

WHAT YOU SHOULD DO IF YOU ARE APPROACHED

Powers of police, council officers and security guards **are all different.**

Security guards, council officers or police may approach you, and ask that you do something that you think is unlawful, unfair or feel intimidated by.

IF YOU ARE APPROACHED

We recommend you:

Record the interaction on your phone if you have access to one. You can also ask a bystander to do this for you.

Ask the person who has approached you whether they are; police, a security guard or a council officer.

INTERACTING WITH POLICE, SECURITY GUARDS OR COUNCIL OFFICERS

- Stay **calm**
- **Film the interaction** or ask bystanders to film it for you
- Ask for the person's **name, job title & identification number** and save these details
- **Do not physically resist** as it can escalate situations and put you at risk.
- Be vocal and **say you do not consent** to what is happening.

LEGAL SUPPORT IS AVAILABLE CONTACT VALS TODAY



Victorian
Aboriginal
Legal Service

Toll free number

1800 064 865

vals.org.au

VALS, along with other community legal centres are concerned around the legality of the security guard patrols program particularly using move on powers and citizens arrests.

Affected community members and bystanders can send footage of interactions to **vals@vals.org.au**



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POWERS OF POLICE, COUNCIL OFFICERS AND SECURITY GUARDS

What is happening?

Local councils such as City of Melbourne, Wyndham and Maribyrnong have been employing security guards to work alongside council 'local laws' officers in public areas.

This flyer is not legal advice. If you need legal advice or assistance, contact VALS directly.

COUNCIL OFFICER

Council officers are employed to implement and enforce specific laws and regulations known as 'local laws'.

- They **cannot search you** unless you provide consent
- Generally, have **no powers to touch you or physically move you**
- Can only arrest you by using a '**citizen arrest**'
- Have **no power to use handcuffs** on you or use any other tools like OC spray or a taser
- **If you have alcohol**, council officers can:
 - direct you to **seal or empty** your container of alcohol, or **seize and dispose** of them

YOU CANNOT BE ARRESTED FOR BREACHING LOCAL LAWS, SUCH AS:

- drinking alcohol in public,
- rough sleeping or
- "interfering with someone else's use or enjoyment" of public space.

COUNCIL OFFICERS CAN:

- Issue you with a **fine** or a **charge and summons** for a breach of local law
- **Ask you to leave an area** if you are breaching a local law.
- **Tell you to remove your belongings from council land**, if the items are causing a safety risk or "interfering with any other person's reasonable enjoyment or use of" public space.
- If you don't comply, a council officer can **seize and impound your belongings**. They can then dispose of your belongings if you don't claim them back from council within 10 days.

SECURITY GUARD

Security guards generally do not have any official powers to make you do things or to ask you to stop doing things.

If a security guard does not have the powers of a council officer:

- They **cannot search you** unless you provide consent
- they **cannot require you to answer their questions**
- They **cannot require you to dispose of or move your possessions**
- They have **no power to use handcuffs** on you, or use any other tools such as OC spray, tasers.

SECURITY GUARDS CAN ONLY ARREST YOU BY USING A 'CITIZEN ARREST'

This means they can

- physically hold and detain you until police arrive if they find you committing a criminal offence and they believe arrest is necessary to:
 - preserve public order
 - protect you or other people, or
 - prevent further offending.



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POLICE

Police are employed to maintain public order and safety, enforce laws, and protect life and property.

You generally have the right to silence.

This means that **you do not have to answer any questions** the police ask you.

However you **must give police your name and address** if the police reasonably believe you have committed, or are about to commit an offence.

POLICE CAN SEARCH YOU IF:

- they have **arrested** you
- they have a **warrant**
- you **consent** to a search
- you are in an area that has been declared to be a '**designated area**', (these areas can change), or
- you are in a public place and they **reasonably suspect you have something illegal** like drugs or a weapon on you.

If you believe a search is unlawful, we recommend you say

"I don't consent to this search"

but comply so that you are not charged with resisting arrest.

Police can arrest you in certain cases but **can only use handcuffs on you if they reasonably believe it's necessary to do so**, for example to prevent a serious offence or to prevent self harm.