

Australian Lawyers Alliance

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Research Director

Legal Affairs, Police, Corrective Services and Emergency Services Committee

Parliament House

George Street

Brisbane QLD 4000

23 September 2011

To Whom It May Concern,

**Police Powers and Responsibilities and Other Legislation Amendment Bill 2011:**

**Our concerns regarding minors**

The Australian Lawyers Alliance (“**ALA**”) welcomes the opportunity to provide a Submission to the Legal Affairs, Police, Corrective Services and Emergency Services Committee.

We are concerned particularly with amendments that would expand of police powers so that they could pat down minors reasonably suspected to be in possession of alcohol.

This power is open to abuse in a number of ways.

This power could be used wrongly for police to victimise some groups of youth. There is evidence from the UK that similar police powers in relation to youth have been misused in that police target particular groups of young people, or individuals, based on perceived dangerousness of the individual or group in question.

There is an inherent inequality in power between a young person and a police officer. This inherent inequality requires that there be an independent adult present if there are to be searches. The lack of an independent adult present means that there is an increased possibility of police assaulting or harassing young people.

Introducing pat down searches also means that young people will feel threatened and there may be an increase in assaults against both the youths, and against police.

The *Explanatory Notes* justify such an amendment as ‘likely to decrease the number of



intoxicated minors who are taken into police custody for their safety'<sup>1</sup>. However, the ALA submits that intoxicated young persons who feel threatened by police in a pat down search, may be more likely to react in a physical manner, and therefore more likely to be taken into police custody.

The Explanatory Note also claims that:

*'statistics suggest that cautioning by police officers is successful in reducing the incidence of re-offending among young people, thus highlighting the effectiveness of early police intervention in unacceptable and anti-social adolescent behaviour. The search power has the potential to allow an earlier detection of liquor in the possession of minors in a public place, interrupt their consumption of the liquor and prevent further alcohol related offences.'*<sup>2</sup>

However, the ALA submits that the good results that have been shown through verbal caution are unlikely to be undone through increasing police powers that make young people feel physically threatened. Increasing the search power will also not have an impact on youth drinking issues. Young people will simply be more discreet.

Ultimately, under-age drinking is a social problem that needs to be addressed in a manner that targets the underlying reasons as to why teenagers are drinking. Expanding police powers does not serve to reverse a culture of under-age drinking, but simply encourages teenagers to be more discreet and careful to avoid police.

In addition, amending such laws would undermine the trust of young people in police, and undermine what gains there have been in the development of a positive relationship between young people and police.

We are happy to elaborate on any of the issues that we have raised.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Greg Barns".

**Greg Barns**

**National President**

A handwritten signature in black ink, appearing to read "Emily Price".

**Emily Price**

**Legal and Policy Officer**

<sup>1</sup> State of Queensland (2011) *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011*, Explanatory Notes, 3.

<http://www.legislation.qld.gov.au/Bills/53PDF/2011/PolPowResOLAB11Exp.pdf>

<sup>2</sup> Ibid.