

Move On Orders

What is a Move On Notice?

If the Police reasonably suspect that you are a trouble maker and you are in a public place or in a bus or train, the Police can order you to leave the area for a period of up to 24 hours.

If you are given a Move On Order/Notice and you do not obey it, then you commit an offence.

What are public places?

We all have a general idea of what is a public place and what is a private place. The difference as far as the law is concerned is important because in a public place, laws apply that would not apply to the same behaviour in a private place. For example, the Police cannot Move a person On if that person is in a private place. A charge of disorderly conduct can arise only if the person is disorderly in a public place.

A **PUBLIC PLACE** is:

Common knowledge of what is a public place such as a street, road, thoroughfare, footpath, court or passage and anywhere where the public is permitted, whether or not on private property.

In addition, public place is defined in the Criminal Code (s.1) as:

- a) A place to which the public, or any section of the public, has or is permitted to have access, whether on payment or otherwise (beach, park, library, concert, Royal Show, swimming pool, exhibition centre);
- b) A privately owned place to which the public has access with the express or implied approval of, or without interference from, the owner, occupier or person who has the control or management of the place (eg. shopping centre/mall, recreation centre, shop, shopping centre car park, hotel, bar, restaurant, cinema, theatre gym, ten pin, bowling);
- c) A school, university or other place of education, other than a part of it to which neither students nor the public usually have access (school grounds public space but school offices not public space).

A private dwelling becomes a public place if the owner admits the general public. So when a home is open for viewing at a designated time in the hope of selling a house, the home becomes a public place while it is open to public. If a home has a "garden show", then the garden becomes a public place while the showing is being held.

A place which is a public place at one time may cease to be a public place outside of trading hours (shop or pub).

Other Move On Powers

If you are under the age of 18, the Police have the power to move you to a "safe place" if you are not at your home and they believe your well being is at risk or you are out of school (s.41 Children & Community Services Act 2004). If you are under the age of 18 and you are found drunk or stoned in a Public Place, the Police have the power to apprehend you (s.6 Protective Custody Act).

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Important: This general information is not the same as legal advice. You should speak with a lawyer about your situation.



For assistance contact:

Kids Helpline

1800 551 800

Crisis Care

9223 1111 or 1800 199 008

For help with this and other issues contact:

Youth Legal Service Inc (WA)

(08) 9202 1688 (Perth Metro)

1800 199 006 (Country WA)

www.youthlegalserviceinc.com.au