



POLICE ASSOCIATION OF NEW SOUTH WALES

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Judge Calls for Urgent Review of Arrest Law

The Police Association of NSW has welcomed the call for an urgent review of the legislation governing police powers for on-the-spot arrests following a court challenge over the legality of an arrest in April this year.

Wollongong District Court Presiding Judge Paul Conlon has raised concerns over certain sections in the Law Enforcement (Powers and Responsibilities) Act (LEPRA) 2002. LEPRA sets out the legislative requirements police must comply with when carrying out their day-to-day duties.

Judge Conlon said Section 99 of the Act, outlining the powers police have to arrest someone without a warrant, focused on “preserving the safety or welfare of the [arrested] person” but failed to adequately consider the safety of other people at the scene.

His comments came during a court case in which Illawarra man; Keith Johnson claimed he was unlawfully arrested on April 6. Judge Conlon said he was satisfied on evidence given by the arresting officer that he had arrested Johnson in order to prevent him from making further violent outbursts.

Police Association President, Scott Weber said, “We support Judge Conlon’s remarks recognising the legislation surrounding police arrest powers as being too narrow in its focus.

Further, we welcome his view calling for the law to be urgently amended to allow officers to consider the safety of other people on the scene, for example victims or ambulance paramedics, when establishing grounds for an arrest.

Every day, police officers fulfill their goal of resolving countless violent and dangerous situations without force or with minimal force. However, they also have to be aware of the dynamics of violent encounters and how quickly (measured in seconds) a subject can change his or her threatening behaviour into actual violence directed towards the public or the police themselves.

This is especially a risk when people are under the influence of drugs and or alcohol.

Our members need to be able to deal with and resolve violent situations without as Judge Conlon states, “having to get out a copy [of the legislation]...before effecting the arrest”.

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PRESS RELEASE