

Public policy and legislation reviews

The CMC is sometimes called on by the government to explore and report on complex public policy issues that can arise from a special referral, or as a consequence of legislative provisions.

Review of police ‘move-on’ powers

In December 2010, the CMC tabled its review of the use by police of move-on powers under section 48 of the *Police Powers and Responsibilities Act 2000* (PPRA). These powers were introduced into the PPRA in 1997 to give police a way to deal with behaviour that interfered with trade or business, disrupted the peaceful conduct of an event, or was disorderly, indecent, offensive or threatening. Their introduction in 1997 was controversial, due to the potential for abuse and disadvantage to sections of the community. In July 2006, the powers were broadened, making them available to police statewide in public places.

Our review showed a steady increase in the use of move-on powers. We conclude that in general this increase is likely to be associated with the geographic expansion of the powers across Queensland rather than overzealous policing. Some of our key findings included that young adults aged between 17 and 24 years were more likely than other age groups to be moved on; Indigenous people were significantly more likely to receive a move-on direction than were non-Indigenous people; and that the move-on powers, as put into operation by police, are not an effective diversionary mechanism for Indigenous people or juveniles.

We made 11 recommendations which were directed at providing an effective legislative and operational framework that supports the use of move-on powers; providing an effective policing tool that enables police to maintain community safety and public order, as well as allowing police to divert people away from the criminal justice system; and changing policing practices in the use of move-on powers.

» Read the *Police move-on powers* report [here](#).

Review of the ‘evade police’ offence

The CMC tabled its review of the ‘evade police’ offence provisions in June 2011. The CMC was required to undertake the review pursuant to section 789 of the *Police Powers and Responsibilities Act 2000*. The evade police legislation was introduced by the government in 2006 to support a restrictive police pursuit policy. The provisions aim to reduce police pursuits by giving police powers to assist them to identify and prosecute fleeing drivers they allow to ‘escape’ in order to avoid endangering community safety.

We found that although the provisions will never be effective in a significant proportion of incidents where offenders flee from police, especially those involving stolen vehicles or vehicles with false registration plates, they are a useful operational tool in many other cases. Consequently, most of our 13 recommendations aim to improve the ability of police to identify and prosecute offending drivers. Other recommendations focus on improving the integration of the evade police provisions, as an alternative to pursuit, within the QPS and training to further reduce the number of police pursuits.

» Read *An alternative to pursuit* [here](#).

Review of the *Prostitution Act 1999*

In June 2011, the CMC tabled its review of the effectiveness of the *Prostitution Act 1999* as required by section 141 of that Act. The review reports on the status of the implementation of recommendations from our previous reports (2004 and 2006); examines what changes had occurred in the achievement of the Act's underlying principles since the last review; and identifies any new and emerging issues for the industry in Queensland and in comparable jurisdictions.

We found that overall the Act, and the Prostitution Licensing Authority acting under the Act, are achieving the underlying principles – licensed brothels have minimal impact on community amenity, continue to be free from corruption and organised crime, facilitate access to exit and retraining programs for sex workers who may wish to leave the industry, and provide a healthy and safe environment in which prostitution takes place.

We found an emerging trend of increasing involvement of migrant sex workers in both the illegal sector and the licensed brothel sector; however, there was no evidence of sex trafficking or debt bondage for Queensland sex workers. This trend requires the relevant government agencies to ensure there is effective delivery of health, education and advisory services to these workers.

We were generally satisfied with the implementation of our previous recommendations except for two matters which, because of a continued need, have been reasserted in this review. Those matters are (i) amendments to the advertising provisions to ensure they are flexible to cover prostitution however described, and (ii) the need for an interagency committee to ensure a whole-of-government approach to address prostitution-related operational and emerging issues. In relation to the latter, we have strengthened and broadened its scope, recommending the committee be established under legislation, and have a broader membership and a wider mandate to cover the whole of the prostitution industry. We noted that some of our recommendations to reduce the illegal industry had only recently been implemented and it was too early to assess their impact.

» Read the *Regulating prostitution* report [here](#).

Inquiry into policing in Indigenous communities: the *Restoring order* report

At the request of the Queensland Government, the CMC conducted an independent inquiry into issues relating to policing in Indigenous communities, including:

- the relationship between the police and people in remote Indigenous communities
- how policing services are currently delivered in Indigenous communities
- potential changes to improve the delivery of policing services to the remote Indigenous communities
- practices relating to police custody of Indigenous people, including issues of safety in watch-houses.

The CMC's Inquiry into Policing in Indigenous Communities included public submissions and a public forum in Cairns on 16 October 2007.

The CMC report *Restoring order: crime prevention, policing and local justice in Queensland's Indigenous communities* was published in November 2009 and identified 51 items for action. In June 2010, the Queensland Government released its response, supporting or supporting in principle all of the recommendations.

Following up on those action items, in the latter half of 2011 the CMC will publicly report on how effectively the Queensland Police Service are using, managing and supporting Indigenous people in policing roles, and in 2013 it will audit the implementation of local-level community safety plans.

Looking ahead

In 2013, the CMC is required to conduct a legislative review of the operation of the *Child Protection (Offender Prohibition Order) Act 2008*. We will commence scoping and planning for this project during the next reporting period.