



## HIGH COURT OF AUSTRALIA

Public Information Officer

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PATRICK JOHN COLEMAN v BRENDAN JASON POWER, ADAM CARNES AND  
ATTORNEY-GENERAL (QUEENSLAND)

The High Court of Australia today overturned Mr Coleman's convictions for insulting police but upheld his convictions for obstructing police and assaulting police. The case raised issues concerning freedom of political communication.

Mr Coleman was arrested in Townsville Mall where he was distributing pamphlets alleging four police officers, including Constable Power, were corrupt. He stood in front of a placard which read, "Get to know your local corrupt type coppers, please take one." When Constable Power approached, Mr Coleman loudly accused him of being a corrupt officer. He resisted arrest by locking his arms around a power pole, and hit and kicked officers during the struggle to put him in a police van. Mr Coleman was convicted in Townsville Magistrates Court of two counts of serious assault, two of obstructing police, one count of insulting words and one count of publishing insulting words.

Under section 7(1)(d) of Queensland's Vagrants, Gaming and Other Offences Act (which has since been repealed) it was an offence to use threatening, abusive or insulting words to a person in a public place or where they could be heard in a public place. The offence attracted penalties of \$100 or six months' jail.

The District Court dismissed an appeal and the Queensland Court of Appeal allowed an appeal only against conviction for publishing insulting words. Mr Coleman appealed to the High Court, which focused on construction of section 7(1)(d). Mr Coleman contended that in relation to his conduct the provisions was invalid for contravening the implied constitutional freedom of communication concerning political or government matters. The Queensland Attorney-General agreed that the practical operation of section 7(1)(d) may in some cases burden the freedom of political communication but argued that the section was valid because it was proportional to the objective of maintaining public order.

By a 4-3 majority, the High Court allowed the appeal in relation to the conviction for using insulting words. Six members of the Court held that section 7(1)(d) was not invalid but three members of the majority held that its operation was limited to situations which could lead to violence. The use of words such as those used by Mr Coleman would constitute no offence unless those hearing him were reasonably likely to be provoked to physically retaliate. Police would be expected to be able to resist reacting to insults directed at them. The other member of the majority held that the legislation was invalid. The majority held that Mr Coleman's convictions for insulting words should be quashed. However a majority of the Court dismissed appeals against convictions for obstructing police and assaulting police.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*