

To: moveonpowers@cmc.qld.gov.au

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CMC Review of Police 'Move-on' Powers

GPO Box 3123

Brisbane, Qld 4001

Conjoint submission by xxxxxx and xxxxxxxx with regard to inappropriate use of Police 'move-on' Powers under the *Police Powers and Responsibilities Act 2000* for consideration in the review of those powers by the Crime and Misconduct Commission.

Dear Sir/Madam,

1. The informants wish to submit an anecdotal account of circumstances in which the informants believe that the authority afforded Police Officers with regard to directing members of the public to 'move-on' have not been appropriately warranted or executed.

2. On Saturday 30 November 2008 the informants attended to the Treasury Casino for an evening of entertainment, and at approximately 3.00am on the Sunday morning 1 December 2008 left the Casino to obtain something to consume at an eatery in Adelaide Street, City before hailing a taxi to the residence of the informant xxxxxxxx at Newmarket, a relatively near City suburb. The informants had consumed alcohol at the Casino but were not intoxicated.

3. Having purchased sustenance at the Adelaide Street eatery, the informants hailed a taxi for the journey to the informant xxxxxx's Newmarket residence. xxxxxxxx had telephoned his partner at that address that he would be home within half an hour.

4. Having entered the taxi, the taxi driver demanded an amount of money to cover the cost of the fare to Newmarket. The informants provided their loose change of some \$7.50 as a deposit for the journey agreeing to paying any balance of the fare on arrival as they did not know what the cost of the fare would be, in addition to having then being seated in the taxi. The informant xxxxxxxxxx had in excess of \$750.00 in his wallet in his back pocket whilst seated in the taxi.

5. The taxi driver then attempted to contact Police on a mobile phone, for a reason unknown to the informants, and when unsuccessful drove the informants to a taxi rank in Wickham Street, Fortitude Valley at which there was a rank supervisor. The taxi driver requested the rank supervisor to contact Police who then attended to the taxi containing the informants.

6. Police advised the informants to forfeit the amount of \$7.50 already paid to the driver as being for the fare from the City to the Valley, and the Police Officer (Constable xxxxxx) made disparaging comments concerning the Indian ethnicity of the taxi driver and that they should just walk away and get another taxi.

7. The informants protested at having to try and obtain another taxi at that time as they already had one, having done nothing wrong, and also to the comments made by the Police Officer regarding the ethnicity of the taxi driver. To relinquish that taxi would have required the informants to then queue at the taxi rank for something like two hours to get another taxi home, considering that the informant xxxxxxxx had previously told his partner at Newmarket that he would be home by 3.30am.

8. The Police Officer xxxxxx then directed for the informants to 'move-on', and directed that they not attend a number of streets which appeared to include all known taxi ranks in the

vicinity (which included Eagle Street, an inordinate distance from Wickham Terrace). The Police Officer did not provide the informants with any reason for giving such direction.

9. When the informants protested to such a direction which would have them forfeit their taxi, they were publicly taken into custody in handcuffs, and conveyed to the City Watchhouse and incarcerated for a period of four hours before being released on their own undertaking to later appear in Court. This caused considerable angst for partners of the informants who became concerned and could not contact the informants during that period of incarceration.

10. When the informants first appeared in the Brisbane Magistrates Court and entered a plea of guilty to the charge of disobeying a direction to 'move on', the Magistrate considered the facts presented by the Prosecutor and the Legal Aid Solicitor. The Magistrate made disparaging comments about the overreaction of the taxi driver and the Police, and ordered that the informants be placed on a \$150.00 Good Behaviour Bond with no conviction to be recorded.

11. During the course of the events on the morning of their arrest, the informants cannot appreciate how their actions caused anxiety to any person (other than Constable xxxxxxx), interfered with any trade or business, was of a disorderly nature or disrupted any event as outlined in sections 46 and 47 of the *Police Powers and Responsibilities Act 2000*.

12. It is this submission that the conduct of Police in this instance outlined in the enforcement of 'move on' powers is an example that is not in accordance with the legislation under which it was enacted, but had been adopted by the police as a convenient alternative to existing laws relating to public order which require a higher degree of social disobedience before enforcement action could be warranted.

13. The informants have no previous history of public disorder offences.

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