

THE COMMITTEE FOR LEGAL AFFAIRS, POLICE, CORRECTIVE SERVICES AND EMERGENCY SERVICES
PARLIAMENT HOUSE
GEORGE STREET
BRISBANE QLD 4000

22.9.11

Dear Members of the Committee,

RE: POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL 2011 -
CALL FOR SUBMISSIONS

We recently received a letter from the Committee notifying us about the proposed amendment of the *Police Powers and Responsibilities Act 2000* by the *Police Powers and Responsibilities and other Legislation Amendment Bill 2011* (the Bill).

The Bill proposes to widen the powers of Queensland Police Officers.

As you know, Caxton Legal Centre Inc. is the oldest legal centre in Queensland and our staff and volunteer lawyers regularly provide advice to significant numbers of clients about criminal law matters. As you probably know, we publish the *Queensland Law Handbook*, which includes a detailed chapter about criminal law, and we also publish our *Police Powers – Your Rights Kit*, which was designed to provide members of the public with detailed advice about these matters. Our clients are generally extremely interested in learning more about this area of law and they are usually very keen to avoid inadvertently becoming involved in disputes with the Queensland Police Service (QPS).

Criminal law has been one of the key issues for our clients ever since we first began operating in 1976. Unfortunately, complaints about the misuse of police powers have also been a constant feature of client advices throughout this time. We maintain a watching brief on this issue and have written various law reform submissions over the years outlining our concerns about the way in which police powers can be misused.

We are very disappointed that the period for consultation on the Bill is so short. Unfortunately, this short time frame has meant that we have not had enough time to invite our many volunteer criminal lawyers to consult with us and contribute to this review.

We have always had particular concerns about the way in which certain members of the QPS at times behave oppressively towards young people, homeless people, disabled/mentally ill people, and other vulnerable individuals who often tend to frequent public spaces.

Rights in public spaces, public nuisance laws and move-on powers tend to cause particular problems for our clients.

In situations where lawful public protests have been taking place in the past, we have also observed that certain officers have acted with excessive force and appear to have failed to comply with their duties when dealing with members of the public.

Because we operate as a multi-disciplinary practice, where our social workers work side by side with our lawyers, we are acutely aware of the significant and complex personal difficulties faced by many of our clients, who tend to be the most disadvantaged members of the community. These problems usually escalate when clients become embroiled in the criminal law system.

Policing is an extremely difficult task and we appreciate that the QPS needs to have appropriate powers to protect the public. However, we believe that the existing powers are already very extensive and we oppose any widening of these powers. We are particularly concerned about the widening of the pat down search powers – especially pat down searches of young people.

We are aware that as part of its examination of the Bill the committee intends to hold a public hearing on the 4th of October at Parliament House and that stakeholders and members of the public will be invited to participate in that process.

Caxton Legal Centre Inc. would like the opportunity to participate in the hearing. We will endeavour to prepare a supplementary submission on these matters as soon as we can.

Please feel free to contact our office to discuss this matter. Email notifications about this review can be forwarded to:

Scott@caxton.org.au (the Director at Caxton Legal Centre Inc.)

John@caxton.org.au (the Senior Solicitor at Caxton Legal Centre Inc.)

m.thomas@qut.edu.au (the President of our Management Committee)

ros@caxton.org.au and melody@caxton.org.au (solicitors at Caxton Legal Centre Inc.)

Yours faithfully


Ms Ros Williams
Caxton Legal Centre Inc.