

Ms Robina Jaffray
Secretary
Standing Committee on Legal Affairs
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

7th September 2005

Dear Ms Jaffray,

RE: a) Inquiry into Police Powers of Crowd Control dated 6 June 2005
b) Inquiry into Sentencing in the Criminal Jurisdiction in the ACT
dated 6th June 2005
c) Further to our letter to you dated 29th July 2005

Thank you for your invitation to contribute to the above inquiry. VOCAL would like to make submission to the inquiry into Police Powers of Crowd Control.

I would also like to advise that Mr Simon Jackson will be appearing on behalf of VOCAL in his capacity of Management Committee Member for VOCAL.

Please do not hesitate if I can be of further assistance.

Yours sincerely

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Service Coordinator

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POLICE POWERS OF CROWD CONTROL

VOCAL has as its vision 'to be a responsible and active participant in the ACT community through a strong, diverse and vibrant membership. We aim to deliver high quality, efficient, effective and relevant services and support to victims of crime, whilst we raise the level of public awareness and contribute to community cohesiveness.

VOCAL's mission is to help and support individual persons and their families who through a criminal act against them are victims of crime. To assist them to overcome their anguish and suffering move towards a state of understanding and acceptance of their adversity in order to resume a more stable mental and physical condition.

We are funded by the Department of Justice and Community Safety to offer support to victims during their relevant court actions

As a responsible volunteer operated service provider, we are committed to promote public awareness of the plight of victims, and promote action in the interest of those victims and the existence of VOCAL (ACT), to act as a vehicle and catalyst for the community to be involved in issues of crime and its impact, to work in a co-operative fashion with community, business and government, to adapt and better deal with crime and resultant victims issues.

In attempting to fulfil its mission VOCAL wishes to make this submission for the following inquiries:

Submission 1 – The right to Public Demonstration

- 1.1 In relation to Police Powers of Crowd Control VOCAL has the view that in order to maintain a society that allows freedom of expression and the freedom to demonstrate a balance must be maintained. VOCAL has itself at times used public demonstrations to bring its message to the community.
- 1.2 However VOCAL does not believe that public crowds have a right to indulge in criminal activities. Police should have ample powers to deal with any large group of people who may be engaging in criminal behaviour. It is the view of VOCAL that if senior police in the AFP believe that the existing legislation is not sufficient for them to be able to fulfil their responsibilities to the ACT community that they should be granted the necessary powers to act in emergencies.

Submission 2 – Abuse of Power

- 1.2 It is well known to VOCAL that Police behaviour under those circumstances is under close scrutiny from a number of quarters, and that there are existing mechanisms, which should prevent any misuse of power.
- 1.3 VOCAL however does strongly support the provision of the powers granted to police under the Crime Prevention Powers Act 1998. This power gives move on powers to police when it is considered that a person in a public place has engaged or is likely to engage in violent conduct or to return to further escalate the criminal act in that place. We believe that this legislation is of value in that it helps to prevent violent criminal activity likely to take place. (Such as the one quoted above which occurred in Narrabundah. A member of the public calling the AFP for help or advice should never be told that police are unable to intervene, unless the would be offender begins to engage in an illegal act.

Submission 3 – The Reduction of Victims of Crime and Offenders

- 1.5 Having the Crime Prevention Powers Act 1998 in our opinion, helps to prevent crime occurring, which in turn lessens the extent of traumatisation of individuals, and hence promotes a healthier and safer community. A question could in fact be asked as to why it should only apply to violent conduct. Surely any ‘criminal conduct’ should be deterred i.e. a group of known ‘shop stealers’ and persons know to engage in provocative acts of vandalism, planning a raid on a business premises or similar activities. Such activities are considered to be of an emotionally and psychologically violent nature similar to domestic violence, with similar trauma to its victims.
- 1.6 Police powers, and citizen’s powers (citizens arrest for example) to disperse such groups can act as a preventative measure with members of the community, who often long to retaliate to perceived lack of safety and control over their ‘freedom to enjoy their activities without being hindered by offenders who take control of their environment and render the area unsafe.

The community and the police can work together towards any implementation of changes made to the legislation to increase existing measures (i.e. crime stoppers) to reduce criminal activities, if members of the community are allowed active roles in the apprehension of criminals.