




Speech By
Melissa McMahon

MEMBER FOR MACALISTER

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

 **Mrs McMAHON** (Macalister—ALP) (12.47 pm): Today I am pleased to stand before the House and provide my support to the Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill. I recall that the support for a complete review and reform of the police disciplinary process was a 2015 election commitment by the Labor Party and since that time there have been years of negotiation and work to bring this bill to the House.

The origins of policing in Australia can be directly drawn from our English roots. Policing 101 can tell us that our model of policing comes from Peelian principles endorsed upon the establishment of the Metropolitan Police in 1829. Many of the nine principles can be distilled into the simple concept of policing by consent—that is to say that the power of police to fulfil their duties is dependent upon public approval of their existence, actions and behaviour and on a police service's ability to secure and maintain public respect.

One of the key policy objectives of this bill is to ensure that the public's confidence in the Queensland Police Service is maintained. People need to know that those who are entrusted to uphold the law are themselves subject to a functioning, robust and ultimately fair discipline system. It is also imperative from a morale perspective that the police officers subject to that same discipline system also have faith in it. Despite a number of wideranging reviews into police disciplinary processes and many recommendations, the necessary cooperation and consensus from stakeholders to implement such recommendations had long since been lacking. Some of the issues identified in previous reviews included a general lack of public and officer confidence in the current police discipline system, the unnecessarily long time frames it takes to investigate and resolve complaints, discipline sanctions that are primarily punitive in nature, and a perceived lack of consistency in imposed sanctions.

The measures contained in this bill that I will focus on today are the modernising and expanding of the range of disciplinary sanctions that can be imposed on a subject officer and the introduction of time frames for investigating complaints to reduce delays in finalising discipline investigations. Firstly, I turn to the increased options to be made available when imposing discipline sanctions. I note that, currently, the disciplinary sanctions that could be imposed upon a subject officer have not been updated since the Police Service Administration Act was first enacted in 1990. These sanctions are considered to be limited in scope, inflexible and do not in any way seek to address or remediate the cause of behaviour that led to the sanction. They are purely punitive in nature.

This bill will seek to provide a wider range of penalties that are more appropriate to the wide range of behaviour subject to disciplinary sanctions. Sanctions that remain include reprimand, demotion and, ultimately dismissal, but sanctions involving monetary fines have also been expanded and now range from two penalty units to 50. New sanctions that may be considered and imposed include suspension from duty without pay for up to 12 months, disciplinary probation for up to 12 months, demotion for a specified period, a comprehensive transfer, local transfers and performance of up to

100 hours of community service. Sanctions of salary reductions and deferrals of salary increases have been removed as options. This was considered disproportionate considering the superannuation implications in comparison to the breach committed.

I will make comment and provide specific support for the new sanction option that seeks to address the underlying causes of behaviour subject to the disciplinary process. It costs a lot of money, and is a substantial investment of public money, to train police officers. It takes years to train a police officer to a level of experience that makes them effective investigators and even more so when they specialise in one of the hundreds of specialty fields within the organisation. A disciplinary process should understand that, while an officer may err and be subject to a disciplinary process, they are not irredeemable in all instances. A mature organisation seeks to correct the behaviour of its members and provide opportunity for that correction to manifest itself before it cuts its losses.

This bill formalises the ability of the Queensland Police Service to impose professional development strategies as an adjunct to sanctions as a risk mitigation strategy. I understand that not all complainants appreciate that the sanction imposed does not result in suspension or dismissal and, notwithstanding instances where that may be appropriate, if a service elects for a subject member to continue their service, having that subject member undergo further training and mentoring should give members of the public faith that not only has a penalty been applied for the breach but also steps are being taken to prevent further breaches of discipline.

The most common complaint of people who are engaged in the police disciplinary process regardless of whether they are the subject member or the member of the public who makes the complaint is the time it takes to investigate and finalise such complaints. Many submissions outlined stories of internal investigations that went on for protracted periods to the detriment of not only the subject member and victim where applicable but also the subject member's family and the officer's workplace generally. The time frames imposed by new section 7.12 now mean that disciplinary proceedings in relation to a complaint must be commenced within either six months of the complaint being made or within one year from the date that the grounds from which the disciplinary action arises. For officers who are subject to a criminal proceeding, the suspension of an internal process remains so as not to infringe on the natural justice rights of the subject member. However, the disciplinary proceedings must be commenced within six months of the criminal matter being finalised or withdrawn.

This bill establishes the abbreviated disciplinary proceedings process. The ADP is intended for instances where the evidence of the conduct is compelling and the officer admits to the conduct. The option to undergo the ADP may be instigated by either the prescribed officer, with the approval of the CCC, or the subject officer themselves. I will not go into the detail of the processes of the ADP, except to say that it promotes a dialogue between the prescribed officer and the subject officer and transparency of the information being relied upon to substantiate the allegation as well as the subject officer's ability to offer a submission of their own. The process also extends to the sanctions imposed through the ADP. The creation of the central disciplinary unit will also contribute to increasing time frame efficiencies and has an added bonus of increasing the expertise and consistency involved in the disciplinary process.

I would like to commend all stakeholders involved in crafting this bill. As I mentioned earlier, progress on improving the police disciplinary process has been stilted and protracted, but we are here today because of the determination to get this done. The Crime and Corruption Commission, the two relevant police unions and other legal stakeholders have shown how they can work together to the benefit of the community and the police organisation that has the responsibility of keeping that community safe.

As someone who has seen the police disciplinary process up close, both as a colleague and member involved in many workplaces, I can tell members from a personal perspective that the impact of morale on a police disciplinary matter, even on just one member in a station, can have a broad effect and impact on everyone else who goes to work in that station. I find it absolutely abhorrent that someone would then attempt to try to excuse breaches of police disciplinary processes on staffing numbers. There is no excuse for a police officer who breaches the disciplinary process. We expect our police officers to uphold their oath of service and that oath of service does not mention anything about how many staff there may be at the station. The members of the public expect a first-class police organisation and that is what we have here in Queensland. I commend the bill to the House.