




Speech By  
**Peter Russo**  
MEMBER FOR TOOHEY

---

Record of Proceedings, 15 October 2019

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

 **Mr RUSSO** (Toohey—ALP) (12.32 pm): I rise to speak in support of this legislation. At the conclusion of my speech I will recommend that the House supports the passing of this legislation. The bill achieves its objectives by repealing the Police Service (Discipline) Regulations 1990 and amending the following acts: the Crime and Corruption Act 2001, the Evidence Act 1977, the Police Powers and Responsibilities Act 2000 and the Police Service Administration Act. As the minister said in his introductory speech, 30 years ago Mr Fitzgerald asked us to remain eternally vigilant so that history does not repeat itself here in Queensland. The bill builds on the work of Mr Fitzgerald.

I often have a lot to do with the hardworking police from the Upper Mount Gravatt Police Station. I also have a lot to do with the hardworking police liaison officers, who work very hard to ensure that people whose first language is not English feel safe in our community. They often struggle to understand how our criminal justice system works and the interrelationship between the judiciary and the police. I know how hard these great officers take it when one of their own does not live up to the high standard the community expects of our serving police officers. That is why it is important that there is legislation that deals with police officers who fall short in their integrity and honesty—a system that affords natural justice to the police officer whose behaviour has not been of the standard expected of the community.

Being a lawyer for almost 30 years now, I have had a lot of contact with the Queensland Police Service. I can honestly say that the police I have dealt with during these years have been honest, hardworking and fair, even though I know that their role is completely different from my role as a defence lawyer. I know how hard these officers take it when one of their own falls short of the standard expected by our community.

It is very important for both serving police officers and the community that there is legislation that is robust in dealing with police disciplinary matters. Without robust legislation and without a comprehensive and effective police discipline system, there is a risk of the community's confidence in our police force being eroded. Without robust legislation, police officers may not be held accountable for their actions. Prevention is important, so robust legislation encourages police officers to behave appropriately.

This bill is the result of a 2015 state election commitment to review the police discipline system and implement a new system that ensures accountability and fairness for police officers and the communities the police officers serve. The bill is a result of the hard work of the chair of the Crime and Corruption Commission, who headed the review of the police discipline system. Consultation on the bill was held through a series of roundtable talks with the Queensland Police Union of Employees, the Queensland Police Commissioned Officers' Union of Employees, government legal representatives, representatives of the legal profession and members of the opposition. The results were historic and more than 20 years in the making. The result was bipartisan support from all of these stakeholders. It was through these discussions and a united determination to make a difference that we reached this watershed moment.

The impact that this bill and the associated Police Service policy will have on the current discipline system will be profound. This will be a defining moment in the evolution of the Queensland Police Service. This bill heralds major structural changes within the Police Service and new management practices that are designed to correct, instruct and improve officer behaviour. All this is set against the backdrop of a more mobile, agile, borderless policing model that takes Queenslanders to a safer future.

A subject officer or the Crime and Corruption Commission may apply to the Queensland Civil and Administrative Tribunal to review a prescribed officer's decision about an allegation of misconduct. However, the CCC is unable to apply for a review of a prescribed officer's decision not to commence a disciplinary hearing. This could include circumstances where the prescribed officer decides there is insufficient evidence to commence a proceeding or there is only sufficient evidence to substantiate a breach of discipline instead of misconduct.

This bill addresses those shortcomings through three distinct measures. Firstly, the bill introduces a new term 'grounds for disciplinary action'. Grounds for disciplinary action include police behaviour that would be either a breach of discipline or misconduct. Removing the artificial distinction between a breach of discipline and misconduct simplifies the police discipline system as the ability to review a decision will no longer be dependent on how the behaviour is categorised. This bill will allow the CCC to apply to QCAT to review all disciplinary decisions including the decision not to institute disciplinary proceedings against an officer. This measure strengthens the CCC's ability to monitor the Queensland Police Service's handling of complaints about police officers and ensures there is no mishandling of matters.

The third measure introduced by this bill involves establishing a central unit responsible for conducting disciplinary proceedings. The purpose of the central unit will be to deal with those disciplinary proceedings that are of such a serious nature that sanctions may only be imposed by an officer of the rank of deputy commissioner or assistant commissioner. Forming a central unit to conduct these proceedings will improve efficiency in disciplinary hearings and promote consistency in the decisions that are made. Additionally, the referral of discipline matters to this unit allows other deputy commissioners or assistant commissioners from around the state more opportunity to focus on other priority policing and responsibilities in their region or in their commands.

The bill also fundamentally changes the police discipline system by making amendments that reduce delays in finalising discipline investigations, modernises the discipline sanctions that can be imposed against an officer and formalises the role and range of management strategies that form part of the discipline process. With regard to abbreviated disciplinary proceedings, the bill modernises the disciplinary sanctions that can be imposed against an officer. It is important to note that the current sanctions have not been updated since 1990, almost 30 years ago. They are limited in scope, inflexible and do not necessarily address the cause of any deficiency in behaviour. There are also concerns about some unintended consequences of the current sanctions, which reduce an officer's pay level. Such a reduction can have impacts beyond the intended sanction by reducing long-term superannuation outcomes.

The bill omits current sections affecting an officer's level of salary. Instead, it implements a range of new disciplinary sanctions including suspension from duty without pay for a period not exceeding 12 months, disciplinary probation and demotion for a specific period in addition to the current permanent demotion sanction, localised transfer, community service and an increase in the maximum fine from two penalty units to 50 penalty units. This new range of disciplinary sanctions provides more options for dealing with inappropriate behaviour and includes options to help prevent a recurrence of the behaviour and to guide, correct and rehabilitate officers. It is important to note that dismissal still remains an option to deal with the most serious instances of inappropriate behaviour.

To further support the goal of preventing inappropriate behaviours from reoccurring in the future, the bill formalises professional development strategies such as mentoring, closer supervision, additional training, counselling, guidance or temporary reassignment of duties in the new police disciplinary system. The new legislation when introduced will include a professional development strategy. The formalisation of professional development strategies in the new police discipline process will provide avenues for risk mitigation to occur while complaints are investigated and provide avenues to ensure officers undertake development strategies. I commend the bill to the House.