

4 May 2005

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

Dear Ms Jaffray

***Standing Committee on Legal Affairs
Inquiry into Police Powers of Crowd Control***

Thank you for the opportunity to comment on the Committee's Inquiry into Police Powers of Crowd Control.

There have been few complaints to my office in the last 3 years concerning crowd control activities. Interestingly, the crowd control actions taken by police during the visit of the US President Mr Bush in 2004 did not result in complaints to this office, despite significant media commentary about the alleged use of police support staff dressed in police "uniforms".

Complaints were received in relation to a "reclaim the streets " march in October 2004. The media reported that police used capsicum spray on some protesters who were blocking access at the intersections of Northbourne Avenue and London Circuit. The complainants considered the police behaviour to be a breach of the right to peaceful protest and contrary to the *Human Rights Act 2004*.

Two other complaints were recorded about individual arrests during protests at Parliament House and were characterised as wrongful arrest/ excessive use of force complaints.

In March 2004, I received a complaint that police failed to control rowdy spectators at the Prime Ministers XI cricket match.

Finally, we have one complaint from a resident in the Embassy district who complained about police practices in preparing for a demonstration and damage to her garden by protesters. Police apologised for the lack of communication in that matter and undertook to make some procedural changes.

Given the limited number of complaints I have received in relation to the police's involvement in crowd control, I am not in a position to identify any systemic issues that may be of interest to the Committee. However, I would be very happy to address any particular issues that arise in the course of the Inquiry.

Please contact Elizabeth Hampton on 6276 0152 (Elizabeth.Hampton@ombudsman.gov.au) if you would like further details.

Yours sincerely

Prof. John McMillan
Commonwealth Ombudsman