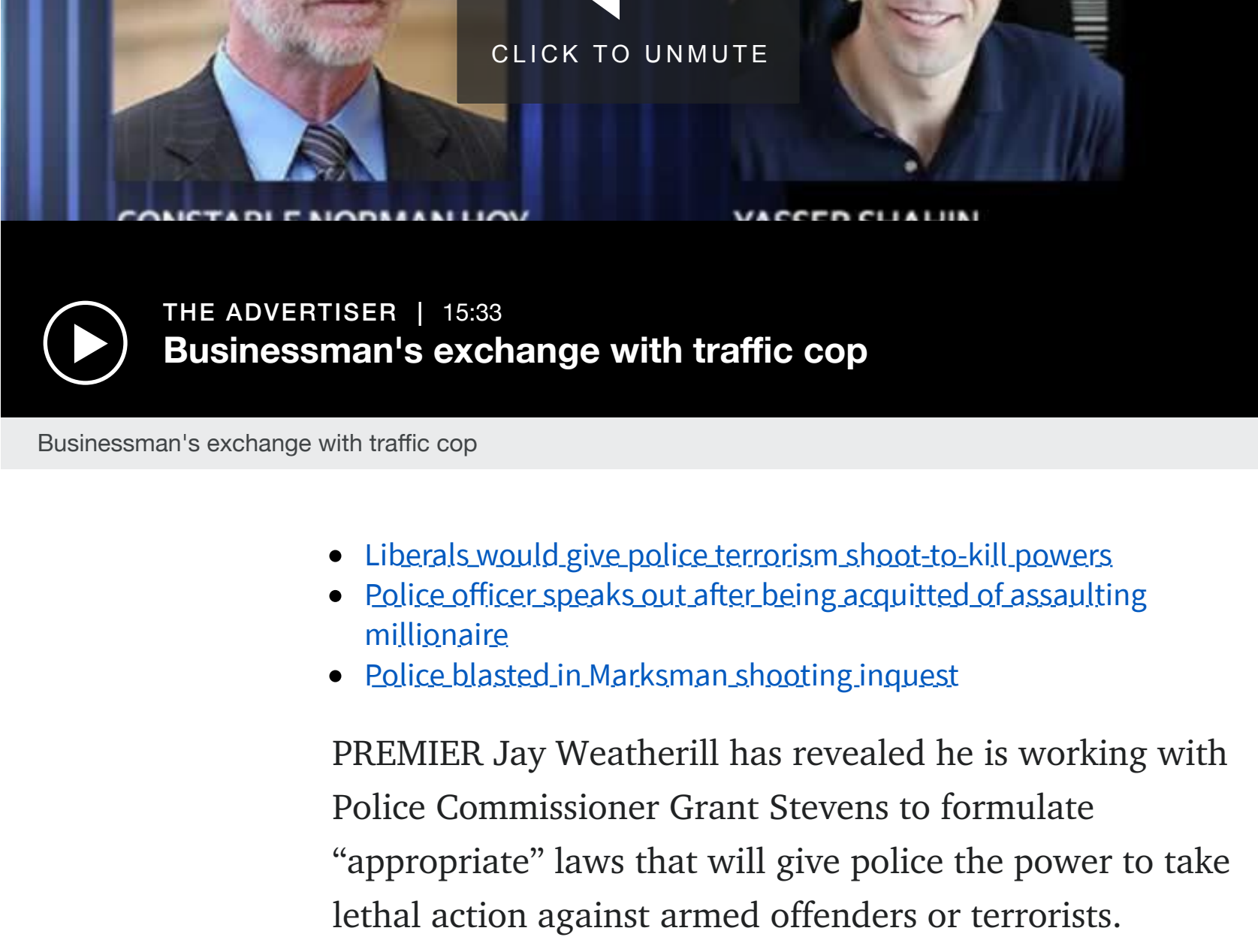


Police officers want criminal, civil immunity built into proposed shoot-to-kill terrorism laws

THE State Government is framing new shoot-to-kill laws that will provide full legal protection for police officers, Premier Jay Weatherill has told the annual Police Association conference.

Nigel Hunt
October 17, 2017 - 12:41PM The Advertiser 71 comments



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PREMIER Jay Weatherill has revealed he is working with Police Commissioner Grant Stevens to formulate "appropriate" laws that will give police the power to take lethal action against armed offenders or terrorists.

Revealing the move at the annual Police Association conference on Tuesday, Mr Weatherill said it will provide frontline police with full protection and ensure the identities of any officer forced to take such action to neutralise a terrorist is guaranteed anonymity to protect them from retribution.

"This is incredibly important and detailed legislation," he said.

"We are asking the police commissioner to design with us a carefully calibrated response that obviously protects citizens, but also protects those citizens that are at risk of harm ...

"This is not a case where you can rush a policy out to try and get a cheap cheer in the media, a cheap headline, without doing your homework."

He said Mr Stevens was still giving the matter detailed consideration and he expected his response soon.

Mr Weatherill detailed his plans after PASA president Mark Carroll told the conference frontline officers would not support any proposed shoot-to-kill terror laws unless full criminal and civil immunity is built in to protect them from recriminations.

The union also wanted a guarantee the identity of any officer involved in an operation that kills a terrorist would be protected to safeguard against retribution.

Mr Carroll said that proposed shoot-to-kill laws that would allow police to take lethal action against a person who threatens innocent people "need careful consideration and construction" before being presented to parliament.

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An armed police officer runs during the Lindt Cafe hostage crisis in Martin Place. Picture: Mark Metcalfe/Getty

"First responders and snipers — who will inevitably be placed in the position of taking a life should this legislation be enacted — must be focused firmly on the terrorist," he said.

"They should not have one eye looking over their shoulder at those who are meant to have their back."

Mr Carroll said two recent cases locally and others interstate had not given police confidence they would be fully supported by the legal system in the event they are ordered to take a life in the line of duty.

He cited the inquest into the suicide of Brenton McConnell at the Marksman Indoor Firing Range, in which Coroner Mark Johns [criticised the actions of two senior police officers](#) and the [flawed prosecution of Constable Norman Hoy](#) over assault allegations made against him in the line of duty as examples.

Breaking his silence on the McConnell inquest, Mr Carroll said the union and SAPOL had concerns over the "public shaming" of two senior officers, Assistant Commissioner Phil Newitt and Chief Superintendent Paul Ralphs, who were relying on the guidance of the Crown Solicitor's Office lawyers in their dealings with the firing range.

Police outside the Marksman Indoor Firing Range in the city. Picture: Tait Schmaal

And using the Hoy prosecution will also reignite tensions with Director of Public Prosecutions Adam Kimber, SC, over that case.

A recent case in Western Australia in which four officers involved in a fatal shooting of a man who held a woman hostage were arrested following the shooting — and subsequently received an apology from the Police Commissioner — was also cited as another reason for concern.

In his first major law and order election policy, Opposition Leader Steven Marshall revealed in August that [he would give police shoot-to-kill powers](#) if he wins the March election. The policy announcement was made without any consultation with Police Commissioner Grant Stevens.

In relation to the Marksman inquest, Mr Carroll told delegates PASA felt Mr Johns' findings attacking the two officers were "unfair and unbalanced" and the legal representation they received from the Crown Solicitor's Office was "puzzling and a cause of real concern".

"The conflict the Crown had in having the same Senior Counsel represent SAPOL, SAPOL employees and itself and Crown Solicitor employees — especially when there was conflict between their respective version of events — made the representation unfair," he said.

"But more than that, it resulted in senior police officers being unfairly criticised for their actions — actions that were sanctioned by the Crown Solicitor's Office."

In the Hoy case, PASA had urged Mr Kimber not to prosecute him. He was [acquitted by a District Court jury](#) in January 2015 of assaulting millionaire Yasser Shahin.

Yasser Shahin outside the District Court during the trial.

The trial judge criticised the prosecution because it had wasted two weeks of court time "when there was no reasonable prospect of the conviction".

"PASA cannot allow substandard immunity provisions for police be enacted so that others get to second and third guess decisions," Mr Carroll said.

"Police should not be in a position of second-guessing the legal outcome for themselves and their colleagues at the hands of outside agencies.

"Unless there is a clear, unequivocal legal and legislative pathway mapped out for the proposed shoot-to-kill legislation, it will not have the support of rank and file officers."

Premier Jay Weatherill told the conference the Government is on track to meet its commitment to put an extra 313 officers on the beat by next year.

He pledged to maintain funding to maintain the new peak level of officers if re-elected.

"South Australia now has the largest number of frontline officers in history. With 353 cadets to graduate in the next eight months, our commitment to put an additional 313 officers on the frontline is on track to be realised with over 4700 sworn police officers," he said.

"Importantly, these have been jobs for South Australians. We made changes to recruitment processes earlier this year to attract more school and university leavers as we want young South Australians to pursue careers in policing."

Mr Marshall told the conference that if elected next March a Liberal government would trial light armoured vests to protect frontline police officers from knife attacks.

"Unfortunately the use of knives in terrorism and other violent attacks is far too prevalent and I intend to do everything possible to protect our police from criminals wielding dangerous weapons," he said.

"We know that the speed and pace of any terrorist attack can need havoc in minutes, indeed seconds. Our police need the right equipment backed by the right training and right laws.

"The trial will determine whether light armoured vests are suitable for use in South Australia's climate, providing an additional protection for police and value for taxpayers."



Mr Marshall also said a review of SAPO would be conducted by either a retired judge or senior lawyer to examine police processes and find efficiencies to free up officers time.

The review would focus on streamlining arrest and charging processes, maximising the use of rapid justice initiatives, reducing the amount of time police spend waiting in court to give evidence, reducing bottlenecks to improve turnaround times for the production of evidence for trial and reviewing technology use to reduce administrative burdens.

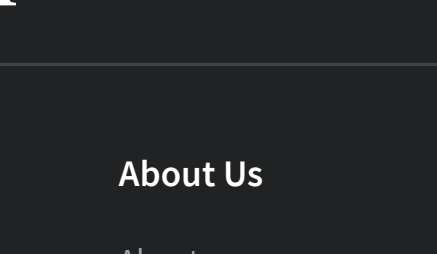
Mr Marshall said he did not consult with Mr Stevens prior to announcing the shoot-to-kill proposal in August because he thought it would have been inappropriate and he did not want his plans revealed "in a room full of ministerial advisers."

"The government has had a very casual attitude toward the threat of terrorism in SA," he said.

"If Jay Weatherill is not prepared to act, he should get out of the way.

"Of course we need to consult on the final legislation, but the government agreed with our general position in August ..."

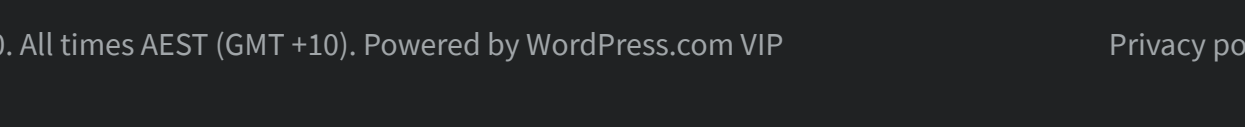
He said there were very few parliamentary sitting days left this year and if the government did not introduce its legislation "we lose that opportunity."



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