



Police Powers: Giving Police Your Name, Address & Date Of Birth And Answering Questions

Many young people will encounter Police when they are out together. The Police are given special powers to prevent crime and protect the community. It is important to understand what these powers are and how to behave when the Police use these powers to avoid being charged with serious offences.

The Power To Request Your Personal Details

The Police have the power to ask you for your personal details as follows:

1. Your full name;
2. Your date of birth;
3. Your current address; and
4. The address where you usually live.

The Police cannot go up to anyone and request their personal details. Before the Police can ask for your personal details, they must have a **“Reasonable Suspicion”** that:

1. You have committed, are committing or are about to commit an offence; or
2. May be able to assist in the investigation of an offence or suspected offence.

If Police think that the details you have given them are false, they can request that you produce evidence of your identification.

The Police can request that you remove or adjust any face covering (hat, helmet, mask, sunglasses, veil or headscarf) to enable them to see your face or to verify the details you give them are correct.

Police may detain you for a reasonable period to allow them to verify the correctness of your personal details.

If you refuse to provide your personal details, give false details, or provide false identification to the Police Officer then you commit an offence.

If you are stopped by Police while driving, the Police have the right to ask for your name and address and ask you to produce your driver's license and conduct a breath or drug test on you. If you refuse, you commit an offence.

What Are My Rights?

When a Police Officer requests your personal details, you may request the Police Officer to identify himself or herself if plain clothed. In this situation he/she must show you evidence that he/she is a Police Officer.

If the Police Officer is in uniform then he/she must give you his/her official details such as his/her surname and rank.

Although you have this right, Police do not have to comply with this if it is not practicable. It is important that you do not insist on exercising this right if Police are attending to other matters as you may be charged with obstructing police.



Do I Have To Answer Questions By Police?

The Police may want to ask you questions, whether or not you are under arrest, and whether you are at the Police Station or on the street, you only need give police your name, address and date of birth or address where you usually live but do not have to say anything more.

If you answer any questions that the Police may ask you and it becomes apparent that you might be involved in (rather than a witness) an offence for which you are likely to be charged, you should be given a "Caution" along these lines:

"You are not obliged to say anything unless you wish to do so, but whatever you do say may be given in evidence."

The caution may not be the exact words above but should be along the lines that:

1. You are not required to speak but are free to do so; and
2. If you do speak, anything you say can be relayed to the court and used.

If you do not wish to answer any questions, you should politely make this clear by saying "no comment". However, if you have a simple explanation about questions being asked, it may be sensible to answer the questions.

You may also want to respond by saying:

1. "I do not wish to answer any questions until I have spoken to a lawyer"; or
2. "I do not wish to answer any questions without my parents here."

There are some situations when legally you must answer questions that are put to you by the Police. If this applies to you, the Police should tell you that you must answer the questions by law and if you fail to, you can be charged.

Examples where you must answer questions put to you by Police:

1. If your house is being searched for drugs, you must answer certain questions.
2. Certain questions about who was driving as the owner of a car.
3. Certain questions about your identification at Licensed Premises (Pubs, Nightclubs).

Other Police Powers

The power to search you and your bags

See our fact sheet "[Police powers: Search](#)" for information.

The power to move you on

See our fact sheet "[Police powers: Move on Orders](#)" for information.

The power to move a child to a safe place

See our fact sheet "[Police powers: Move children to a safe place](#)" for information.

The power of arrest

See our fact sheet "[Police powers: Arrest](#)" for information.

The power to detain people who are intoxicated in public

See our fact sheet "[Police powers: Detain intoxicated people](#)" for information.



More Information

For legal advice about your own situation, contact Youth Legal Service 1800 199 006 or 9202 1688
See our fact sheet "[Rights & responsibilities when encountering Police](#)".

Please note: Laws are subject to change. Last updated July 2020.

Important: The information provided in this infosheet is for information only.

It should not be relied on as legal advice.

Please seek legal advice about your particular circumstances.