



## POLICE ASSOCIATION OF NEW SOUTH WALES

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### Police Association Welcomes Premier's Announcement to Cut Red Tape

Police Association President, Scott Weber today congratulated the Premier on his announcement that former Police Minister, the Hon Paul Whelan and former Shadow Attorney General, Andrew Tink will be appointed to provide urgent advice on the long overdue statutory review on police powers.

"The *Law Enforcement (Powers And Responsibilities) Act* (LEPRA) has been a failure and needs urgent overhaul" said Mr Weber. LEPRA sets out the legislative requirements police must comply with when carrying out their day-to-day duties.

"The review has been outstanding for more than four years and the Police Association has been raising concerns on behalf of front line officers during this time. This is about the community's desire for police officers to be effective in dealing with crime. Police officers have known for a long period of time that criminals use a lack of clarity around arrest powers to escape conviction or as a pay check in regards to suing police for unlawful arrest."

The problems with the Act were highlighted recently by Wollongong District Court Judge Paul Conlon, 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.

The Judge 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.

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, members of the public or ambulance paramedics, when establishing grounds for an arrest.

"Every day, police officers fulfil 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.

"We welcome Paul Whelan, as former Police Minister and also former Shadow Police Minister and AG, Andrew Tink to review this legislation. We are looking forward to working with them and know that they will understand that police officers cannot do their jobs with one hand tied behind their back with unworkable legislation.

"The O'Farrell government has made a common sense decision about a review of LEPRA. This will ensure that police officers can do their job effectively and the community will be protected."

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PRESS RELEASE