

Police Powers (Drug Detection Dogs) Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to authorise the use of dogs by police officers for the purposes of detecting drug offences, and to set out the circumstances in which dogs may be used for the random detection of drugs in connection with persons in public places.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act. In particular, a *drug offence* is defined to mean the possession, control or supply by a person of any prohibited drug or prohibited plant in contravention of the *Drug Misuse and Trafficking Act 1985*.

Clause 4 confers a general authority on police officers to use drug detection dogs when they are entitled to search a person or when they are entitled to enter premises for the purpose of detecting drug offences.

Clause 5 defines *general drug detection* as the detection of prohibited drugs or plants in the possession or control of a person, except during a search of a person that is carried out after a police officer reasonably suspects that the person is committing a drug offence.

Clause 6 confers authority on police officers to use dogs to carry out general drug detection, but only as provided by the proposed Act.

Clause 7 enables a police officer to carry out general drug detection, without warrant, at a number of designated public places, namely:

- (a) premises at which liquor is sold and consumed (other than restaurants or other dining places), or
- (b) public entertainment venues, or
- (c) trains or buses on routes prescribed by regulation.

Clause 8 enables a police officer to carry out general drug detection at any public place under the authority of a special warrant issued by an authorised justice.

Clause 9 enacts special provisions relating to general drug detection, including provision to prevent dogs touching persons and to permit covert operations if authorised by a special warrant.

Clause 10 makes it clear that the proposed Act does not itself authorise police officers to enter premises or detain persons.

Clause 11 authorises the making of regulations for the purposes of the proposed Act (including regulations with respect to the keeping of records by police officers).

Clause 12 makes a consequential amendment of the *Search Warrants Act 1985*.

Clause 13 provides for the Ombudsman to monitor the exercise of police powers under the proposed Act after 2 years and to report to Parliament on the exercise of those powers.