



Police Powers – Move On Powers



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When do police have the power to require you to move on?

This fact sheet explains:

- What is regulated place?
- What kind of “behaviour” allows the police to give a move-on direction?
- Your right to be informed
- Failure to comply with a move-on direction
- Making a complaint to the CMC.
- How to obtain legal advice?

ATSILS is a non-profit, Aboriginal and Torres Strait Islander community based organisation with 28 locations across Queensland. We provide innovative and culturally competent legal services covering criminal, civil and family law areas.



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1. Move On Powers

The police have the power to require someone to move-on in certain situations and at certain locations. This power relates to people who are at or near a “regulated place” if their behaviour justifies such. They can also direct a person not to return for a period of up to 24 hours.

What then is a “regulated place” and what kind of “behaviour” allows the police to give a move-on direction?

A “regulated place” is either **(a) a public place** or **(b) a “prescribed place”**. The legislation defines a “prescribed place” as including:

- A shop or mall;
- A child-care centre or school;
- A licensed premises;
- A railway station or surrounds;
- An ATM;
- A war memorial;
- A race track; or
- Southbank in Brisbane.

Given that the police can now move people on from any public place – their powers in this area is fairly wide. Generally therefore it will be more a question of whether someone’s behaviour justifies such a direction.

The police may provide a move-on direction to a person (who is at or near a regulated place) if they reasonably suspect that the person’s behaviour is or has been:

- Causing anxiety to someone;
- Interfering with trade or business by unnecessarily obstructing or hindering someone entering or leaving the place (Note: there is a requirement that the occupier of the premises has complained to the police);
- Disorderly, indecent, offensive or threatening;
- Disrupting an event, entertainment or gathering; or
- In relation to soliciting for prostitution.

Note: if a person is only “near” a public place – then their behaviour must impact upon the public place itself in order to justify a move-on direction.

Note: in providing a move-on direction the police officer can also order the person to leave in a stated direction. For example, if the officer was seeking to split up two people who had been involved in an argument – he or she could require them to leave in opposite directions (in order to reduce the chances of the argument flaring up again).

2. Your right to be informed

The police officer must tell the person (or group) the reason for being given a move-on direction.

Maximum 24 hours

A move on direction may require a person to leave or not return to the regulated place within a stated time period – but one of not more than 24 hours.

Failure to comply with a move-on direction

If a person fails to comply with a move-on direction they can be arrested and charged with Disobeying a Direction. For it to be an offense, the direction must have been lawful. Contact us if you have been charged – we can help. It is generally best to cooperate with a police direction even if you think it may not be justified. Check with us afterwards if you like.





3. The CMC?

If you feel that you have been asked to move-on by the police in inappropriate circumstances (i.e. not within the powers outlined in this Fact Sheet), then please take the time to let us know. We can also assist with bringing your matter to the attention of the CMC if appropriate.

4. Obtaining Legal Advice?

ATSILS provides innovative, professional and culturally competent legal service for Aboriginal and Torres Strait Islander people across Queensland.



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We can be contacted toll free on **1800 012 255**, 24 hours a day, 7 days a week. We have 28 offices located across Queensland so you will be put in touch with the closest regional office that is able assist you with your legal needs. In some instances, ATSILS might have a conflict of interest and will not be able to provide you with legal advice. If this is the case, you may wish to try Legal Aid Queensland on their Indigenous Information line on **1300 65 01 43**.

This Factsheet is not intended to provide legal advice and has been provided for the purpose of providing information only. Whilst all reasonable care has been taken in the preparation of this information, no liability is assumed for any errors or omissions.

