

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

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [11.49 a.m.]: I move:
That this bill be now read a second time.

The Law Enforcement (Powers and Responsibilities) Amendment (Kings Cross and Railways Drug Detection) Bill 2012 enacts a part of the Government's Kings Cross plan of management. The plan incorporates a package of decisive measures aimed at driving down alcohol-related and drug-related crime and antisocial behaviour in the Cross. This bill will allow the NSW Police Force to deploy drug detection dogs throughout the Kings Cross precinct without warrant and across the CityRail network without warrant. I now present the bill's proposals in detail.

In the majority of situations police must obtain a warrant before deploying a drug detection dog. However, there are some areas where police are authorised to deploy drug detection dogs without warrant. These are set out at section 148 of the Law Enforcement (Powers and Responsibilities) Act 2002. They include licensed premises, concerts or dance parties, tattoo parlours and certain rail lines. The bill will amend section 148 to include within that list any person at any public place within the Kings Cross precinct. The Kings Cross precinct is already defined in detail in schedule 2 of the Liquor Act 2007. This bill proposes to use this same definition for consistency. With the passage of this bill people who carry illegal drugs should not be under any illusion that they will be safe from detection in Kings Cross.

I now turn to the second amendment contained in this bill. The Law Enforcement (Powers and Responsibilities) Regulation sets out the prescribed train and bus routes where police can use drug detection dogs without warrant. Currently certain CityRail lines are prescribed routes—that is, police are not required to obtain a warrant to use drug detection dogs. These include the North Shore line, from Berowra to Central, via Chatswood; the Bankstown line, from Liverpool to Central, via Bankstown; the Inner-West line, from Liverpool to Central, via Regents Park; the Eastern Suburbs line, from Bondi Junction to Central; the Illawarra line, from Bomaderry to Central, including Sutherland, Cronulla and Kirrawee; the Northern line, from Central to Newcastle, via Strathfield; the Southern line, from Campbelltown to Central, via Circular Quay and Granville; and the Western line, from Penrith to Central, via Strathfield and Olympic Park.

The use of drug dogs on any other train line currently requires a warrant. This means that warrants are required on the South Coast and Southern Highlands lines, that is, from Campbelltown to Goulburn; the Blue Mountains line, currently not covered past Penrith; the Richmond line, 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; the Airport and East Hills line, that is, Central to Holsworthy via Wollie Creek and East Hills; and the Cumberland line, from Schofields to Campbelltown.

I indicate to the House that the Government will be moving an amendment to the bill to include an additional train line that was not originally included within the bill or within the current regulation. The Cumberland line operates between Campbelltown and Schofields.

Only a limited number of trains run on the Cumberland route and every station on the line is already covered by the Western, South and some other lines.

While not included in the original drafting process of the bill, to close any avenue for challenge to the new legislation in relation to this line, the Government is moving an amendment to include the Cumberland line within the bill.

The Police Force has told us it wants the power to use drug dogs across the whole network, and that is what we are providing it. Until now only limited lines have been covered by the regulation and they have not changed in about a decade. The Government is acting to provide the Police Force with the powers it has told us it wants, which is to use drug detection dogs across the whole CityRail network. It makes no policy sense that commuters on some lines should benefit from the deterrent effect of drug detection dogs, while others have to ride on trains where drug traffickers and other persons carrying drugs have a perception they have been given a green light. If one talked to passengers on trains one would find that they would be quite happy to share a carriage with people who are not drug affected, carrying drugs or taking the train to pick up drugs. This 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. The command has brought together 300 officers from local commuter crime units and will progressively increase its strength to 610 police officers by December 2014. With this legislation we are equipping the new Police Transport Command with enhanced powers to help tackle crime across our transport network. The Police Transport Command has already had success in this area on the lines they already have 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 detected a man on a train between Central and Kings Cross carrying 200 ecstasy tablets.

This Government does not judge the effectiveness of drug detection dogs solely by whether they catch drug traffickers. Besides the benefits of using these dogs for specific operational objectives, the use of drug detection dogs offer many policing benefits, including creating a general deterrence, and providing a visible response to drug related crime. This 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.