

**LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT  
(KINGS CROSS AND RAILWAYS DRUG DETECTION) BILL 2012**

PROOF

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**Bill introduced on motion by Mr Greg Smith, read a first time and printed.**

**Second Reading**

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [12.30 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Law Enforcement (Powers and Responsibilities) Amendment (Kings Cross and Railways Drug Detection) Bill 2012. The bill will authorise the use of drug detection dogs without warrant on the streets and other public places of the Kings Cross precinct and permit their use on all suburban and outer suburban CityRail lines. The NSW Police Force is now allowed to use drug detection dogs from the Dog Unit to carry out general drug detection without warrant in relation to people at licensed premises and public entertainment venues, or people on prescribed public transport routes. This bill will expand their use to include public places in the Kings Cross precinct. The bill will ensure that police officers are able to deploy drug detection dogs in the area when and how intelligence-based policing indicates they are best utilised.

With the passage of this bill, those carrying illegal drugs within Kings Cross should not be under any illusions that they will be safe from detection. The Government makes no apologies for introducing these tough new powers to help the New South Wales Police Force to make Kings Cross a safer place. The bill extends the use of drug detection dogs without warrant to public places in the Kings Cross precinct. The definition of "public place" contained in the Act is broad. It will allow police to use drug detection dogs without a warrant in places where they presently cannot be used. However, the bill acknowledges that people go to Kings Cross for multiple purposes and that some people live there. It does not give police officers powers in private homes. The purpose for which an owner or manager of land or premises opens it to members of the public will be relevant. For example, the lobby of a strata building may not constitute a public place because, although it can be accessed by the public, it is intended to be accessed only by residents and their visitors.

As I have noted, the NSW Police Force is currently permitted to employ drug detection dogs on public transport routes that are prescribed by regulation. However, the routes that are prescribed do not cover the entirety of suburban Sydney and areas such as Newcastle, Wollongong and the Blue Mountains. The proposed amendments in schedule 2 will ensure that police officers are able to effectively target the flow of drugs throughout the entirety of the CityRail network. The following additional lines will now be covered: the Southern Highlands line, that is, from Campbelltown to Goulburn; the Blue Mountains line, which is currently not covered past Penrith; the Richmond line, which is currently not covered past Blacktown; the Hunter line past Newcastle to Maitland, Dungog and Scone; from Clyde to Carlingford; the Epping to Chatswood line; from Wollongong to Port Kembla; and the Airport and East Hills line, that is, Central to Macarthur and via Wolli Creek and East Hills.

The Labor Government said that it would expand the train lines covered by the regulation if such a need were demonstrated by police intelligence. Former Minister for Police Michael Costa told the other place on 8 May 2002:

The scope for extending the use of sniffer dogs to other public transport routes is provided in the regulation. That will be based on police intelligence. If the police require the routes to be extended, that will be done.

However, the lines covered by the regulation have not changed in about a decade. This Government is acting to provide the NSW Police Force with the powers it has said it wants, which is to use drug detection dogs across the entire CityRail network. It makes no policy sense that commuters on some lines should benefit from the deterrent effect of drug detection dogs while others must ride on trains where drug traffickers and other persons carrying drugs have a perception they have been given a green light.

I agree with Police Commissioner Scipione when he said yesterday that train passengers are happy to share a carriage with others who are not drug affected, carrying drugs or taking the train to pick up drugs. The Government is remedying a nonsensical situation by making it clear that police drug detection dogs can operate on all suburban and outer suburban rail lines on which CityRail trains operate. As members may be aware, on 1 May this year the NSW Police Force's centralised Police Transport Command was formally established. It has brought together 300 officers from local commuter crime units and will progressively increase its strength to 610 police officers by December 2014. With the introduction of this legislation, the Government is equipping the new Police Transport Command with enhanced powers to tackle crime across our transport network. The Police Transport Command has already had success on the lines to which it already has access to use a drug detection dog without a warrant. On 25 May this year, using a drug detection dog from the Dog Unit, police officers detected a man on a train between Central and Kings Cross carrying 200 ecstasy tablets.

The Government does not judge the effectiveness of drug detection dogs solely based on the apprehension of drug traffickers. Apart from the benefit of using these dogs for specific operational objectives, their use offers many policing benefits, including creating a general deterrence and providing a visible response to drug-related crime. The Government makes no apologies for using drug detection dogs to send a message that society does not condone illicit drug use. I commend the bill to the House.

**Debate adjourned on motion by Mr Nathan Rees and set down as an order of the day for a future day.**