for Aboriginal people for offensive behaviour are likely to require something more substantial than legislative change. An improvement in

police-Aboriginal relations would no doubt help considerably as would a significant shift in the way police attempt to deal with public order problems in towns with large Aboriginal populations. It is beyond the scope of this bulletin to suggest how these goals might best be achieved. It is obvious, however, that they are unlikely to be achieved without active cooperation between police and the communities they serve (both Aboriginal and non-Aboriginal) in developing alternative strategies for maintaining public order.

NOTES

- 1 Brown, D., Farrier, D., Neal, D. & Weisbrot, D. 1990, *Criminal Laws: Materials and Commentary on the Criminal Law and Process of New South Wales*, The Federation Press, Sydney.
- 2 Brown et al., op.cit.
- 3 Data pertaining to Aboriginal and Torres Strait Islander people have been aggregated in this bulletin and consequently the words 'Aboriginal' and 'Aborigine' are used to refer to both groups.
- 4 See, for example, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Justice Under Scrutiny: Report of the Inquiry into the Implementation by Governments of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody*, 1994, AGPS, Canberra, p. 161.
- 5 Royal Commission into Aboriginal Deaths in Custody 1991, *National Report, Overview and Recommendations*, (Commissioner E. Johnston) AGPS, Canberra.
- 6 Aboriginal Justice Advisory Committee 1995, *Report 1993-95*, NSW Attorney General's Department, Sydney. Recommendation 86 states that:
 - a. The use of Offensive Language in circumstances of interventions initiated by police should not normally be occasion for arrest or charge; and
 - b. Police Services should examine and monitor the use of offensive language charges.
- 7 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, op. cit., p. 161.
- 8 Egger, S. & Findlay, M. 1988, 'The politics of police discretion', in *Understanding Crime and Criminal Justice*, eds M. Findlay & R. Hogg, The Law Book Company, Sydney, p. 212.
- 9 Brown et al., op.cit., p. 966.
- 10 Egger & Findlay, op. cit.
- 11 Department of Attorney General and Justice 1981, 'Protection on the streets - Legal power controlling public misbehaviour', cited in Brown et al. op.cit., p. 967.
- 12 Shortly after the commencement of the legislation, the NSW Police Association placed an advertisement in the *Sydney Daily Telegraph*, (20 August 1979), cited in Brown et al. op.cit., p. 967, which reads in part:

You can still walk on the streets of NSW, but we can no longer *guarantee* your safety from harassment ... What concerns Police is that you have families who use our streets and we can no longer guarantee them protection from harassment from the hoodlum element.

But there is an even more alarming factor - there is a real danger that Police could eventually lose control of the streets. Should this happen citizens would have lost one of the fundamental democratic rights, freedom of movement with safety on our streets. Unchecked use of the streets could well lead to an escalation to more serious crime against citizens of this State. Is it possible that the Offences in Public Places Act (1979) could be the seed from which a growth pattern of New York style street crime will be the future harvest?
- 13 Brown et al., op.cit. Following the Offences in Public Places (Amendment) Act 1983, the onus of providing a reasonable excuse for their behaviour was deemed to lie with the defendant.
- 14 Bonney, R. 1989, *NSW Summary Offences Act 1988*, New South Wales Bureau of Crime Statistics and Research, Sydney.
- 15 See New South Wales Legislative Assembly 1993, Parliamentary Debates (Hansard), p. 5226. The television documentary referred to was *Special Report: Cop It Sweet*, ABC TV, 4 March 1992.
- 16 At the same time, the *Justices (Amendment) Act 1993* provided that the police could issue court attendance notices in lieu of arrest for prescribed offences including offensive language.
- 17 A finalised court appearance is one where a single charge or group of charges against an individual are fully determined by the court and no further court proceedings are required. The Local Court deals with offenders who are 18 years or over at the time of committing an offence; therefore juveniles are not included in the analyses of court data in this bulletin.
- 18 Australian Bureau of Statistics 1995, *1991 Census of Population and Housing, Community Profile*, Cat. no. 2722.1, ABS, Sydney. 1991 Census data were used because they provided information on the number and percentage of Aboriginal residents in each LGA.
- 19 Where an offender is found guilty of more than one offence, that offence which received the most serious penalty type is the principal offence.
- 20 In calculating these percentages, the data in the numerator exclude appearances involving charges for any offence *other* than for offensive behaviour or offensive language.
- 21 A Spearman's rank-order correlation coefficient is a measure of association between two variables which are ranked in two ordered series. See, for example, Siegel, S. & Castellan, N.J. 1988, *Nonparametric Statistics for the Behavioural Sciences*, 2nd edn, McGraw-Hill, Singapore.
- 22 Brown et al., op. cit.
- 23 The use of court attendance notices for offensive behaviour and offensive language were introduced in the *Justices (Amendment) Act 1993*.
- 24 Hogg, R. & Golder, H. 1987, 'Policing Sydney in the Late Nineteenth Century', in *Policing in Australia: Historical Perspective*, ed. M. Finnane, cited in Brown et al., op.cit.
- 25 Darcy, D. 1996, pers. comm., NSW Police Service, Region Support Command, 31 July.
- 26 NSW Bureau of Crime Statistics and Research 1994, *New South Wales Recorded Crime Statistics 1993*, NSW Bureau of Crime Statistics and Research, Sydney.

APPENDIX 1

POI = Person of Interest (alleged offender)

Offensive language,

High Aboriginal country area, Aboriginal offender.

At 8:30pm police stopped and spoke with a young person at an intersection. This was in relation to an earlier complaint received by employees of a restaurant. This related to the behaviour of the young person a short time earlier. When police alighted to speak to the young person, he said in a loud audible tone directed at both police 'I don't want to talk to fuckin shit'. He then decamped. At 8:50pm the young person was arrested on the street and issued with a CAN. His mother was informed and was in attendance at the police station.

Offensive behaviour,

High Aboriginal country area, Aboriginal offender, Alcohol related.

At about 10:30pm police were doing a foot patrol. The POI was seen to be intoxicated and argumentative towards police because the publican of a local hotel would not let him in because of his intoxication. The POI was seen to walk up to the front door of the local policing centre and place both hands on his groin area. Upon police approaching, the POI was seen to walk a short distance from the door. A puddle of urine was seen laying in the footpath and in the doorway. The POI was spoken to and denied urinating there. He was informed that he would be reported for offensive behaviour. At the time the area was well lit with street lights and there were numerous persons present in the immediate area.

Offensive language,

High Aboriginal country area, Aboriginal offender.

About 10:50am the POI has attended the oval at the rear of a local primary school where a high school athletics carnival was being conducted. Whilst at this location the POI has used offensive language. POI was arrested a short time later and bailed to appear at the local children's court.

Offensive language,

High Aboriginal country area, Caucasian offender, Alcohol related, Racial related.

About 2100 hrs police were called to a hotel in response to a complaint that a victim was called a 'black slut' by a patron of the hotel (POI). As a result of the incident the comment caused hostilities which could have easily escalated to a physical confrontation. Police were able to calm all parties and organised the witness and victim to attend the station at 1500 hrs the next day where statements will be obtained. A brief will then be compiled.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

At 10.15pm on Thursday evening, police were alerted to an altercation at a local hotel. On arrival two female persons were involved in an altercation. The combatants were separated only for them to commence to fist fight at the street corner outside. They were again stopped and one was placed into the rear of the truck. On doing so the POI commenced to direct offensive language at a Sergeant. Warned, continued, arrested and charged.

Offensive language,

High Aboriginal country area, Aboriginal offender.

At about 4.45pm the witness went to a location and spoke to victim 1 who had been abused by the POIs. Upon the witness arriving the POIs have started to yell out at the witness. They said, 'you fucken old cunt, you dirty old slut and that they would show her what it was like when they come back to get her tonight, and they would stick it right up her'. An Aboriginal man has apparently walked past and the girls said, 'you'll do, we'll come back tonight and we will rape you, you nothing but a dirty old slut'. The witness did not see who was swearing but she knew that it was coming from the group of POIs. The

witness is concerned for victim 1 because she is 85 years old and she lives by herself. The witness was unable to identify the person who was actually swearing. The witness therefore only wanted a record made but she was advised that due to the circumstances and the frail age of victim 1 that police would apply for an AVO on her behalf to keep the POIs away from a particular residence. The witness was very happy with this action.

Offensive behaviour,

High Aboriginal country area, Aboriginal offender, Alcohol related.

About 1.25am the POIs directed offensive language and behaviour towards police. This occurred at the intersection of two streets. Breach reports have been submitted against the three POIs.

Offensive behaviour,

High Aboriginal country area, Aboriginal offender.

About 8pm, the witness was working back in the office of a pharmacy. The POI was seen by the witness kicking the exterior windows of the shop numerous times and with a fair degree of force. The witness has then taken a poor quality polaroid photo of the POI through the window, without the POI's knowledge. Police attended shortly after, and the POI has gone. No damage was caused to the windows. The POI was found by police a short time later and identified by a brightly coloured top which was depicted in the photo. The POI admitted the offence and stated that he had no intention of damaging the windows. He said that he was angry and was taking out his frustrations on the windows. The POI was contrite about the matter. The POI was given an Official Caution on the run by a Sergeant whilst the POIs uncle was present.

Offensive language,

High Aboriginal country area, Aboriginal offender.

A young person was spoken to along with a 13 year old boy near the post office. The young person was spoken to about walking through private property. When he replied, he said, 'What the fuck you hassling us for'. He was arrested and returned to the police station where he was given a CAN to appear at the local children's court. At the time there were a number of adult male and female persons walking along the footpath.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

About 12.10pm, Thursday, the POI was standing on the North East corner of the outdoor area of a police station, (a public place) and was heard by police to be using offensive language. He was then warned by police to cease the language, but then replied by saying, in a loud voice, 'You can get fucked, you can fucken lock me up'. POI was then arrested and charged via a CAN for Offensive Language. To appear at the local court.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

About 12.25am the POI enter the police station and began to abuse police and several other persons who were in the foyer of the police station. The POI was then escorted from the station and asked to leave the area to which she replied 'You can go and get fucked you cunt'. The POI was again asked to leave the area immediately and she again replied, 'You go and get fucked or I'll kick you in the cunt'. The POI was then arrested and taken into the charge room where she was charged with offensive language. She was given a court attendance notice to appear at the local court.

Offensive behaviour,

High Aboriginal country area.

At about 6.15pm- 6.30pm the person reporting parked his truck outside a local club and started to unload some frozen food for the club. At that stage the POIs have demanded that the person give them some ice creams. The demands were made on numerous occasions for ice creams until the person started to become irate and the POI's eventually left. The person found the behaviour of

the POI's threatening and was at times fearful that he would be assaulted and he wanted a record made of the incident. The incident was reported to police over the telephone.

Offensive language,

High Aboriginal country area.

At 8.20pm unknown POI has entered the drive through and approached the victim. The unknown POI has requested a can of alcohol. The victim has then advised the unknown POI not to open or consume the alcohol in the area. The POI has then verbally abused the victim using offensive language. The correct identity has been informed to contact police if the POI attends the bottle shop in the future so further action can be taken by police.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

About 09.15am the POI attended the police station where he requested to see the prisoners. POI was intoxicated and abusive towards police. POI was continually swearing and there was a female person also in the foyer of the police station. The POI was warned several times in relation to his swearing however he continued to abuse police. POI was eventually arrested and charged with offensive language. Issued Court Attendance Notice. Also detained on 3 outstanding commitment warrants.

Offensive behaviour,

High Aboriginal country area, Aboriginal offender.

About 10.20am police attend a park in relation to an unrelated event. Whilst at the location the POI was observed to engage in an argument with the POI's grandmother. The argument increased in intensity and the POI was observed to slap the grandmother on the back of the head. The POI was restrained by police and continued to swear and abuse both the grandmother and police. The POI was arrested and issued with a court attendance notice to appear at the local children's court.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

At 11.45am the POI was in a main street when he directed offensive language towards police. Arrested and charged accordingly.

Offensive behaviour,

High Aboriginal country area.

About 10.10pm on Wednesday POI 1 attended the police station in company of another woman. This woman wished to make a complaint of assault by her father. A short time later POI 2 also attended the police station also wanting to make a complaint of assault by the same man, her uncle. An argument developed between POI 1 and POI 2 and both engaged in a fist fight, with head butting, hair pulling and biting. A Senior Constable stood between the two and separated them by pushing them away from each other. The Senior Constable opened the front door of the police station and, as he separated them, forcing POI 2 outside to stop the fighting. POI 2 tripped on the front entrance step falling on her backside. She threatened to have police 'Up' and walked off. POI 1 then also left the police station. Both parties POI 1 and POI 2 to be reported for offensive behaviour.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

At about 2.25am on Sunday the POI was conveyed to his home from a woman's refuge. On alighting from the vehicle he used offensive language to police, he was warned not to and he then yelled the language to police. Arrested, conveyed to station and CAN issued.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

At 1.15am the POI was outside the local police station. The POI called out to police, 'C'mon you cunts come out and fight'. Police walked outside the station and saw the

POI standing next to a car near the gutter outside the police station. The defendant yelled out 'C'mon you fucken copper cunts, come out and fight. You're a bunch of cunts. Fuck you.' A female who was standing with the POI attempted to push him away. The POI walked away from the station and continued to yell offensive language at police. At the time there were a number of people walking on the street nearby and in the park. At the time a function at the bowling club was ending and there was a large amount of people walking near the park.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

At 11.25pm police followed a motor vehicle into a caravan park in relation to traffic offences, the driver decamped. The POI was seated in the front passenger seat he alighted on request. When further spoken to, yelled offensive language at police. He was arrested and conveyed to the police station where a CAN was issued.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

The POI used offensive language to police at the intersection of two streets. Arrested and charged. Conveyed home after entering unconditional bail.

Offensive language,

High Aboriginal country area, Alcohol related.

At 8.15pm on Friday, police were conducting a foot patrol. Police were walking across the street near a local hotel when the POI called out, 'Oy you come here'. Police stopped and were approached by the POI. The POI said, 'You cunts are useless. A man assaulted me and you cunts do nothing. He fucken grabbed me by the hair and youse are going to fucken lock him up.' The POI was told not to swear to which she replied, 'Fuck you, just lock him up. He assaulted me and you fucken lazy cunts do nothing.' The defendant was told again to stop swearing and the alleged assailant walked to where police were standing. The POI said, 'That's the cunt, lock him up. You fucken pulled my hair, cunt and I'm having you up.' The defendant continued to use offensive language towards police. The POI was asked a number of times to attend the police station to provide a statement in relation to the assault to which she replied with further offensive language towards police. At the time there was a large amount of people on the street and people entering and leaving the hotel.

Offensive behaviour,

High Aboriginal country area.

At about 2.10pm police attended a park after receiving a complaint of kids throwing stones. The complainant was spoken to and stated that the POIs had been throwing stones at her house and that they had narrowly missed hitting her on the head. The POIs were spoken to and blamed each other. They were taken to their respective homes and cautioned in the presence of a responsible person about the errors of their ways. Each guardian stated that the young person would be suitably disciplined. The informant was contacted and advised of course of action and appeared happy with the result.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.

The POI was observed fighting with another female outside a local hotel. Police attempted to intervene and the POI on numerous occasions in a loud audible tone directed at police used language to the effect of 'You can get fucked you dog arse cunts'. At the time the electricity in the street had been disconnected due to a fire. At the time there were persons of all ages on the street.

Offensive language,

High Aboriginal country area.

About 2.30pm the offender was browsing in the liquor department of a supermarket when she was observed by store manager to place a bottle of liquor in her pocket.

When she was confronted the offender became irate and let loose with a barrage of offensive, derogatory remarks in a loud clear voice and left the store.

Offensive language,

High Aboriginal country area, Caucasian offender, Alcohol related.
About 1.00pm on Saturday Party 2 travelled from her home address and has parked her motor vehicle outside a house underneath the shade of a tree. A short time later Party 1 has parked behind Party 2's vehicle. As Party 2 was getting out of her vehicle Party 1 has asked her to move her car away from the front of his premises. Party 2 has said 'No' and Party 1 has then become abusive. He has stated that he pays the rates at the address and that she is not entitled to park in front of his house. Party 2 has commenced to walk away from the vehicle when Party 1 has allegedly said, 'Fucking cunt' and 'Fucking hillbilly'. Police were called by Party 2 who was extremely upset. Statements were obtained and Party 1 interviewed denying the offence. No independent witnesses at this stage however Breach reports has been submitted for adjudication.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
At approx. 8.55pm, the POI was informed to leave the club by bar staff due to her behaviour and intoxication level. The POI was escorted from the club. Once outside the club the POI continued to use offensive language in a loud tone. The POI was cautioned on numerous occasions but continued to use the language. The POI was arrested and charged. The POI was issued with a CAN and is to appear at the local court. The POI was well affected by alcohol at the time.

Offensive language,

High Aboriginal country area, Caucasian offender, Alcohol related.
About 9.07pm on Wednesday, a Sergeant and a Constable were conducting a foot patrol of licensed premises. Upon entering the main bar of a hotel, the POI was seen seated at a table near the front door with two women. The POI was drinking beer. As police walked past the POI he said in a moderate tone of voice 'Arsehole' and shortly after 'What are you fucking looking at?' Assistance was sought from two other Constables and the POI was arrested without incident and charged (CAN). POI moderately affected.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
About 10.30pm on Saturday police went to a local hotel in relation to a disturbance. The POI was asked to leave, which he did. Once outside the premises the POI continually used foul language for which he was continually cautioned. The POI continued to use the foul language and he was duly arrested and charged. He further had commitment warrants executed on him.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
Between 8.30pm and 10.30pm Friday, police spoke three times with POI in relation to his use of offensive language whilst making foot patrols of the back of a rodeo. He was escorted from the oval on three occasions and cautioned regarding the offensive language. On the last occasion he shouted to a Senior Constable, 'Come on cunt, I'll smash you cunt'. He was arrested and charged with this offence.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
At 17:40 hours police were summoned to a location in relation to another matter. The POI insisted on interrupting discussions between police and other persons and was told to stop. In the meantime he was refused entry into the hotel due to his state of intoxication. He was then abusive to police and used the words 'You are nothing but fucken dog arses, you fucken cunts'. He was

arrested and conveyed to the local police station and subsequently charged. The POI was lodged into the cells due to his state of intoxication, discharged 19:45 hours CAN notice issued to the local court.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
At approximately 5.45pm the POI entered the drive through bottle shop and requested to buy a carton of beer and a packet of cigarettes. She was served by the victim. A dispute arose over payment of the items which resulted in the victim asking the POI to take the carton of beer and her money and leave. The POI became loud and abusive and said 'You white slut, you're ripping us off'. She further said, 'I took your husband to my sister's place where he rooted me and it was the best one he ever had.' As the POI left she continually yelled, 'You white fucken slut'.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
About 9.00pm police were outside a local hotel when the POI was heard to swear at another male. Police told her to stop swearing. The POI then continued to swear at police. Again the POI was told to stop swearing. The POI then turned away and started to walk away from police and said, 'Fuck you'. The POI was then placed under arrest and walked back to the police station. She was charged and given a CAN to attend court.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
About 9.20pm the POI was sitting on the kerb of the above location. As a Constable (female) crossed the road in front of POI, the POI said 'Hey you, have a go? You slut, you mother-fucker'. The Constable took exception to this form of address, and arrested the POI. The POI's mother attended the police station a short time later, and was present whilst the POI was cautioned by a Senior Constable. At the time the POI swore, there were many people in the street and in hearing of the POI.

Offensive behaviour,

High Aboriginal country area, Aboriginal offender, Alcohol related, Drug related.
About 8.20pm on Friday a Senior Constable was walking along a street with his father when the offender came running up and began abusing and threatening both persons, he was cautioned to leave and desist with his behaviour, the offender then followed both persons a short distance, and again began threatening and abusive behaviour. The POI said, 'You can't arrest me you dog arse cunt'. I said, 'I don't want to arrest you yet'. I returned home and made a telephone call to the station and reported the incident a short time later I was contacted and informed that the POI had been apprehended. I attended the station and informed the POI that he was now under arrest and would be charged with offensive behaviour.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
At about 2.20pm on Tuesday police attended a street as a result of a complaint. On approaching the POI he directed offensive language at police he was warned re same and then yelled further language at police. Arrested, conveyed to station and issued CAN at the local court.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
At 7.30pm on Saturday the complainant was working in the bottle shop when the POI entered drive through. The POI was well effected by alcohol. The POI said, 'I am going to blow some cunts head off here'. The complainant then approached the POI and informed him he was not going to be served due to his intoxication. The POI then said to the shop attendant, 'Your a fat fuckin white mother fuckin cunt'. 'If I had a gun I would blow your white fuckin head off.' The POI then left.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
About 9pm the POI entered a police station and became abusive towards police. The POI was complaining about an altercation that occurred with her brother at a local hotel. The POI was asked several times to watch her offensive language before she said, 'I don't give a fuck what you say you dog arse. You can get fucked and so can the other cunt.' The POI was then arrested and walked to the charge room where she was charged with offensive language. The POI was given a CAN to appear at the local court.

Offensive language,

High Aboriginal country area, Aboriginal offender, Alcohol related.
About 1pm police were called to a local hotel in relation to a domestic dispute between the POI and his de facto. Whilst speaking to the POI he continually abused his de facto. The POI was asked by police to lower his voice and mind his language. The POI then said to his de facto 'You fucking slut, your nothing but a cunt, I should belt you whilst the coppers are here, I don't give a fuck if the coppers lock me up'. The POI was then walked back to the police station where he was arrested and charged with offensive language.

Offensive behaviour,

High Aboriginal country area, Gang related.
At about 11am the POI was with a group of kids walking past the TAB. The victim was standing on the opposite side of the street when the POI started to become cheeky and the POI has then picked up some stones and thrown them at the victim. The POI and the group then left the area. Police attended and spoke to victim and details were taken. A search was made of the surrounding streets with a negative result. The victim did not know the POI and he did not make any complaint of the stones actually hitting him.

Offensive language,

Low Aboriginal country area, Caucasian offender, Alcohol related.
The POI was seen walking a street after police had received a complaint concerning his behaviour. His de facto stopped police and requested that he not follow her and stay away from her. He was told that his de facto did not want him to follow her and he gave police and his de facto a mouthful of obscene language. He was apprehended and conveyed to hospital and treated for an eye injury he had received early in the evening and then to the police station and charged with offensive language and bailed to appear before the local court.

Offensive language,

Low Aboriginal country area, Aboriginal offender, Alcohol related.
Police were called to an address in relation to a disturbance. Police attended and were requested by the occupier of the premises to remove the POI. He was requested to leave and when outside in the front yard used offensive language within hearing of a public place.

Offensive language,

Low Aboriginal country area, Caucasian offender, Alcohol related.
About 11.30pm police attended the front of a block of units in response to a complaint received re the disturbance taking place at that address. Whilst speaking to a female (de facto of POI) the POI used offensive language, he was warned he would be arrested if he continued swearing, he then called out in a loud tone of voice, 'It's my fucking flat, fuck you cunts', he was then placed under arrest, conveyed to the police station and charged. Police formed the opinion that the POI was well affected by alcohol.

Offensive language,

Low Aboriginal country area, Caucasian offender.
The POI came to a police station in relation to another incident, he became agitated at the front inquiry counter

and started shouting at police. He used offensive language at the inquiry counter, he was arrested and charged, he had to be forcibly taken to the charge room.

**Offensive language,
Low Aboriginal country area, Aboriginal offender.**
At about 6pm police went to the local mall after members of the public had complained about the offender's behaviour and other persons in his company. Police spoke with the offender outside the post office and while asking him his details he became abusive and used offensive language. He was warned about his language but continued to swear. He was arrested, cautioned and taken back to the police station and charged with Offensive Language. At the time of the offence there were a number of public in the area of varying ages and of both sexes.

**Offensive language,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
That the POI refused entry to a restaurant by staff as he is barred, he then commenced to use offensive language and was warned by police to stop, he continued and was again warned to stop and leave the area. The POI continued to use offensive language and was arrested and escorted to the police station. At the police station it was found that there was four outstanding commitment warrants for the POI. When informed of the warrants the POI stated that he had called the warrants in whilst he was in custody in goal. The warrants were sighted at warrant index, but due to threats made by the POI to commit suicide, it was decided not to charge the POI with the warrants and detain him in custody. Warrant index unit was informed that the POI would not be charged with the warrants.

**Offensive behaviour,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
About 3.25am on Saturday the POI was seen to be standing with a group of persons at the taxi rank at an intersection. He walked a short distance in a westerly direction away from the group to where a shopping trolley had been left outside a building. He charged at the shopping trolley and leant this shoulder into it in similar fashion to a rugby tackle - causing the trolley to career away. The POI then swung the trolley in a half circle action - casting it onto the carriage way of the street. Police approached the POI and afforded him the opportunity to return the trolley to safety but after moving the trolley a short distance stopped and said 'Stuff it. I'm not taking it back, you cunt's can charge me if you want.' The POI was subsequently arrested and charged.

**Offensive language,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
About 1pm the defendant was arrested and charged with offensive language after an incident at a house. The defendant also threatened to shoot the victim and was making racial and verbal assaults against the victim. Whilst in police custody the defendant continued to be abusive and aggressive towards police and corrective services personnel.

**Offensive behaviour,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
At 3.07pm the POI boarded a flight at Sydney Airport and travelled to an airport in a country centre. During the flight he asked to be served alcohol and was told by the attendant that the bar was closed. He became abusive and argumentative to the flight attendant. Several passengers complained about the POI's behaviour. He then pushed past the attendant and went into the cockpit and began arguing with the pilot. He eventually left the cockpit and returned to his seat although he remained abusive and uncooperative. Police were notified and met the plane on landing at the airport. The POI and staff were spoken to. The POI was arrested and taken to the local police station and charged with Offensive Behaviour by virtue of Section 15(1) of the Crimes Aviation Act 1991. At the time of the arrest the POI was heavily intoxicated, suggesting he had consumed his alcohol before boarding the flight.

**Offensive language,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
About 2.05pm on Saturday the POI was arrested for outstanding commitment warrants and conveyed to the local police station and placed in the dock. The POI continually used offensive language and was requested to refrain from swearing as the language could be heard in the police station inquiry office, he continued to use offensive language and was subsequently charged.

**Offensive language,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
The young person was near the intersection of two streets and he was requested to move on due to a disturbance in the street, he then used offensive language towards police, he was arrested and placed in the rear of the police vehicle where he continued to use offensive language.

**Offensive behaviour,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
At 10.15pm the defendant was seen in the street near a local hotel. He urinated against the wall of the building in full view of the mall area.

**Offensive behaviour,
Low Aboriginal country area, Caucasian offender.**
About 11am on Saturday the POI was roller blading at the City Council Chambers. He then urinated against a wall door of the premises. The complainant then contacted the police. The POI was located later that day and was interviewed in relation to the offence. The POI admitted the offence. The POI attended the local police station and was charged with offensive behaviour.

**Offensive behaviour,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
About 12.39am on Saturday police were patrolling an area when they observed the POI standing on the footpath urinating on a small tree. When police approached, the POI replaced his penis in his trousers. He was arrested and conveyed to the police station and charged with offensive behaviour. He stated he had no excuse for his behaviour. Moderately affected by liquor.

**Offensive behaviour,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
About 12.10am police observed POI standing in the middle of the street, feet apart, arms in the air and urinating. There were several persons in the area at the time with the pizza shop still trading. There were several toilet facilities within a short distance of the offender that could have been utilised.

**Offensive behaviour,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
At 1.50am on Sunday the offender was seen urinating on the seating attached to the children's playground in the outdoor mall. Arrested and charged with offensive behaviour.

**Offensive language,
Low Aboriginal country area, Alcohol related.**
The offender was seen in the open air mall using offensive language. When approached by police the offender continued to use offensive language. When told to quieten down the offender then swore at police. Police then arrested the young person for offensive language, he was walked back to the police station where he was issued with a court attendance notice he was then released from the station.

**Offensive behaviour,
Low Aboriginal country area, Aboriginal offender,
Alcohol related.**
At 12.10am on Saturday police were patrolling a street. The defendant was involved in a fight in the street, this fight was broken up by police and the defendant departed. A short time later the defendant was seen to run to the group and swing a number of punches. She was arrested and conveyed to the police station, charged with Offensive Behaviour.

**Offensive language,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
About 11.50pm the offender was seen in the open air mall. He was seen to hit a shop sign with his hand. He was spoken to and stated that he was angry because he had been kicked out of a local club because a male wanted to fight him. His friends were spoken to and appeared to be helping him home. The offender began swearing in the street and police again spoke to him and warned him about his language. He continued to swear and was arrested. He was taken back to the police station where he continued to swear at police. He was later charged with offensive language. At the time of arrest he was heavily affected by alcohol.

**Offensive language,
Low Aboriginal country area, Caucasian offender,
Alcohol related.**
That police attending a taxi rank where the offender was located arguing with a female person. He was cautioned for using offensive language, and persisted and was placed under arrest. He then began to struggle violently and was restrained with handcuffs and conveyed to the police station and charged.

**Offensive language,
Low Aboriginal country area.**
About 9.55pm Thursday, police were patrolling past a hotel. At this time the defendant was seen and heard by police to shout, 'Get fucked'. The defendant was subsequently arrested and conveyed to the police station where he was later charged with offensive language.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**
At 4am Sunday. The POI was observed urinating against a telegraph pole, while facing the street. At the time of offence there were various people of both sexes in the vicinity, leaving a night club. Arrested and taken to the police station. The POI was apparently well affected by alcohol.

**Offensive language,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**
About 9.30pm on Tuesday POI entered the kitchen area of a restaurant, and began swearing at the witness who is the chef. Witness attended the local police station and requested that a record be made of the incident and that POI be spoken to regarding his behaviour. About 11.30pm POI was contacted about this matter. Stated that at the time he was upset because the food and service was 'shit'. Witness happy with this course of action.

**Offensive language,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**
About 2.30am on Saturday morning the defendant was spoken to by security officers. At the time the defendant who was very aggressive, commenced using language and fell over a small fence. Police and ambulance were called. The defendant continued to use offensive language, and was removed from the area, for his own protection, to the police station where he was to be collected by friends and driven home. Upon arrival at the police station, his attitude continued and he continued yelling 'Fucken cunts' continually, and threatening police. As a result he was held at the police station where in the dock area he continued to punch and kick the dock area. About 4.40am when he calmed down, he was released into the custody of his friends, the witness who with the aid of police took the defendant home by train. At this time he will be spoken to at a later time in relation to this matter. He could not be taken to the proclaimed place as he was acting violently.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**
About 5am Sunday. The defendant became involved in a verbal altercation with another man over the other man

calling him a dog. This then developed into a fist fight, which resulted in the defendant falling backwards into the front window of a shop. Both persons were arrested and conveyed to the police station where they were charged with Offensive Behaviour.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

About 10.40am the POI was seen standing on the western footpath of a street urinating. He was arrested and taken to the police station. When being searched he became violent and as he was placed in the dock in the charge room he kicked out and hit his head on the seat in the dock. He was taken to the local hospital by ambulance and received 5 stitches to a cut above his right eye. He was returned to the police station and charged with offensive behaviour.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

At 1.10am the POI was seen by police facing a glass door on the eastern side of a street about 50 metres north of the intersection. Police then stopped for a closer inspection and saw the POI urinating on the step of the glass doorway. The POI was then arrested and taken to the police station where he was charged with offensive behaviour. At the time the POI was well affected by alcohol.

**Offensive language,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

About 11pm on Friday whilst police were speaking with other males in a main street the POI was walking with a female on the opposite side of the road. He was heard to yell out in a loud tone of voice the words 'Hey you cunts leave them alone'. He was then arrested and conveyed to the police station where he was charged.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

At 4.20am the POI was in company of another male. Both were seen by police urinating on the footpath, at the time there were various young persons nearby that were leaving a nightclub that had just ceased trading. Arrested returned to the police station and charged.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

At 11.30pm, Friday the POI entered a Service station. He went to the self serve hot food area and heated up 3 sausage rolls and 3 pies. He began to eat them but he created a mess in this area spilling sauce. The employee/witness requested that the POI pay for the food and then leave. The POI objected to this and threw the food towards the employee and began swearing. The POI left the service station and was last seen heading east. Value of food \$9.00.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

About 2.40am on Saturday police were driving and observed a male person walking along the street carrying a length of timber. Police have stopped their vehicle in the street to speak with the male when they have observed a motor vehicle travelling nearby. The vehicle has braked harshly and police have observed the POI to start and kick the occupants of the vehicle. Police have told the driver of the vehicle to park his vehicle. While a police officer was speaking with the driver the POI was constantly abusing the driver and the occupants. The POI was cautioned numerous times about his language. The POI was continually using the word 'fuck'. As a result of the POI failing to follow good advice the POI was arrested and conveyed to the police station where he was charged.

**Offensive behaviour,
Low Aboriginal urban area,
Alcohol related.**

About 11.50pm police observed the POI standing at the war memorial water fountain. At that time he was urinating in the bubbler section of the fountain. When spoken to he initially denied the fact. Upon arrest he stated that he would clean the mess up. He was returned to the police station where he was formally charged.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

About 11.50pm police responded to a call in relation to approximately 30 persons fighting in the street outside a restaurant. Police then observed POI 1 & 2 take up fighting stances with another male person separating the two POIs. The two POIs then began to throw a number of punches at each other and wrestle with each other. Police then separated the POIs and obtained their details and informed both that they would be reported for street fighting.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender.**

About 11.30pm POI was seen standing in the entrance of a hotel. He appeared to be arguing with the publican of that hotel. On police approaching the POI he used offensive language. He was warned re his offensive language, but continued to use same. As a result he was arrested and issued with a CAN to the local court for offensive language. POI had 2 outstanding commitment warrants for malicious damage. 7 days notice given.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender.**

About 4.10am on Sunday the POI was observed to be urinating outside the Department of Social Security Building. The POI was arrested and conveyed to a police station where he was charged with the offence of offensive behaviour. Bailed to the local court.

**Offensive language,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

At 5.50pm, police were walking east in a street near an intersection when they heard the POI, who was also walking in a nearby street, yell offensive language at them. He was immediately approached and was asked for some form of identification as he was going to be breached, but he refused to do so. As a result he was placed under arrest, a caged truck was summoned and he was conveyed to the police station. He was placed in the dock of the charge room where he began to kick and punch the perspex. He eventually calmed down and provided police with his details. He was informed that he would be breached for this matter and was released. At the time of the offence he was moderately effected by liquor.

**Offensive language,
Low Aboriginal urban area,
Alcohol related.**

About 3.15am on Sunday POI was seen by police urinating on the door of a shop. At the time there were persons of both sexes in the near vicinity who could have clearly seen his actions as well as passing traffic. Area well lit. Informed matter would be reported.

**Offensive behaviour,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

At 8.55pm the two POIs were spoken to by police and advised to modify their behaviour as they were walking in the street and shouting loudly at persons passing and their obscene language was also becoming louder as they progressed. At 9.05 pm the POI 1 was observed shouting obscenely at the top of his voice and yelling along the street. He then urinated on a shop wall. He was then arrested. About the same time POI 2 was yelling loudly and obscenely at passing pedestrians and approaching them with his arms wide open. Pedestrians were steering

away from him as he swung towards them. He was arrested. A third friend with the two POIs was trying to talk to them to quieten them without success.

**Offensive behaviour,
Low Aboriginal urban area,
Alcohol related.**

About 12.45am on Sunday the POI was seen by police crouching between 2 parked cars parked 1.5 metres apart outside a liquor store. At the time the POI had her jeans down to her knees and was urinating on the roadway approx. 1 metre from the gutter. At the time there were a number of persons of both sexes in the near vicinity who could have clearly seen her actions. Informed that the matter would be reported.

**Offensive behaviour,
Low Aboriginal urban area,
Alcohol related.**

At 9.38pm on Friday POI was seen by police at the western end of the car park. At the time the POI was standing at the corner of an energy transformer cubicle and was urinating on two sides of it as he swung from side to side. At the time there were 2 girls approx 16 to 18 years old walking towards the defendant as well as persons of both sexes in the car park and passing traffic, all of whom could have clearly seen his actions. Informed matter would be reported.

**Offensive language,
Low Aboriginal urban area, Aboriginal offender,
Alcohol related**

At 10.10pm, police were patrolling a shopping centre mall when they observed the POI seated in the mall with a twist top beer in his hand. He was approached and asked for proof of age, he then got up and ran up a side street. A short time later he returned and was again approached and asked for proof of age at which time he started swearing and becoming aggressive towards police. He was informed that he was under arrest and a caged truck was requested. He was then conveyed to the police station and charged.

**Offensive language,
Low Aboriginal urban area, Caucasian offender,
Alcohol related.**

About 2.50am POI 1 came into the police station with her husband POI 2. Both were heavily intoxicated. POI 2 demanded that he be supplied with a 'copy of his record' so that he could get another drink. When his demand was refused, he became abusive and violent and was arrested and charged accordingly. Whilst his arrest was being affected POI 1 started screaming obscene and offensive language at her husband. She was also arrested and charged and is to appear at the local court.