

Robbie: How concerned are you about the threat of organised crime in Sydney? You often hear announcements by state and federal politicians about how they are fighting crime but are these measures doing any good? Remember, in 2013, Police were given extra powers to seize drugs weapons and alcohol, and specifically target bikies and outlawed motorcycle clubhouses. Well, a review by the NSW Ombudsman has cast doubt on whether the laws are necessary, after finding they have not been used in the 3 years since they were brought in. Stephen Blanks is President of the NSW Council for Civil Liberties. Stephen, good morning.

Stephen: Good morning.

Robbie: Stephen, people obviously want the capacity for the police to take action against criminals when they are engaging in serious crime, aren't these laws a good idea?

S: Laws are a good idea when they are reasonably necessary to fight crime, and when they are used appropriately. The ombudsman's report that was released yesterday highlights the fact that some of these laws haven't been used at all, except in one case where they were used improperly. And then other aspects of the Ombudsman's report, shows that in relation to search powers that police have been given, about 1/3 of searches police have undertaken have been illegal because they haven't been conducted in accordance with the law.

R: So, what is your take on the laws? Are you saying they are redundant or is it just the case that the police just haven't found the right situations to use the laws?

S: Certainly the search power without warrant on certain premises seems to be a redundant power. The ombudsman makes the obvious point that the power hasn't been used, and existing powers were perfectly sufficient and police could get a warrant to search those kinds of premises and generally have done so. That's a redundant power. Other powers appear to have been not properly understood by police and used in inappropriate circumstances and people's ordinary rights have been infringed.

R: What would you like to see be done to the laws themselves then?

S: The extraordinary power that was brought in 2013 enabling searches without warrant of certain premises ought to be repealed. It's just fundamentally repugnant to a system of rule of law that police can use invasive activity like searching premises without any judicial authority from a warrant first. The idea that police can conduct those types of searches should be unacceptable in a free society, so that's how it should be repealed.

R: DO you see the state government stepping backwards in these kinds of issues though?

S: I think if the state government wants to maintain public confidence in the police and the laws, state government has to be able to deliver the message that police powers are reasonable, appropriate, necessary, no more restrictive of freedom than necessary, proportionate and they are used appropriately and this report demonstrates that the government is unable to make out that case at the moment.

R: Stephen Blanks, thanks for your time this morning.

S: It's a pleasure.