

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [5.45 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is pleased to introduce the Law Enforcement (Powers and Responsibilities) Amendment Bill 2007, which is part of the New South Wales Government's commitment to provide more powers to help police crack down on criminals, especially with regard to terrorism offences. The New South Wales Government is concerned to ensure that we are vigilant about the threat to the safety of our citizens. Laws are under constant review so that our legal framework will provide police with the powers they need to keep New South Wales safe. The bill makes a number of amendments to police powers legislation designed to improve the efficiency of policing and to eliminate red tape experienced by police officers. These goals are in keeping with the goals of the New South Wales State Plan, namely, Priority R1: reduced rates of crime, particularly violent crime; and Priority P3: cutting red tape. I will now outline the details of the bill.

Schedule 1 to the bill details the amendments to the Law Enforcement (Powers and Responsibilities) Act 2002. Item [2] replicates an existing search power for searches in public places in relation to searches conducted upon arrest. The power enables police to direct a person to open their mouth or shake their hair to search for concealed items such as prohibited drugs. Item [3] removes the requirement to include the name of an authorised officer on the notice to an occupier of premises entered pursuant to a warrant, in the interests of officer safety. The name of the authorised officer issuing the warrant is contained on the application, which is open for inspection by the occupier at the registry. The additional requirement for the name to be recorded on the occupier's notice is unnecessary to meet requirements of open justice and accountability.

Items [4] and [5] make important amendments to allow for crime scene warrants in connection with terrorism offences to be extended for a period of up to 30 days. Before the power can be exercised the authorised officer must be satisfied that there are reasonable grounds for extending the warrant beyond the current maximum period of six days. Overseas experience has shown that the effective investigation of terrorism offences necessarily requires the examination of particularly complex crime scenes, with investigations more often than not taking weeks rather than days. The amendment will reduce demands upon police time by alleviating the need to make fresh applications for warrants in such cases. Item [10] allows a scene of crime officer—who is a member of the New South Wales Police Force responsible for examining or maintaining crime scenes, and not necessarily a police officer—to establish a crime scene in relation to a vehicle in a public place where it has been reported as stolen.

The scene of crime officer will be able to exercise examination powers in relation to that crime scene if reasonably necessary to preserve, or search for and gather, evidence of the theft of the vehicle. The amendment will not change the fact that scene of crime officers will not be authorised to use coercive crime scene powers, which will be reserved for sworn police officers. Under these new powers it will no longer be necessary in these circumstances for a sworn police officer to establish the crime scene or to authorise the scene of crime officer to exercise the investigatory powers. This will free police officers to devote more time to policing rather than supervising forensic testing.

Item [1] inserts a definition of scene of crime officer into the Law Enforcement (Powers and Responsibilities) Act 2002 and Item [9] makes amendments that are consequential to the inclusion of that definition. Items [7] and [8] ensure that police officers are entitled to exercise crime scene powers at a crime scene established by a scene of crime officer under the new provisions. Item [6] inserts a provision into the Act to prevent a police officer establishing a crime scene more than once on the same premises in any 24-hour period, so as to facilitate its application to crime scenes established by scene of crime officers.

Item [12] extends the existing power enabling police to deploy road spikes in circumstances where it is necessary to prevent the use of a vehicle by a person for the purpose of escaping lawful custody or avoiding arrest. Currently road spikes may only be deployed when a police pursuit has already commenced. The exercise of the new power will be limited to high-risk operations involving the Tactical Operations Unit of the New South Wales Police Force, as opposed to being available for general law enforcement. As with the existing power, the decision to deploy road spikes in this way will need to be authorised by the Commissioner or appropriate delegate on a case-by-case basis, and standard operating procedures will be developed before the new power comes into effect. In summary, the bill is another example of the Government's vigilance in ensuring that adequate laws are in place to help keep the community safe. I commend the bill to the House.