



New South Wales

# Law Enforcement (Powers and Responsibilities) Amendment (Drug Detection Dogs and Strip Searches) Bill 2020

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* as follows—

- (a) to prohibit strip searches of children who are under 16 years old and to permit strip searches of children aged 16 and 17 years only in exceptional circumstances,
- (b) to limit the circumstances in which personal searches may be carried out,
- (c) to provide that a person cannot consent to a strip search and to require that a police officer seeking the consent of a person to a personal search, other than a strip search, must inform the person that no unfavourable inference may be drawn if the person refuses to consent to a search,
- (d) to prohibit the imposition of quotas or targets relating to the number of personal searches carried out by police officers,
- (e) to prohibit a police officer from using a dog to search a person for the purpose of detecting a drug offence,
- (f) to require a warrant for the use of a dog to carry out general drug detection in a public place,
- (g) to set out the matters that an authorised officer must consider in determining whether there are reasonable grounds to issue a warrant to carry out general drug detection in a public place using dogs,
- (h) to further provide for the information that must be included in an application for a warrant,

- (i) to require the Commissioner of Police to record information relating to, and report annually to Parliament on, the number of searches, including strip searches, carried out by police while using dogs to carry out general drug detection under a warrant,
- (j) to make other minor and consequential amendments.

## 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 the date of assent to the proposed Act.

**Schedule 1** amends the *Law Enforcement (Powers and Responsibilities) Act 2002* as set out in the overview above.