



MOVE ON

This sheet is intended to provide **general legal information** about the law in Queensland. It is not legal advice.

If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

Shopping centres, parks and other public spaces are used by young people to hang out, meet friends and get from place to place. Young people and the things they do are often judged because they are in groups and use public space differently to adults. These views alongside the way they dress, the way they look, and what they do all impact on how they are treated.

When can the police ask me to 'move on'?

You can be asked to move on if the police 'reasonably suspect' that your behaviour (or just you being where you are):

- is causing or has caused anxiety to someone and that feeling of anxiety is reasonable in the circumstances
- is or has been getting in the way of people going in or out of somewhere
- is disrupting or has disrupted an event, entertainment or a gathering place

and you are in or near:

- a 'public place'
- a 'prescribed place' - places which are named in the 'move on' laws
- any Government owned place that has its own laws which say you can be moved on: for example, Southbank Parklands.

The police can also move you on at these places if they believe your **behaviour** is, or has been, disorderly, indecent, offensive or threatening (for example swearing at or threatening someone going into or leaving places like shopping centres) or because your behaviour makes them believe you are soliciting for prostitution.

What is a 'public place' ?

- anywhere which is not owned specifically by someone where people are legally able to go such as a road, park or beach
- anywhere which is private property but which is often open to the public such as a café, shopping centre, restaurant or cinema.

What is a 'prescribed place'?

- Shop
- Child care centre, preschool and school
- Hotel or place that sells alcohol
- Railway station or land
- ATM
- Mall, *for example*
 - Brisbane - China Town
 - Brisbane - City Mall
 - Ipswich - Ipswich Mall
 - Townsville - Townsville Mall
 - Gold Coast - Cavill Avenue
- Racecourse
- War Memorial

For example, you can be moved on by a police officer if a shop owner complains and you are blocking the entrance to a shop or disrupting the business in another way.

What happens if the police want to move me on?

If a police officer reasonably believes the situation allows them to direct you to move on, then you can be given a direction by the police officer to leave the area for up to 24 hours. The police officer must tell you why you are being moved on. If you do not leave then the police can charge you with not

complying with a lawful direction. If you are charged with this, it is a good idea to get some legal advice about your situation before you go to court.

The police officers can only move you a reasonable distance away. It is not reasonable to move you 100m if you are blocking the doorway of a shop, for example.

Security and local council officers do not have the powers of police officers to move you from public or private places but they can ask you to leave and call the police if you do not go.

Can security officers and local council officers move me on?

Generally, security and local council officers do not have the powers of police officers to move you from public or private places, but they can ask you to leave and call the police if you do not go.

If they are 'protective services officers' who provide security for Government buildings and connected surrounding areas, they have similar powers of police to move you on. They can do this if you:

- Behave in a disorderly, indecent, offensive or threatening way to persons entering, at or leaving the building; or
- Refuse to provide your name, address and reason for entering the building.
- Refuse the officer's request to be subject to security screening processes.
- Do not have a lawful reason to enter or be at the building.

If the protective services officer reasonably believes the situation allows them to move you on, they can direct you to leave the building or its outside precincts for up to 24 hours and use reasonable force if necessary to remove you from the building.

What should I do if asked to move on?

Whether you decide to move on or not, **remember to stay cool and calm.** You can ASK the police why you are being moved on. It is a good idea to write down everything you remember about what happened in case you want to do something about it later. **Information that you can write down can include:**

- Date and time
- Where it happened
- What happened:
- Name of anyone who saw what happened
- Name and badge number of police officers

Treated unfairly?

If you think the police treated you unfairly in moving you on, you can contact YAC on 3356 1002 for further information and advice.

If you want to complain about being moved on by security or the way you were treated by security, you should contact the Office of Fair Trading on 13 74 68.

If you think the move on power laws are unfair, you can contact your State Politician (listed in the front of the White pages under government information) and tell them you think that the laws are unfair and that the law should be changed.

Who can help?

If you need legal advice or want help in making a complaint, you can contact one of the agencies listed below:

- Youth Advocacy Centre (YAC) www.yac.net.au **3356 1002**
- Hub Community Legal www.hubcommunity.org.au **3372 7677**
- YFS Legal www.yfs.org.au **3826 1500**

Legal Aid Queensland www.legalaid.qld.gov.au..... 1300 651 188
Youth Legal Advice Hotline..... 1800527 527
(Monday - Thursday 8am - 9pm; Friday 8am - Sunday 5pm)

Aboriginal & Torres Strait Islander Legal Service www.atsils.org.au 3025 3888 or
(free call) 1800 012 255
(24hrs 7 days a week)
Refugee and Immigration Legal Service www.rails.org.au 3846 9300

Youth Affairs Network of Queensland www.yanq.org.au 3844 7713

Translating & Interpreting Services (24hrs) 131 450

Community Legal Centres (CLCs) see www.naclc.org.au for your nearest CLC

This sheet was last reviewed and updated in July 2023. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.