

<p>PORTFOLIO COMMITTEE 8</p> <p>INQUIRY INTO PUBLIC TOILETS</p>

COMMENTS FROM THE NSW POLICE FORCE

due by:

20 May 2025

PortfolioCommittee8@parliament.nsw.gov.au

Thank you for the opportunity for the NSW Police Force (NSWPF) to provide comments on the evidence received from stakeholders during the course of the inquiry.

Homelessness

The NSWPF is party to the *Protocol for Homeless People in Public Places*, which provides a guide for government, non-government organisations and businesses on interactions with people experiencing homelessness. The protocol outlines the circumstances where an interaction with persons experiencing homelessness should occur. The NSWPF instructions are reflective of the guidance provided by the protocol.

With regards to the issue in relation to police issuing move-on directions, generally under section 197 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA), police may give a move-on direction to a person in a public place if they believe on reasonable grounds that the person's behaviour or presence in the place:

- (a) is obstructing another person or persons or traffic, or
- (b) constitutes harassment or intimidation of another person or persons, or
- (c) is causing or likely to cause fear to another person or persons, so long as the relevant conduct would be such as to cause fear to a person of reasonable firmness, or
- (d) is for the purpose of unlawfully supplying or obtaining drugs.

Under some specifically targeted pieces of legislation, such as under the *Sydney Public Reserves (Public Safety) Act*, police may give a move on direction to a person (who is in Martin Place Reserve) if they believe on reasonable grounds that the person's occupation of the reserve

- (a) materially interferes with the reasonable enjoyment of the rights of the public in relation to the reserve, or
- (b) is unlawful.

All considered, while the police do have move on powers, they only apply in limited circumstances and being a rough sleeper alone is not one of them.

Sexuality, Gender Diversity and Intersex

The NSWPF is committed to protecting and supporting LGBTQIA+ communities and individuals by providing respectful, fair and inclusive policing responses. The NSWPF acknowledges the complex history between police and LGBTQIA+ communities and the barriers this has caused in building trust and confidence in policing.

The NSWPF has established a strong foundation for developing positive relationships with our community partners within the LGBTQIA+ community. Its goal is to dismantle past barriers and continue addressing the diverse needs of LGBTQIA+ communities.

The sensitive nature of policing 'beats' is well understood. The NSWPF Handbook provides advice and guidance to frontline officers around the policing of 'beats', including the history and identification of 'beats', safety of all users, the importance of integrity of officer conduct when policing these spaces, and the focus on prevention of assaults and other serious crime, primarily perpetrated against men using 'beats'.

Regarding the case studies provided by the Inner City Legal Centre, the NSWPF is unable to provide comment on specific matters as there is no reference to a specific event or complaint. Any matters that would constitute a complaint should be referred to the NSWPF for investigation.

Additionally, several issues raised in the submission by the Inner-City Legal Centre regarding recommendations from the Special Commission of Inquiry into LGBTIQ Hate Crimes, are being addressed by the significant work conducted under the NSWPF's Taskforce Atlas, which was established to oversee planning and implementation of the NSWPF-related recommendations.