



Speech by

JOHN ENGLISH

MEMBER FOR REDLANDS

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POLICE POWERS AND RESPONSIBILITIES AND ANOTHER ACT AMENDMENT BILL

Mr ENGLISH (Redlands—ALP) (12.08 p.m.): The very nature of policing and the onus placed upon the Police Service to protect and preserve the peace is such that every day police officers are faced with decisions regarding the use of force. It is essential, therefore, that police officers be given clear guidelines in relation to the duty imposed upon them. We should never have a situation in which police officers are unsure of what to do in response to a given situation, nor should they be unsure of what degree of force should be used to resolve the given situation.

We expect the Police Service to respond to incidents and to resolve issues that restore peace and public safety in a professional and lawful manner. To do this, police officers need the tools of their trade to be current, user friendly and appropriate. Legislation that outlines and clarifies police powers is one of the fundamental tools of trade for a police officer, for without this the job of policing is flawed.

The functions of the Police Service in Queensland are the preservation of peace and good order, the protection of communities around the state, the prevention of crime, the detection of offences, the bringing of offenders to justice and the upholding of law generally. It is inevitable and accepted that the police need to use force in order to ensure that the functions of the Police Service are performed to the standard required by the community in general. The police powers and responsibilities consolidation exercise conducted over the past few years has represented a quantum leap forward—to use the words of the former Public Interest Monitor's third annual report—for both serving police officers and the communities they protect. Police officers and the community now have a clearer and more usable legislative framework to follow. It should be noted that prior to this consolidation police powers existed in a plethora of legislation. It was a fantastic initiative of the Beattie government to consolidate all these powers into one piece of legislation.

The third annual report of the Public Interest Monitor also highlights the increased level of accountability brought about under the 1997 act and which is carried over into the 2000 act. The Public Interest Monitor correctly states that the 'position of the Public Interest Monitor (represented) a unique and fundamentally significant step forward in the process of accountability.'

It is because of these types of safeguards and the positive reporting from sources such as the Public Interest Monitor that the parliament today can confidently support amendments that clarify the use of force provisions of the Police Powers and Responsibilities Act 2000.

The use of reasonably necessary force is, at times, an essential component of coercive policing powers. The circumstances which require a police officer to use reasonable force against a person or an object can vary tremendously. For example, a police officer may use force to prevent an enraged spouse from entering their partner's workplace in breach of a domestic violence order. A completely different example is where a police officer covertly enters a vehicle to install a listening device. Both are good examples of how force may be both necessary and reasonable.

The term 'reasonable force' is by no means quantifiable. It is a moving standard that varies according to the circumstances of each case. Normally, a reasonable amount of force is that which is just enough to overcome the resistance offered. Police officers are accountable for their use of force. The police discipline system and the justice system are determining bodies to assess a police officer's use of force, should that be required. Police officers who exceed their authority and use unreasonable

force expose themselves to a range of sanctions as suggested by section 5 of the act. They range from disciplinary action under the Police Service Administration Act through to prosecution under criminal law.

A police officer who exceeds the authority provided for under the act and uses clearly excessive force against a person may be prosecuted for assault under the Criminal Code. A police officer who recklessly uses unnecessary force to gain entry to a car to arrest a person may be prosecuted for damaging the car. The Queensland Police Service undertakes to make all reasonable endeavours to ensure that members of the Police Service are competent and that they are adequately resourced to safely and professionally resolve situations involving the use of force. The safety of police, the public and offenders is paramount.

The Beattie government has a proven commitment to law and order. The law and order problems of the southern bay islands have long been neglected. The Beattie government recently provided a high-speed barge to improve the police response to these islands. At a meeting with the Assistant Commissioner for the Metropolitan South region, Mr Peter Freestone, and other senior management, I was advised that a team had been formed to focus solely on policing the southern bay islands. This legislation is part of the ongoing commitment by the Beattie government to law and order. This bill clarifies the power to use reasonable force. It provides greater certainty to serving police officers and to the community. I commend the bill to the House.
