

**WEST END COMMUNITY HOUSE**

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20th February 2009

CMC Review of Police Move-On Powers
GPO Box 3123
Brisbane Q 4001

Dear Sir / Madam

Re: Review of Police Move-On Powers

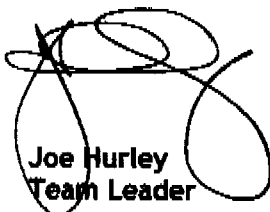
Please find attached submission regarding the current review of Police Move-On Powers.

West End Community House is pleased to be able to submit to this important review, as the application of these powers has a regular and significant impact upon members of our community with whom we work, and seek to support on a day to day basis. It is clear to us that these powers regularly impact upon persons experiencing social and economic disadvantage, whom often have no voice in formal consultations and reviews, such as the one your Commission is currently conducting.

We would be pleased to discuss our submission further with you, or clarify any of the comments or issues raised - please feel free to contact Ms Maia Stegman, or the writer on the contact details listed above at your own convenience.

Thank you for the opportunity to submit these comments.

Yours sincerely



Joe Hurley
Team Leader

SUBMISSION TO CMC REVIEW OF POLICE MOVE-ON POWERS WEST END COMMUNITY HOUSE

ABOUT WEST END COMMUNITY HOUSE

West End Community House is an inner-city community centre with a strong local focus. Our mission statement highlights the role that we seek to play within our local community "in a community facing change, West End Community House facilitates community empowerment, social justice, improved human relationships and quality of life".

West End Community House provides a range of community services at several locations within the inner Southside of Brisbane.

These services include a regional Tenancy Advice and Advocacy Service located in West End and at Annerley, a community Kiosk in the heart of West End which hosts a Legal Clinic and Nursing Clinic for homeless persons, a daily drop-in service at West End Community House and a range of community development programmes primarily targeted at persons experiencing mental illness or intellectual disability.

Together, these services generate many thousands of contacts between our staff and community members each year.

HOW THIS SUBMISSION WAS COMPILED

West End Community House spoke with a range of regular visitors to the service who we are aware have been directly effected by move-on powers. Our goal was to represent the views of some of the people who have felt the consequences of this area of the law. This process took the shape of informal conversations around people's experiences of move-on directions. We looked for qualitative themes in the conversations we had with people. The main themes we identified are presented below, with excerpts from conversations used to illustrate the issues being raised. No individual consulted in this process is identified in this submission, reflecting the preferences of the community members to whom we spoke.

West End Community House would like to extend our warm thanks to everyone who contributed their time and comments. We hope that we have represented everyone's thoughts and feelings accurately.

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Perceptions about the purpose of move-on powers

Some people expressed the belief that there were some circumstances where it may be appropriate for the police to be able to direct people to move-on:

'(Move-on powers) are a necessary evil'

'It's working a bit, when there is trouble or commotion or causing a disturbance'

'better than getting arrested'

Police Conduct

There were mixed reports about how people were treated by police when they were told to move-on:

'The police were pretty scary... shouting'

'Some police are really bad... there have been a few good coppers'

'the police were ok, just told us to move-on'

'Police probably need to be taught better communication skills for when they tell people to move on'

'I was waiting for a mate on some steps, a police officer told me to 'piss off' and then whacked me with his baton in the chest. I had to sneak back to meet my mate'

Some people felt there was an element of police harassment in their experience of move-on orders. This had led them to avoid certain public spaces for fear of police harassment and the embarrassment this caused. There was also a feeling that putting in a complaint would lead to further move-on orders:

'If you do complain the police will just harass you out of the place'

Reasons for being Moved-On

Whilst people generally seemed to think that there were times when move-on orders might be appropriate, there was a strong sense that it was being applied at times for reasons that related to factors other than behaviour:

'I wasn't doing anything to cause a public nuisance - I was just 'hanging around'.

'It's happened to me when I've been sitting minding my own business and they told us to move on... the police said we were making a public nuisance'

'It comes in waves, sometimes everyone cops it ...it's like a clean up the street'

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Bias in the Application of move-on powers

There was also a perception that the laws were being applied in a way that was biased against particular individuals or groups of people.

'They gotta have those powers for when they need them, it's just the way they exercise them is biased'

Several people saw general appearance as playing a major part in whether or not they were told to move-on:

'I've dressed in good clothes (and been left alone), but if I wear my bum clothes (I'll be moved on)'

'(It's) all on appearance or if they know you'

Racism

Significantly, racial background, in particular being of indigenous background, emerged as a reason attributed to move-ons:

'I still reckon there's a lot of racism out there....They see the colour of your skin and that you're Aboriginal and they'll pick you out, but why are you the one that gets picked out?'

'I was one dark man in a crowd... they pulled me out. I see that as discrimination. They made me ashamed'

'The police walk into Musgrave Park and tell people to move-on, that's where our people go and talk'

Homelessness

There was also a perception that being homeless played a strong role in being told to move-on, and that this was a misplaced use of the powers:

'The police should worry about bigger things, not people who are homeless'

'They move on the wrong people. If you are new in town you have nowhere to go'

It was suggested that there would be less use of move-on orders if there was more accommodation available:

'they need more hostels'

Some people referred to the way in which move-on orders compounded the disadvantages they were experiencing:

'There's no easy solution...there are instances where it's necessary, but where are we supposed to move on to?'

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'I was cold and had no money'

'A lot of people who are homeless don't have a leg to stand on'

'They tell them to move on and they move somewhere else and the coppers just follow them, they don't know where to go'

If a move-on order led to a court appearance, a conviction was seen as inevitable:

'someone like me is already guilty in court'

Emotional Impacts

There was a strong theme of humiliation in the conversations we had with people. There were reports of 'feeling embarrassed' and 'ashamed' and 'a bit down' by the experience of being told to move-on.

'I appreciate what they are trying to do, but sometimes when you are on the receiving end and you haven't done anything it makes you feel like a second class citizen'

This was a relatively consistent theme in our conversations with community members.

Conclusion

It is clear from our discussions with community members that there remain concerns around the operation of Move-On Powers in our local community.

As can be observed from the comments recorded, consistent themes of discriminatory application of the powers emerged, with feelings that factors other than a person's behaviour played a role in them being moved-on, and that this possible bias in the application of the powers compounded the disadvantages people were already experiencing.

It was also apparent that community members at times were unsure of the basis of the direction to move-on, and that these specific powers were in fact being enacted. In this respect, continued education of Police and the broader community is essential to ensure reasonable interactions are occurring where individual rights and responsibilities are safeguarded and upheld.
