

**Queensland Police Union Submission
to the
Crime and Misconduct Commission
Review of Queensland's police move-on powers**

The limited introduction of move on powers for police officers in 1998 as a consequence of the commencement of the *Police Powers and Responsibilities Act 1997* provided officers with an additional tool for resolving conflicts and preventing the commission of offences. Since that time, move-on powers have been extended and directions may now be given to people in any public place.

The Queensland Police Union of Employees (QPUE) strongly supports the existence and use of move-on powers for police. These powers provide officers with the ability, in certain prescribed circumstances, to act proactively and prevent the commission of offences by having individuals leave a particular location.

Prior to the introduction of move-on powers, it was necessary for police to wait until a person's conduct became such that a breach of the peace was imminent, at which time they could take the person into custody. Alternatively, police would need to wait until an offence was committed and arrest and charge the person concerned. Move-on powers remove the need to take people into custody.

Police officers advise the QPUE a large number of move-on directions are given in cases involving intoxicated and/or highly emotional people, where offending such as assault or damage is likely to occur if police do not intervene.

A common example includes people continuing to remain in the vicinity of licensed premises following their eviction by security staff. In such circumstances there is a real risk of the evicted person becoming involved in a physical incident. The ability to issue a move-on direction allows police to control the incident by either allowing the person to leave or subsequently arresting the person for the summary offence of disobeying a police direction.

It is the QPUE's view this is preferable to the person committing an assault, being charged with an indictable offence and possibly being injured in the process.

Move-on powers provide operational police with the ability to ignore minor breaches of the good behaviour laws and direct a person to leave an area for a reasonable period not exceeding 24 hours. There are substantial statutory safeguards, which operate effectively. These include providing a reason to the person subject to the direction, warning the person of the consequences of failing to obey the direction, and providing the person with further reasonable opportunities to comply with the direction.

The recent Court of Appeal decision in *Rowe v Kemper*¹ effectively demonstrates the limits on the move-on powers and how they are to be balanced with the civil liberties expected in a democratic society.

There are a number of benefits to using move on powers in this manner. If the direction is obeyed:

- public order is maintained;
- police are able to continue with proactive duties and respond to calls for service, rather than process an arrested person;
- the person subject to the direction is not taken into custody or charged; and
- offences which may have been committed had the person subject to the direction remained in the location are prevented from occurring.

The QPUE believes the present legislation is operating effectively and no changes should be made in relation to the powers or their safeguards.

¹ [2008] QCA 175