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Attorney General
Minister for Justice

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Minister for Police and
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MEDIA RELEASE

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POLICE GIVEN CLEARER POWERS TO GET ON WITH THE JOB

The NSW Government will introduce legislation to clarify complex police powers as part of its commitment to support police in their important job of protecting the community, Attorney General Brad Hazzard and Police and Emergency Services Minister Stuart Ayres said today.

“This Government is committed to giving frontline police the powers they need to do their job effectively, while ensuring the rights of the public are protected,” Mr Hazzard said.

“Police have told us that the existing Law Enforcement (Powers and Responsibilities) Act (LEPRA) was too complex and we are reforming the law to make it easier for police to get it right.”

For example, police who had inadvertently failed to follow the right procedure for giving their name and station when stopping, searching and arresting someone had seen evidence obtained thrown out of court. Such procedures will be restructured and simplified.

“We are fixing these complexities, but ensuring the Ombudsman retains oversight, in case of justified complaints,” Mr Hazzard said.

Mr Ayres said: “This legislation, which was put into the too-hard-basket by the previous government, is long overdue and much needed for police to get on with the job.”

“For example, police will now be able to detain a person at the execution of search warrant and administer their rights there rather than having to take the suspect back to the station. Under these reforms police will also gain an extra two hours for the initial period of investigation after a suspect has been arrested.”

“This follows changes implemented late last year to simplify the law governing the police powers of arrest – one of the most difficult parts of the law for operational police.”

The government is committed to implementing the recommendations of the statutory review and the review by former MPs Paul Whelan and Andrew Tink. The recommendations include:

- clarifying safeguards for people under arrest and suspects attending voluntarily,
- increasing time limits for the initial investigation from 4 to 6 hours after an arrest,
- improving the application of these laws during search warrants,
- simplifying procedures which require police to give information when exercising powers,
- reviewing police training materials about their powers and the use of force,
- clarifying search powers and crime scene powers,
- collecting data on the use of drug detection dogs and a review of police guidelines for searching and detaining a person for a drug search,
- establish a code of practice on move-on powers, including the rights of citizens and police powers.

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