

Police and Security Guards are 'Thugs'

By Ugur Nedim and Sonia Hickey

A Sydney man has been sentenced in [Downing Centre Local Court](#) after an incident at a nightclub in the city earlier this year.

32-year oldf Keiren Patrick Noonan, an actor and electrician who once appeared on Home and Away, told the court that the security guards and police officers were heavy-handed on the night he was arrested at Cargo Bar in King Street Wharf, Darling Harbour.

He said that when the guards directed him to leave the bar for being intoxicated, he told them he just wanted to finish his drink, but they became aggressive and grabbed the drink from his hand.

He said that a scuffle began when plain clothes police officers approached and tried to arrest him, during which a female officer's nose was broken.

[He ultimately pleaded guilty to assaulting two police officers](#) on the basis of 'recklessness' rather than any intention to hurt them during the arrest, and was sentenced to a 12-month [community correction order](#) and given a \$750 fine.

Remorse and explanation

While admitting he was sorry the female officer was injured, Mr Noonan maintained the incident was not entirely his fault, telling media outside court:

"I'm a convicted criminal now, for something ... that I didn't do, to be honest. It's a disgrace that you can't even go out in the city anymore and enjoy a few drinks with your friends

without ... being harassed by this gang that's dressed in blue and these bouncers that are just super thugs."

Heavy enforcement

A strong presence of security guards and police officers has been a feature of Sydney night life since lock out laws were introduced in February 2014. with the objective of reducing alcohol-fuelled violence.

The legislation requires 1.30am lockouts and 3am last drinks at bars, pubs and clubs in the Sydney CBD entertainment precinct.

Lockout laws could be relaxed by Christmas

However, a [NSW Parliamentary Committee](#) recently recommended that the 1.30am lockouts and 3am alcohol service cut-offs be relaxed from licensed venues in the CBD and on Oxford Street.

The report did not go so far as to recommend changes in Kings Cross, saying the suburb had 'not yet sufficiently changed to warrant a complete reversal.'

The NSW Government is expected to [relax lockout laws](#) in the Sydney CBD as a result.

The charge of assaulting police in NSW

[Assaulting a police officer](#) is an offence under [section 60 of the Crimes Act](#) which carries a maximum penalty of 5 years in prison

To establish the offence, the prosecution must prove beyond [reasonable doubt](#) that you assaulted, threw a missile at, stalked, harassed or intimidated a police officer.

An 'assault' is where:

1. You caused the officer to fear immediate and unlawful violence, or made unauthorised physical contact with the

officer,

2. The officer did not consent, and
3. Your actions were intentional or reckless

An action is considered to be against a police officer even though the officer is not on duty,

if it is carried out due to:

1. Actions by the officer while executing his or her duty,
or
2. The fact the officer was a police officer.

The maximum penalty increases to 7 years in prison where you inflicted 'actual bodily harm' upon the officer, which is harm that is more than 'transient or trifling'. Actual bodily harm includes lasting cuts, bruises and abrasions.

The maximum increases to 12 years in prison where you inflicted 'grievous bodily harm' on the officer, which is 'very serious harm'.

The Crimes Act stipulates that grievous bodily harm includes, but is not limited to:

1. Any permanent or serious disfigurement
2. The destruction of a foetus, other than by a medical procedure, and
3. Any grievous bodily disease

The courts have found that broken bones which require surgery and permanent injuries can amount to grievous bodily harm.

The [defences](#) to the charge include self-defence, duress, and necessity.