

# Australian state government bolsters “move-on” police powers

Daniel Saul  
17 February 2014

The Liberal government in the state of Victoria has moved to enact sweeping antidemocratic legislation targeting demonstrations and workplace pickets. The proposed laws give police wide discretionary powers to “move-on” people from designated areas, and have the courts ban individuals from these areas for up to 12 months. Anyone violating such an “exclusion order” can be imprisoned for two years.

Introducing the Summary Offences and Sentencing Amendment Bill 2013 to parliament last December, the government openly stated that the aim was to give police “the power to end unlawful union pickets and protester blockades that threaten to shut down businesses.” It acknowledged that the laws “impose a limitation on an individual’s right to move freely within Victoria” and “may, in certain circumstances, limit the rights to freedom of expression, and peaceful assembly and freedom of association.” The legislation is currently being debated in parliament.

Grounds for issuing a move-on notice include causing an “undue obstruction” to others or impeding someone from “lawfully entering or leaving premises.” A notice can also be issued if a person has allegedly committed an offence within the past 12 hours, or if the police claim there is a risk of violence. Failure to comply with a direction would result in a \$720 fine and possible arrest and detention. The notices can be issued not only by police, but also Protective Service Officers, the armed security guards who patrol train stations.

Attorney-General Robert Clarke, introducing the bill to parliament on December 12, alluded to its antidemocratic implications when he distinguished between “legitimate rights to lawful protest” and incidents in which “protesters go beyond legitimate expression of views and instead resort to threats of violence or seek to impede the rights of others to

lawfully enter or leave premises.” It will be left to the police to determine what is a “legitimate” demonstration or protest.

The opposition Labor Party paved the way for the government’s measures. The previous Labor government introduced the police “move-on” powers in 2009, as part of a broader “law and order” package that also allowed police to publicly strip search people in designated zones. Supposedly aimed at violent crime, these laws have been used over the past five years to harass mainly working class youth.

The Liberal government is once again invoking the “law and order” mantra to justify its amendments to the Summary Offences Act. Attorney-General Clarke said the laws “will give police a new tool for addressing low-level street drug dealing and for breaking up gangs that gather in public places to threaten people or engage in criminal behaviour.”

The focus, however, has been on cracking down on protests and pickets. The bill removes the limited exemptions to the “move-on” powers, affecting protests and pickets, that were in Labor’s 2009 legislation.

Under existing legislation, protesters or unionists can be charged with a range of offences, including besetting premises, obstruction, hindering and trespass. These charges, however, sometimes resulted in complicated and unsuccessful prosecutions. Similarly, some magistrates overturned bail restrictions that prohibited people from returning to demonstrations. The new powers will provide police with a simple, on-the-spot, method of clearing an area and targeting any individuals involved in protests or pickets.

Several civil liberties groups have opposed the bill. Human Rights Law Centre executive director Hugh de Kretser stated: “Police already have considerable

powers when it comes to handling protests and public order issues. The potential for misuse is very high ... Police will be able to move someone on if they suspect that the person has committed any offence in a public place in the last 12 hours. There is no requirement for any connection between the offence and a threat to public order or safety. So for example, a protester could be barred from an area if a police officer simply thought that in the last 12 hours they had done something as basic as jaywalked or failed to validate their tram ticket.”

The trade unions have called a demonstration tomorrow against the bill. Their only concern, however, is that the legislation may be used to undercut the union bureaucracy’s interests. Utterly indifferent to democratic rights, the unions did nothing in 2009 when the former Labor government passed its legislation. But the Liberal government’s amendments now threaten the unions’ efforts to maintain their influence in key industries. The number of pickets organised by the unions is at historic lows, reflecting the bureaucracy’s broader suppression of any working class resistance to the corporate assault on living conditions. Where pickets have been organised, such as in the construction sector, the trigger has almost always been employer efforts to sideline the unions, rather than any attack on workers’ jobs, wages, and conditions.

Among the immediate targets of the new “move-on” powers are likely to be those involved in protests against construction work on an East-West road tunnel project through a section of Melbourne’s inner suburbs. The Murdoch press has waged a hysterical campaign against the demonstrations.

The legislation, however, has a wider thrust. It joins other sweeping antidemocratic mechanisms that have been developed by the ruling elite in the recent period. As the global economic crisis deepens and social inequality worsens, the scaffolding for a police state is being erected in anticipation of major social upheavals and political unrest.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**