



Police Powers – Requiring Name and Address



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What are prescribed circumstances that require you to provide police with your name and address?

*It is a common mistake for people to believe that the police have the power to require someone to state their name and address in all circumstances. **This is not the case** – although generally speaking it is still best to cooperate with the police in this regard.*

This fact sheet explains:

- What are “prescribed circumstances”?
- The offence of contravening a direction.
- Your address and the requirement of providing your current place of residence.
- 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.



FREE CALL 1800 012 255



1. Police Powers – Requiring Name and Address

A police officer may only require a person to state their correct name and address in prescribed circumstances. In some instances it may also be reasonable for the police officer to require some proof of the information provided – for example, via a driver’s licence. The question then becomes: what are the “prescribed circumstances” which allow a police officer to require you to provide your name and address?

These include:

- where the police officer discovers you committing an offence – or has reasonable grounds for suspecting that you have committed an offence;
- where the police officer reasonably suspects that you may be able to assist in the investigation of an indictable offence; or an investigation into an act of domestic violence or a relevant vehicle incident;
- where a police officer is attempting to serve a formal document (e.g. a summons)
- in certain prescribed circumstances – such as prior to the formal taking of Identifying Particulars or a DNA sample; or in relation to a “noise abatement direction” or “nuisance direction”. [**Note:** please see our Facts Sheet entitled “Police Powers – Identifying Particulars and DNA Samples”].
- There are also a few other very specific situations.

If you fail to provide your details in circumstances where the police officer is authorised to ask you to do so – then you commit the offence of “contravening a direction” and you may be arrested and charged. However, if the police officer is not authorised to ask you to provide these details, then no offence is committed.

Further, you do not commit the offence of contravening a direction for not supplying your details if it is not proved that you 1) either committed the offence; or 2) were the person named in the warrant etc.; or 3) were involved (or about to be involved) in an act of domestic violence; or 4) were able to help in the investigation – as the case may be. Please note that in supplying your “address” – the relevant legislation requires you to provide your “**current place of residence**”.

In conclusion, whilst the police do not have an unlimited power requiring you to always provide your name and address – it is generally in your interests to adopt a cooperative approach with the police. Wherever possible, be polite to the police officer. Rude or abusive behaviour towards the police may give them a basis upon which to arrest you and take you into custody. No one wants to see that.

In the event that you do come to the attention of the police, our Organisation is available to provide legal assistance and advice 24 hours a day – 7 days a week. **We always recommend that prior to providing a formal statement to the police you should ask them to contact our Organisation on your behalf.** We can then advise you of your legal rights in a way which will allow you to make an informed decision as to the option which is in your best interests.

2. 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.

