




Speech By  
**Kim Richards**

**MEMBER FOR REDLANDS**

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Record of Proceedings, 16 October 2019

**POLICE SERVICE ADMINISTRATION (DISCIPLINE REFORM) AND OTHER  
LEGISLATION AMENDMENT BILL**

 **Ms RICHARDS** (Redlands—ALP) (6.34 pm): I rise in the House to speak in support of the Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019, which was introduced in the Legislative Assembly and referred to the Economics and Governance Committee. As part of the 2015 election campaign, our government committed to review the police complaints system and implement a new disciplinary system to be done in consultation with a variety of stakeholders to ensure accountability and fairness for both police officers and the public.

The relevant provisions of the Police Service Administration Act and the discipline regulation have remained largely unchanged since enactment in 1990, leading to an inefficient system that really has not kept pace with organisational, officer and community expectations. A number of reviews and general stakeholder commentary identified several aspects of the police discipline system that could be up for improvement and modernisation. These areas of dissatisfaction—what in essence are the opportunities to improve and what have been delivered upon within this legislation—included—

- a general lack of public and officer confidence in the current police discipline system
- unnecessarily lengthy timeframes taken to investigate and resolve some complaints—

and we have heard some of the stories about how long a police officer can be made to wait for some sort of determination—

- outdated ... sanctions that focus primarily on punitive measures ...
- the overly adversarial and legalistic nature of discipline proceedings
- a perceived lack of consistency in decisions made about matters involving similar conduct, and
- ... differing opinions of the QPS and the CCC in relation to the direction of investigations or appropriate sanctions, as evidenced by CCC applications for the review of QPS discipline decisions.

As I mentioned at the outset, extensive work has been undertaken in recent years by the QPS and the CCC to work with stakeholders, which included the Queensland Police Commissioned Officers' Union of Employees and the Queensland Police Union of Employees, to create a modernised and more efficient disciplinary system to be supported by all stakeholders. It was acknowledged that a new system was needed that addressed stakeholder concerns and focused on resolution through managerial action, maintained accountability and restored community and officer confidence in their system.

In 2016 Alan MacSporran QC, chairperson of the CCC, convened a forum with ministers, shadow ministers and key stakeholders to further examine the methods and frameworks to achieve system reform. I think he needs to be commended on this process. As we heard in our public briefing, a lot of hard work was done by Alan MacSporran to bring together a varying range of stakeholders on a really complex reform that has been applied to this system. The forum established a working group consisting of representatives of the QPS, the Queensland Police Commissioned Officers' Union of Employees, the Queensland Police Union of Employees and the CCC to improve on the police disciplinary system. At the time a trial of joint assessment and modernisation meetings was undertaken. These meetings

involved the QPS and CCC officers collaborating at the outset of a potential disciplinary matter to consider the circumstances surrounding a complaint and any subsequent disciplinary action that should be undertaken and to provide clear direction during the investigation.

In October 2017 Mr MacSporran announced that a revised police disciplinary model had been negotiated and had the support of the government, the CCC, the QPS and both of the unions, and relevant members of the opposition. All stakeholders committed their support via a memorandum of understanding. The CCC, the QPUE and the QPCOUE were actively consulted during the drafting of the bill, ensuring that stakeholder support was retained and that the bill achieved the policy position as agreed by the parties and announced by Mr MacSporran.

To enhance the police disciplinary system prior to the passage of required legislative amendments that we are here today working on, the CCC, the QPS and the unions agreed that any of the proposed changes that were not dependent on legislative amendment would commence prior to the passage of the bill. These changes commenced on 1 July 2018 by amending the internal policies and processes of the QPS insofar as the current legislative regime allowed.

At the public briefing that our committee held in February 2019, Mr MacSporran noted—

Every part of this bill is designed to reform that entire system. We have been so confident in its worth that whilst waiting for this process to proceed, since late last year we have been actually trialling all of the aspects of these provisions that can be trialled before the provisions become law. We have had, for instance, over 50 referrals to the abbreviated disciplinary process which cannot proceed without our consent, the CCC, as a fundamental safeguard that members are only being appropriately offered that where it is appropriate. Of those 50-odd there has only been a handful, less than 10 per cent, that we have failed to agree to and some of those have been further negotiated and have come back to the process and then gone through.

This shows police officers' willingness to engage in this process before the bill was passed. They should be commended on actually working up-front to improve their own system.

The idea of that is to take away the greater bulk of disciplinary matters that are not so serious that they cannot be dealt with in an abbreviated fashion. Obviously, that will lead to the timely disposition of those matters, having the behaviour of the officer very quickly corrected and their moving forward.

The key amendments we see in clause 9 of the bill replace current part 7 of the PSA Act with a new part 7 'Internal Command and Discipline'. The new part 7 contains the framework for the new police discipline system excluding the right of parties to apply for review of a decision. It provides amendments that will introduce time frames for the investigations of complaints—it is really important that anything has a time frame so we know how to manage the outcome—modernise the discipline sanctions that can be imposed on an officer, formalise the role and range of management strategies available as part of the discipline process, introduce an abbreviated discipline process if the conduct is not in dispute and the CCC approves the proposed sanction, and create a central disciplinary unit responsible for conducting disciplinary proceedings.

During our Economics and Governance Committee public briefing, we heard from Assistant Police Commissioner Sharon Cowden. She noted that, from its foundation, this bill makes a marked impact by introducing new management practices and improvements, improving on the current sanctions and introducing new sanctions that are better graduated and more able to be tailored to address an individual officer's inappropriate behaviours. We heard earlier today in the debate on the Belcarra bill in terms of some councillors' behaviours of misconduct that there certainly are extremes in behaviour.

Assistant Commissioner Cowden also noted that the bill would better reflect modern management practices by the improvement of subject officers through the opportunity to modify their behaviour by providing guidance, correction and rehabilitation, which lead to the benefits for individual officers and the QPS as a whole if you can rehabilitate and fix those behavioural issues. She said—

This is achieved through allowing professional development strategies such as mentoring and additional training—  
and we all know how important is mentoring in all parts of our life—

which would reduce the risk of reoffending behaviour and improve the performance of subject officers by addressing the underlying causes that lead to inappropriate behaviour. Rather than simply imposing punitive sanction on a subject officer, these strategies give a subject officer the opportunity to reflect on their behaviour, to enhance their professionalism, to develop and to improve.

There were other amendments to the Crime and Corruption Act—and, again, there was significant consultation with stakeholders, including the Aboriginal and Torres Strait Islander Legal Service, the Bar Association of Queensland, the Crime and Corruption Commission, the Queensland Council for Civil Liberties, the Queensland Law Society, the Queensland Police Commissioned Officers' Union of Employees, and the Queensland Police Union of Employees. The Bar Association of Queensland in its submission supported the comprehensive changes proposed in the bill, stating it believes that the new system will be a great improvement on the existing system of police discipline. I, too, believe this bill will result in a fairer and more effective disciplinary process for our Queensland Police Service. I commend this bill to the House.