



# New Police 'Move On' Powers

**Briefing Paper** | 8 September 2017

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On 11 August 2017, the NSW government passed laws granting police sweeping new powers to move on people occupying designated public reserves.

The legislation was rushed through parliament, without proper scrutiny or consultation, to enable the state government to immediately dismantle Martin Place's "tent city". The camp has served as a safe haven for people sleeping rough in the heart of Sydney's CBD for the past 12 months.

The government says the new laws are necessary to ensure public safety, citing the presence of cooking utensils and gas canisters in the camp's open kitchen; however, the legislation itself makes no mention of public safety, and police need only show that a person's presence in a reserve materially interferes with the "reasonable enjoyment" of the space by the public.

Redfern Legal Centre (RLC) is concerned about the disproportionate impact the new laws will have on people experiencing homelessness. As well as needlessly expanding the move-on powers police already have, the legislation empowers police to seize belongings from homeless people, and issue hefty fines for non-compliance.

Critics have described it as "[unwarranted, unnecessary legislation](#)" and "[a blatant abuse of human rights](#)". These broad new police powers have the potential to compromise the freedom and safety of those most vulnerable, and can be exercised in a wide range of contexts against any member of the public.

RLC calls on NSW Police to consult with experts on the code of conduct to ensure that vulnerable people are not further victimised by this rushed and ill-considered legislation. Giving police the power to move on the homeless is not a remedy for homelessness.

**Read the full RLC Discussion Paper on the new legislation [here](#).**

*Please see overleaf for some FAQs about the new laws and your rights.*



### What are the new police powers?

Police can now order you to leave Martin Place, and potentially many other places in Sydney city. They can also take your belongings away from you and order you to not come back for up to 6 hours.

### When do they apply?

Any person not authorised by the council who is interfering with public enjoyment of the park or is doing something illegal, except for some protestors.

### Who can the police do this to?

Anyone, whether an individual or a group. This means not only homeless people, but also some protestors or anyone else.

### Where do the laws apply?

Martin Place. They can also apply in any other park in the City of Sydney if the government declares the powers to apply there. They don't apply outside the City of Sydney council area. They also don't apply if you have permission from the council to be in the park.

### What are the penalties?

- \$220 for failing to immediately obey a police direction to leave and/or not come back.
- \$2,200 for trying to stop a police officer or other authorised person from taking your belongings.
- Up to \$5500 for unspecified offences that haven't been created yet.

### What are some of the problems?

- There is not much evidence that a police officer needs to have to decide that a person or group is interfering with public enjoyment of the park.
- Homeless people are also 'the public', so determining who is interfering with who, is a matter of opinion for the police officer.
- Police or the government don't have to give back anything they take from you. It's their choice.
- Police already had adequate move-on powers with more appropriate protections against their abuse.
- The powers came into effect without a code of practice, meaning police lack guidance on how to use them fairly and consistently.

### Where can I go if I need help?

Redfern Legal Centre may be able to assist you, or tell you where you may be able to get help. Call RLC on 02 9698 7277, email [info@rlc.org.au](mailto:info@rlc.org.au), or drop in to see us at 73 Pitt St, Redfern.