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GREG SMITH SC
Shadow Attorney General
Shadow Minister for Justice
Member for Epping

MEDIA RELEASE

Opposition urges caution on use of Police bugging emergency powers

Shadow Attorney General Greg Smith SC today urged caution on the use of Police emergency powers where surveillance devices are used without police having to first obtain a warrant.

“While electronic surveillance is an important tool in the fight against terrorism and other serious crimes, there have been abuses and mistakes in the past and in several recent cases Courts have rejected evidence obtained improperly,” said Mr Smith.

“As these powers are exceptional and involve invasions of privacy, there needs to be close scrutiny of their use by independent judges. The Surveillance Devices Act allows Police to use surveillance devices in cases where police reasonably suspect or believe there is an imminent threat of serious violence to a person or substantial damage to property, or that a serious narcotics offence will be committed.

“These include listening devices to bug conversations between suspects for up to 2 days without having to satisfy a Judge that a warrant should be issued. This is clearly an invasion of privacy.

“The Government originally sought this power for up to 5 days without warrant, but the Liberal/Nationals were able to amend this provision in the Upper House. Other States have limited such powers to 2 days and the Government gave no convincing explanation why 5 days were needed.

“After 2 days the police must satisfy a Judge that the use of the emergency powers was justified, otherwise the Judge may order that the surveillance be discontinued, the device retrieved and the evidence destroyed.

“The Opposition did not oppose the Bill, but sought to limit the period of warrants to the established 21 days, rather than the 90 days proposed. This amendment was unsuccessful.”

Mr Smith said police have a difficult role in gathering evidence and intelligence concerning terrorism and other serious offences.

“In the main, police carry out their duties conscientiously and courageously, sometimes risking life and limb to protect the community.

“Properly used, the additional powers authorised by the Surveillance Devices Act will enhance police prospects of protecting the community and preventing and prosecuting acts of terrorism and other serious crimes.”

MEDIA ENQUIRIES:
Scott Farlow 0414 698 118; Greg Smith 0416 844 313