

# The Shopfront

## YOUTH LEGAL CENTRE

### Police move-on directions

We all have the right to use public places such as parks, streets, beaches and shopping malls, without needing a good reason for being there. You cannot be moved on by the police just because you can't give a reason for being there.

#### When can the police tell me to move on?

The police have the right to give you a "move-on" directly if you are in a **public place** and the police **believe on reasonable grounds** that:

- (a) you are **obstructing** another person or traffic; or
- (b) you are **harassing or intimidating** another person; or
- (c) you are likely to **frighten** a reasonable person; or
- (d) you are there to **buy or sell** drugs.

#### What sort of direction can the police give me?

The law does not say what kind of direction the police may give, only that it must be **reasonable** in the circumstances to reduce or stop the problem behaviour (eg obstruction, drug dealing).

The type of reasonable directions that you are likely to get include being told to stop fighting, or to move away from a doorway you may be blocking.

Sometimes the police will tell people not to return to a certain public place for a specific period of time. For example, they may tell you not to return to a park or shopping centre for several hours or days. They may even give you a map showing "out-of-bounds" areas.

**It is not reasonable** for police to tell you to stay out of an area for 7 days, unless your problem behaviour is very serious and persistent.

**It is not reasonable** for the police to tell you to leave a public place just because you are hanging around, or are known to be a drug user or a sex worker.

#### What do the police have to tell me?

If the police tell you to move on, the police officer must first:

- (a) tell you his or her **name** and the name of their **police station**
- (b) tell you the **reason** why you must move on

If you don't obey, they must **warn you that it is a legal requirement to obey the direction**. If you still don't obey they must **warn you that it is an offence to disobey the direction**.

## **What do I do if the police tell me to move on?**

Even if you think the police have no right to tell you to move on, it is usually better to do what the police tell you rather than losing your temper or swearing. Swearing or being aggressive with the police may give them the right to arrest you and take you to the police station. You can challenge the direction or complain later.

## **What happens if I don't move on?**

It's an offence to disobey a reasonable direction, if the police have given you the required information and warnings.

You may be issued with an on-the-spot fine for \$220. Alternatively, the police may arrest and charge you or give you a court attendance notice.

**If you are fined or charged, we recommend that you get legal advice. You may have a good chance of being found not guilty (or getting a lower fine) at court.**

If you are fined, do not ignore it, as this may lead to you being hassled by the State Debt Recovery Office or being unable to get a driver's licence. You can choose to defend the fine in court by filling in the back of the infringement notice and sending it in.

## **How can I get legal help?**

You can contact the Shopfront Youth Legal Centre on 9322 4808, or after hours on 0418 407 290.

You may also be able to get free legal advice and representation from Legal Aid:

Hotline for under-18s: 1800 10 18 10

Head office: 9219 5000

## **How do I complain about police harassment?**

If you feel the police have been hassling you or have treated you unfairly, you can complain. The best place to complain is the NSW Ombudsman. Write down your complaint as soon as possible after the incident, and include as much information and detail as you can remember. If you need help writing a complaint, the Shopfront may be able to help. You can also get help from a youth worker or other support person.

Send your complaint to:

NSW Ombudsman  
Level 24, 580 George Street, Sydney 2000  
Tel: 9286 1000  
Free call: 1800 451 524 (country areas)

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## **Shopfront Youth Legal Centre May 2007**

*The Shopfront Youth Legal Centre is a free legal service for homeless and disadvantaged young people, provided by Freehills in association with Mission Australia's Sydney City Mission and the Salvation Army.*

*The information in this fact sheet contains a basic summary of the law in New South Wales. It is not legal advice. This means that if you need legal advice, you should see a lawyer – do not rely on this information as a substitute for legal advice.*