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Ombudsman reports on public disorder powers

A report on the Ombudsman's review of extraordinary police powers to prevent or control public disorder was tabled in Parliament today.

The 18-month review examined the police use of powers introduced in direct response to the Cronulla riots in December 2005. Within days of the riots an emergency session of Parliament passed legislation giving police wide powers to deal with and prevent riots and other large-scale public disorder, including powers to 'lock down' broad areas and expanded search and seizure powers.

"Fortunately, large-scale public disorder is rare in NSW, so the emergency powers have been seldom used by police," the Ombudsman, Mr Bruce Barbour said.

The review, tabled in Parliament by the Premier today, found that on the few occasions the powers were used, police acted responsibly and appropriately. It makes a number of recommendations to improve fairness to the community and effectiveness for police.

"The laws should specifically allow police to seize the tools of rioters," Mr Barbour said. "However, they should also require officers to have a proper basis for searches of persons. These and other recommendations will provide a fairer balance when the powers are used."

The Ombudsman noted that a 'sunset' provision in the legislation would automatically repeal the emergency powers, and recommended caution in determining whether the powers should be extended and what safeguards should be included.

"Most of the powers provided in the public disorder laws have been used on just a few occasions, and some are yet to be used at all. Until the powers are used in a range of circumstances, we cannot be confident about their likely effectiveness or shortcomings. For this reason, I have recommended that if Parliament leaves the powers in place, there should be detailed annual reporting and some form of ongoing independent scrutiny."

Copies of the Ombudsman's report are available at: www.ombo.nsw.gov.au