

To: moveonpowers@cmc.qld.gov.au

Date: 9/1/2009 3:56pm

Dear Sir,

This is a submission to the review of police move-on powers as announced on December 11, 2008.

Please find below an article I wrote for the Media, Arts and Entertainment Alliance (MEAA) annual review of press freedom in Australia, 2006. The article describes threats to use move-on powers against journalists who are legitimately engaged in their work.

Please note that I now work for a different news organisation.

Despite repeated requests at the time, the Queensland Police Service refused to rule out the use of move-on powers against journalists legitimately engaged in their work. My attempts to have the matter clarified included a short, informal meeting with the Police Commissioner wherein he said the laws should not be invoked against journalists.

In my submission the review conducted by the CMC will recommend that journalists legitimately engaged in their work, and carrying appropriate identification, be not subject to move-on powers. Such a recommendation, if adopted, would need some legal force. The current situation is unsatisfactory, but it will remain so unless police attending incidents understand that journalists' attempting to do their jobs must not be told to "move-on". Equally, journalists need to be confident that they do not risk arrest while they are legitimately engaged in their profession. Nor should journalists have to weigh-up their chances of being arrested (if they refuse to obey a move-on order) against the necessity of completing their assignment.

I trust the CMC will take these matters into account as it conducts its review.

An acknowledgement of receipt of this correspondence is requested.

Yours Sincerely,
Steve Gray

Journalists told to move-on

BY STEVE GRAY

The Queensland Police Service seems determined to keep its move-on powers in reserve to be used against journalists. In December, I was investigating an allegation of bullying by security guards in a local shopping centre for The Queensland Times when the same security guards ordered me from the premises. When I insisted on my right to finish verifying the story, a security guard called for police.

Aware of trespass laws, I left the premises, returned to the office and called the police media branch to inquire what action the police would have taken. I was told that police would use the move-on powers.

When the laws were introduced as part of the Police Powers and Responsibilities Act 1997, State Parliament was told move-on powers were being introduced specifically to "give police the power to direct troublemakers away from schools, childcare centres, railway stations, shops, licensed premises and other notified areas".

The Police Powers and Responsibilities Act 2000 consolidated move-on powers, but also gave police a wider interpretation of circumstances in which they could invoke them.

In subsequent discussions with the police media branch I was told, "police would not treat a journalist any differently to any other person. We do not ask a person's profession before applying a law". I subsequently raised the issue with Police Commissioner Bob Atkinson who declared the laws were not intended for use against journalists legitimately engaged in their work.

However Mr Atkinson's chief of staff later confirmed what police media branch members had said in a number of conversations: none of them would give a blanket commitment that the move-on powers would not be used against journalists legitimately engaged in their work. Police would use the powers under some circumstances, they said, effectively keeping the move-on powers in reserve.

I also referred the matter to the Alliance. The Queensland Branch requested a meeting with Premier Peter Beattie to discuss the issue. His office has acknowledged state secretary David Waters' letter but at the time of going to print no meeting had been arranged.

Federal secretary of the Media, Entertainment & Arts Alliance, Christopher Warren, told The Queensland Times there was a disturbing nationwide trend for police to use move-on powers to restrict journalists. "The point of the move-on laws was to break up groups or gangs, it's not about journalists doing their job," he said.

In March, the Queensland Government announced its intention to significantly widen move-on powers. In the future, journalists will have to make an instant judgment whether to abandon their work or resist a move-on order and risk arrest.

Steve Gray is chief reporter for The Queensland Times