

**CRIMINAL INVESTIGATION AMENDMENT
(PROTECTION OF LAW ENFORCEMENT ANIMALS) BILL 2023**

Second Reading

Resumed from an earlier stage of the sitting.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [5.04 pm]: I just remind members that, as I said before the break, I intend to use this opportunity to bring down the government ever so meticulously. I will take a little longer, Leader of the House, than I originally intended, as I told the house earlier.

Hon Sue Ellery: I appreciate that.

Hon PETER COLLIER: Yes; thank you. I got the killer blow in a response to a question I asked today; that is why I thought I would wait until after question time.

For the benefit of members, yet again, we have here the Criminal Investigation Amendment (Protection of Law Enforcement Animals) Bill 2023, which will essentially provide sanctions against individuals who harm police dogs or horses. Of course, it will have extraordinarily strong public support; I imagine there are no issues there whatsoever. Let us look at the genesis of this legislation. It has been ongoing for some time. I will go through the first consideration of this legislation and then perhaps get a response from the government on why it has taken so long. I refer to an article in *The West Australian* titled “Jail for hurting police animals”. The article states —

The State Government has said it could toughen forthcoming animal welfare laws with penalties for people who injure police dogs and horses amid claims four police dogs are injured on the job each year.

The move comes as the WA Police Union demands fines or even jail terms to deter assaults on police dogs and horses.

In a submission to an inquiry into new animal cruelty laws, WA Police Union president George Tilbury complained there was no financial penalty for offenders convicted of harming a police animal, pointing out a police horse was worth about \$150,000 and a police puppy about \$15,000.

“Police animals provide alternatives to using lethal force and it has been said by officers from those units that a police dog is worth six police officers and a horse is the equivalent of 10,” Mr Tilbury said.

The union said four dogs were injured on the job a year, and replacing a dog was costly because of the time and effort needed to select and train a replacement.

Mr Tilbury said WA should be looking to other States and countries that had put penalties in place for hurting police animals.

The State Government is pushing ahead with wideranging cruelty laws that would give inspectors powers to raid businesses to prosecute mistreatment of animals.

Police Minister Michelle Roberts said she welcomed the police union submission and had asked WA Police whether the incoming legislation could be amended to quickly introduce new penalties.

“Our police animals are highly trained and invaluable members of our police force,” Mrs Roberts said.

“I regard an assault on a police dog or horse as serious and indefensible.”

In South Australia, offenders can be held liable for all associated costs of hurting animals, including vet bills, rehabilitation and the cost of finding and retraining a replacement animal.

And that State extends the same protection to all working dogs, including guide dogs.

The union said offenders in the US faced penalties of up to 10 years in jail for intentionally killing a police animal, suggesting WA should follow suit.

WA Police canine and mounted section has about 40 dogs and 20 horses.

The State Government has received push-back from farmers and pastoralists who warn the new animal welfare laws will place unfair burdens on business and drive up costs of items such as meat and eggs.

I could not quite work that one out.

Hon Stephen Dawson: What year was that?

Hon PETER COLLIER: I will go through that now. I read that now because that article was published on 22 June 2018. That came as a result of a union request in the wish list for the 2017 election. That is where it came from. It was a commitment from the Labor government after 2017. That was reinforced by the then Minister for Police in June 2018. We are now, in 2024, dealing with the legislation. It has taken six years to get from the commitment to where we are now. This is such a sensible piece of legislation and I assume it will have cross-chamber

support. I am not sure, but I will leave it to others to make that determination. It also has very strong public support. In addition to that, the second reading speech was given in the Legislative Assembly on 30 August 2023, which was eight or nine months ago. Then, the second reading was agreed to in the other place on 18 April this year, which was six or seven months ago, and we are here dealing with this now. I imagine this bill will go through. I will not speak for the crossbenchers, but the opposition has no intention of holding up this bill. We do not need to go into Committee of the Whole House. We support the bill, but I intend to take my time, as I said, because running down a government is a very arduous process!

Hon Stephen Dawson: As you should, honourable member!

Hon PETER COLLIER: I thank the minister.

Does the minister see my point? The Labor Party made that commitment during the election campaign of 2017, when it was in opposition. It was reinforced by the minister in June 2018. All that for a piece of legislation that seems, quite frankly, fairly seamless. I would be interested to know why there was a delay in the government's approach.

Having said that, I will go through a few areas of the bill, and then I will talk a bit about the Corruption and Crime Commission investigation. Regardless of this legislation, police can use an animal for investigative purposes under section 17 of the Criminal Investigation Act. That includes preventive and investigative powers, as well as the maintenance of public order. They already have the capacity to do that. It primarily involves police dogs for tracking and locating drugs and suspects; however, it includes horses, most notably for large crowd events. That is what I said in my opening comments. Everyone sees the dogs; they are visual, but the horses, not so much, although, as I said, they have become more prevalent in recent times, particularly in Northbridge or when there are large groups. We see horses in those entertainment areas on a Friday or Saturday night. They are magnificent animals. I go to every police graduation and they lead the parade. They really are just the most beautiful animals. The manner in which they are trained is a very arduous and sophisticated process because they have to deal with an enormous amount of noise and distraction. You cannot help but admire them. In a previous role, I have also been to the Joondalup academy and seen some of the dog training, and it is quite fascinating.

Currently, no specific sanction exists for assaults on or injury to an animal used by police officers in the line of duty. Police have used the obstruction and cruelty to animals provisions in the Criminal Code to prosecute individuals who injure police animals. As I said, at the moment, a number of other jurisdictions have the capacity to sanction those who injure or maim police animals. The Northern Territory, New South Wales, Queensland, Tasmania and South Australia have all legislated for offences relating to killing or injuring animals used in law enforcement. This information is a little dated, of course, because it was based upon the briefing I had. The Western Australia Police Force is always very thorough and forthcoming with its briefings, but I just want to make sure that that is it. I am not sure whether Victoria, or any other jurisdiction, has joined that realm now. There are not many left; actually, that is it. If that is the case, we would be one of the last ones, unless Victoria has joined. The minister might like to confirm that for me.

The bill will introduce new offences in WA for assaulting, injuring or killing a law enforcement animal. Assaulting a law enforcement animal will be treated as an offence of assaulting a public officer. The penalties will be aligned with the penalties in section 318 of the Criminal Code, not including the mandatory sentencing provisions. For example, killing an animal will be punishable by up to 10 years' imprisonment. Assaulting or injuring an animal will carry a maximum sentence of seven years' imprisonment, with a summary conviction and penalty of three years' imprisonment and a fine of \$36 000. Again, this information is a little dated, but for the interest of members, since 2015, there have been 32 reported injuries against police animals. There are currently 28 dogs and 23 horses. That number may have changed, so, for clarity, could we get some confirmation that those figures are accurate; that is, there have been 32 reported injuries and there are currently 28 dogs and 23 horses? For the benefit of the house, could the minister also let us know whether there is any intention to increase that number?

Hon Stephen Dawson: The budget is tomorrow, so I couldn't give you —

Hon PETER COLLIER: The minister could not even speculate!

Hon Stephen Dawson: I couldn't speculate whether there is not.

Hon PETER COLLIER: I might have to speak about this until tomorrow when the budget is handed down! Damn; I do not get unlimited time!

Hon Stephen Dawson: Come into committee and ask.

Hon PETER COLLIER: That is good point.

Hon Stephen Dawson: Let me see what I can find out.

Hon Darren West: We will give you an extension until tomorrow!

Hon PETER COLLIER: Good! Unfortunately, standing orders do not allow for that or I would ask for it. I am being very accommodating to the government at this stage!

There we have it. They are the numbers at this stage. I get this, but animals are not stationed in regional parts of the state. Perhaps the minister can give us a bit of an update about when they are used in regional areas of the state. I assume it is when there is an incident or something, but I would just like some clarification.

Having said all of that, there will be a reasonable excuse provision for assaulting, injuring or killing a law enforcement animal—for example, when an accused is acting in self-defence, and that was dealt with to a degree in the CCC report. I will talk about that in a moment. The bill also provides for compensation orders to be made against a person who is convicted of assaulting, injuring or killing a law enforcement animal. As I said, that was a recommendation of the 2017 police union pre-election submission and a component of recommendations for reform made in the June 2018 report of the statutory review of the act.

That is the bill itself. It is very simple. The capacity of police-use animals will not be changed. They can use them now; they have been able to do that. The bill will protect the animals. I am right on board with the minister on this one. It is a unity ticket. We have to make sure we get this bill through as soon as we can. Do not think for a moment that that means I will rush the bill through. I will take my time on this piece of legislation. For the benefit of members, I am just being helpful.

Hon Samantha Rowe: We appreciate it!

Hon PETER COLLIER: I thank the member.

There is *A report on the deployment of police dogs* from the Corruption and Crime Commission that I would like to spend a little bit of time on. Originally, I was going to be a bit selective, but I think it is important for the benefit of members to be a little bit more expansive than I had originally intended. Is the minister comfortable with that?

For the benefit of members, I will go through the introduction to explain why there was a CCC investigation into the use of police dogs. It seems an oxymoron, but we will look at why the CCC felt it was necessary and whether it has had an impact. Is the minister all right?

Hon Stephen Dawson: I am just looking through the data.

Hon PETER COLLIER: I am really delighted. I am just making sure that the minister has some other pieces of information. The report reads —

- [1] In 2020, the JSCCCC conducted an inquiry into the Commission’s oversight of excessive use of force allegations against members of WA Police.
- [2] The JSCCCC report recommended the Commission undertake an audit of police dog bite incidents to determine whether the use of force was justified and adequately reported by WA Police.
- [3] The Aboriginal Legal Service of WA (ALSWA) provided the JSCCCC and the Commission with information suggesting the prevalent use of police dogs on Aboriginal and Torres Strait Islander persons. The historic and anonymised nature of the information impacted the Commission’s ability to verify the information and identify lines of enquiry, therefore limiting the assessment of each incident. Nevertheless, consideration was given to the concerns raised by ALSWA.
- [4] The Commission initiated a thematic review of the serious misconduct risks associated with the deployment of police dogs. Specific consideration was given to WA Police training practices; compliance with the Use of Force policy; and the likelihood of serious injury relating to police dog use.
- [5] The Commission’s thematic review included:
 - an analysis of WA Police data, including use of force reports involving police dogs;
 - assessment of all notifications of excessive use of force by a police dog made to the Commission in the 2020–2021 financial year; and
 - a random audit of use of force reports submitted for a one month period, including (where available) viewing associated body worn camera (BWC) footage.
- [6] WA Police officers are empowered to use such force as is reasonably necessary to reduce a threat and gain control of a person. Police dogs are one use of force option.
- [7] An officer may use a trained animal to assist in exercising their powers, so long as all reasonable measures are taken to ensure the animal does not injure a person or damage property.
- [8] The WA Police Canine Unit is responsible for the training of police dogs. This report focuses on the use of general purpose police dogs, trained to locate persons and bite on an ‘apprehend’ command.
- [9] The Canine Unit acknowledges deployment of a police dog may result in serious injury. When considering the level of force appropriate, a police officer is trained to make a decision based on the information and intelligence available to them, their appreciation of the situation and the

perception of the threat they face. As a use of force option it considers the use of a police dog to sit between a taser and firearm when an officer is considering what tactical response is reasonable in the circumstances.

- [10] Significant improvements in the deployment of police dogs and the mitigatory associated risks have been made since 2016.
- [11] The Canine Unit has undergone major reform. The introduction of contemporary training methods along with better dog selection has resulted in improved canine handler control.
- [12] WA Police has amended the circumstances in which police dogs can be used, with deployment now defined as either challenge or apprehend. Reporting is required in both instances. This has improved accountability when a dog is the use of force option selected by a handler.
- [13] The canine handler's use of a verbal warning is a key initiative in minimising the risk of injury. This warning raises awareness to the police dog's presence and provides an opportunity for the person to submit to arrest.
- [14] The Commission identified a gap in the policies and procedures specific to the use of police dogs.
- [15] The Canine Unit confirmed reliance on lesson plans from the training syllabus as providing the guiding principles for handlers. The absence of defined policies and procedures creates ambiguity as to the expected operational use of a police dog and hinders review of this force option.
- [16] Data analysis revealed a higher representation of police dog deployment on Aboriginal and Torres Strait Islander persons. The Commission did not identify any systemic factors which gave rise to the higher representation. It remains unclear what factors contribute to this higher representation.
- [17] The Commission makes two recommendations to WA Police:
- Undertake further analysis of police dog use to explore reasons for the higher representation of Aboriginal and Torres Strait Islander persons.
 - Develop and implement Canine Unit policies and procedures.
- [18] The Commission will review the WA Police response to these recommendations in 12 months' time.

That was the genesis of the report from the Corruption and Crime Commission. The recommendations made in the report are quite extensive and are extensively contained within the report itself. I draw members' attention to the report, *A report on the deployment of police dogs*, dated 11 May 2022, and to the various incidents that were used to come to those conclusions. Chapter 4, "Summary", states —

- [161] Since 2016 the Canine Unit has undergone significant reform.
- [162] In 2017, WA Police reported that unacceptable training methods and internal processes had led to a culture of under-reporting canine bites and ongoing canine behaviour issues. The lack of control posed a risk to the public, police officers and WA Police reputation.
- [163] In response, WA Police made significant changes to dog selection and training methodology.
- Before you didn't know if the dog was going to bite you or the crook ... now with the dog we have here that is command driven, we have a usable tool not a liability.*
- [164] The development of canine standards aligned to the Australia New Zealand Policing Advisory Agency (ANZPAA) Guidelines for Police Dog Handling was critical.
- [165] The following initiatives have since been implemented by WA Police to enhance a canine handler's control of the police dog during deployment:
- Selection of a different dog breed.
 - Changes to the police dog capabilities.
 - Improved initial training of both police dog and canine handler.
 - Mandatory ongoing training and competency assessment processes.
- [166] The changes implemented attempt to ensure the decision making, in every situation, remains with the canine handler.
- [167] In late 2020, WA Police invited the Commission and ALSWA to an information and demonstration session by the Canine Unit. The demonstration of police dog capabilities was particularly valuable in displaying the way police dogs are trained and used.

- [168] Police dogs were previously trained to stand off and bark, unless there was a threat. The decision to bite was based on the dog interpreting the threat, according to the circumstances and a person's behaviour. Now, police dogs are trained to bite immediately, with the canine handler responsible for deciding when and how to use the police dog.
- [169] With 'find and bite' training comes the risk that any contact with a police dog may result in the police dog biting the person. A key strategy in mitigating this risk is the verbal challenge. Where practicable, canine handlers are required to issue a verbal challenge of 'Police Canine! Come out now, or I will release the dog and you may be injured!'. This affords a person the opportunity to submit to arrest prior to any force being used.
- [170] The Canine Unit has further safeguarded the handlers' control by implementing emergency recall competency and use of an electronic collar. Both initiatives enable a handler to recall the police dog to the heel position, even after instructed to apprehend. This ensures the handler maintains control and the dog can adjust to changing circumstances.
- [171] Both the canine handler and police dog are also subject to regular testing of skills against core competency standards. The police dog's full operational status relies on achieving and maintaining the required standard.
- [172] In late 2021 and in response to logistical challenges involved in the ongoing training and testing of police dogs, WA Police decided to transfer all regional canine handlers and police dogs back to the metropolitan area. All police dogs are now based in the metropolitan region. However, they may be deployed to regional areas for specific operational needs.

Compliance with WA Police policy and procedures

- [173] In late 2018, the Canine Unit introduced two categories for the use of police dogs—'challenge' or 'apprehend'.
- [174] Both are used to reduce a threat and gain control of a person. However, the circumstances for use vary depending on the handler's perception of risk. A challenge does not involve physical contact between the dog and person. During apprehend the canine handler instructs the dog to make physical contact in the form of a bite.
- [175] Prior to any use of a police dog, the handler must reasonably suspect there is a risk of serious injury to any person or a risk the person will escape arrest for a serious offence. Only when the risk is **imminent** [emphasis added], can a police dog be used to apprehend.

It goes on; I will not read the entire summary. As I said, I have drawn members' attention to it. For the interest of members, I will read some components that led to the recommendations. The summary states, in part —

- [177] WA Police has an overarching Use of Force policy that outlines police dogs as a tactical option. It describes the justification for use and reporting protocols. In 2020, WA Police amended this policy to align to the Canine Unit changes made in 2018.
- [178] In response to this review, the Canine Unit advised that lesson plans from their training syllabus form the guidelines for dog handlers in the safe deployment of their police dogs, there is no additional policy, procedure or guidelines.
- [179] BWC footage now assists substantially with the internal and external monitoring of compliance with policy and procedures. However, in the absence of prescribed Canine Unit practices and procedures, it is difficult for external areas, including OSTF, to review and determine the appropriateness of a police dog deployment.

It goes on to say, in part —

Likelihood of serious injury

- [184] Legislation permits officers to use force and prescribes the circumstances for when force and animals can be used to exercise their powers.
- [185] An officer who uses an animal must take all reasonable measures to ensure the animal does not injure any person or damage any property.
- ...
- [187] The review considered the likelihood of a police dog to cause injury.

- [188] Thirty four percent of police dog incidents considered as part of this thematic review resulted in a person being apprehended and requiring medical treatment. Only one person received significant injuries that may have been considered likely to endanger life, or cause permanent injury to health.
- [189] Based on this limited information, the risk that a police dog will cause grievous bodily harm appears to be low. However, the sample size is too small to be definitive.

It also states —

Cultural and other considerations

- [194] In considering the actions of a canine handler in deploying a police dog, attention must be given as to what information was known by the handler, at that point in time, as to the ethnicity, age and vulnerabilities of the suspect.
- [195] Police officers work in dynamic circumstances and it is not reasonable to assume that every officer is aware of a subject's age and ethnicity prior to deploying a police dog. A subject may be hiding from discovery or the incident may be occurring at night or when visibility is poor.
- [196] The Commission's review has continued to identify a higher representation of Aboriginal and Torres Strait Islander persons as the subject of police dog use.
- [197] The review has not identified any evidence of canine handlers culturally targeting Aboriginal persons in the deployment of police dogs.
- [198] However, whatever the reason, the high representation is concerning.
- [199] As part of ongoing efforts across government to improve the criminal justice system for Aboriginal and Torres Strait Islander people, it is recommended the WA Police conduct a further analysis of police dog use to explore the reasons for this high representation.

That forms the basis of the reasons and the recommendations. It captures all the reasons, and I will go through the recommendations. It might take me a little bit of time, minister, but I think it is valuable for the benefit of members. It states —

- [200] Since 2016, WA Police has implemented continual improvements in respect to the deployment of police dogs. The changes have improved the visibility and accountability of this force option.
- [201] A number of the matters detailed in this report were notified by ALSWA to the Commission or WA Police, years after the incident had occurred. Such a significant delay in reporting limits the ability of the Commission to take meaningful action.
- [202] The Commission's review considered each matter and the appropriateness of the action against WA Police Use of Force policy in effect at the time of the incident. Some of the issues identified in these historic matters would not occur today, due to changes implemented by WA Police to policy, police dog capability and training practices.
- [203] While the full impact of these changes is yet to be measured, a further analysis of recent WA Police use of force reporting data suggests the total number of police dog deployments are trending downwards.
- [204] In addition, zero police dog deployments were reported in regional areas for the period October to December 2021. This is most likely a because of the centralisation of canine services.
- [205] Aboriginal and Torres Strait Islander persons continue to be highly represented, being the subject of sixty one percent of all police dog deployments for the 2020–2021 financial year.
- [206] The continued high representation of Aboriginal and Torres Strait Islander persons and police dog deployments is concerning. Further consideration by WA Police is required to explore reasons for this and if possible, to implement strategies to reduce the risks associated with the use of police dogs and aboriginal people.
- [207] In recognising the likelihood of serious injury, the Commission also encourages WA Police to continue to identify ways to reduce the need for a police dog to apprehend a person. WA Police advise that 'it will always seek continuous improvement in operational activities. The EM & SS Division will continue to work with Canine Unit to identify methodology to reduce the requirement for police dog interventions in apprehending suspects'.
- [208] The requirement of canine handlers to issue a verbal challenge prior to a police dog being used is considered crucial in providing an option for a person to succumb willingly to an arrest, without the need for force. While the review noticed some variation in the wording of the challenge used by officers, this is not unusual given the dynamic circumstances in which they are operating.

- [209] That being said, in the absence of Canine Unit policies and procedures, there remains a deficiency in understanding the expected practices of a canine handler and police dog. This creates ambiguity as to the appropriateness of the police dog use and limits the ability for consistent oversight of this force option.

As a result of all the information, there were a couple of recommendations. The recommendations are as follows —

- [210] The Commission makes the following recommendation to WA Police:
- Develop and implement WA Police Canine Unit Policy, Procedure and/or Guidelines.
- [211] WA Police response to this recommendation:
- In January 2022, WA Police Force's EM & SS Division commenced an assessment of Canine Unit's operations.*
- The assessments include:*
- *Developing formal Canine Unit Standard Operating Procedures and Guidelines; and*
 - *Reviewing all WA Police Force policies related to Canine Unit operations, updating and cross referencing accordingly.*
- [212] The Commission makes the following recommendation to WA Police:
- Undertake further analysis of police dog use to explore and address reasons for the higher representation of Aboriginal and Torres Strait Islander persons in police dog deployments.
- [213] WA Police response to this recommendation:
- WA Police Force will review the higher representation of Aboriginal and Torres Strait Islander persons involved in police dog deployments, noting it is likely tis may correlate with:*
- *The over representation of Aboriginal and Torres Strait Islander people in the criminal justice system; and*
 - *The higher proportion of Aboriginal and Torres Strait Islanders in regional WA, where over fifty per cent of reviewed incidents occurred.*
- [1] The Commission commends WA Police for addressing the recommendations already. The Commission will conduct a review of the WA Police response to the recommendations in 12 months' time.

That is what I said, minister. I have really enjoyed this portfolio. From my observations, WAPOL always rises to the occasion with these things. It has taken it on board as far as the Corruption and Crime Commission is concerned. However, the CCC was going to do a review in 12 months' time. That review has been done and it was tabled in October 2023. It started the review earlier than anticipated, so let us see how things are going and whether changes have been made to the procedures for the use of police dogs.

As I said, this was tabled in October last year, but the review commenced a little earlier. The report states —

- [20] In February 2023, the Commission wrote to WA Police requesting an update.
- [21] WA Police responded and advised they were conducting a holistic review and assessment of all facets of the Canine Unit. This includes addressing the two Commission recommendations.
- [22] The response outlined the following key initiatives and actions:
- Recommendation One: Develop and implement WA Police Canine Unit Policy, Procedure and/or Guidelines.**
- Creation and development of Policy, Police Manuals and Standard Operating Procedures, including Use of Force, Deployment of Police Dogs, Requesting Canine Resources and Management of Police Dogs.
 - Structural changes being made to the Canine Unit Training Team.
 - Review/endorsement of the General-Purpose Police Dog Training Course.
 - Development of a process for Senior Officer attendance at scene following a police dog apprehension (bite).
 - Assessment of the current Canine Section single officer patrol.
- Recommendation Two: Undertake further analysis of police dog use to explore and address reasons for the higher representation of Aboriginal and Torres Strait Islander persons in police dog deployments.**

- Development and implementation of an IT solution for recording and reporting Canine Unit tasking and police dog deployments.
- Engagement of the Sellenger Centre from Edith Cowan University (ECU) to conduct research into Canine Unit operations. Specifically, to:
 - undertake analysis of reported data to explore if Aboriginal persons are overrepresented in police dog deployments;
 - review and research the WA Police Force Manual Use of Force Policy, which relies on the belief that a dog bite injury is not intended or likely to result in Grievous Bodily Harm.
- Review the tasking and deployment process for canine resources to ensure it is aligned with legislation and policy.

I am about to hit the killer blow, minister. I want all members to look and learn; this is how you bring down a government. Do members notice how I have created my case? Members have all been listening intently. Just wait, look and learn.

The next part is the Corruption and Crime Commission's review. The minister will notice how I staggered my questions tonight. What was the final question I asked about?

Hon Stephen Dawson: In question time?

Hon PETER COLLIER: Yes, what was my final question in question time?

Hon Stephen Dawson: The final one was about police dog training.

Hon PETER COLLIER: Exactly! I did it that way and asked it right at the end of question time. I kept everyone waiting.

Hon Stephen Dawson: I paid attention, and I took a copy of it.

Hon PETER COLLIER: Thank you. The minister would be worried right now. The report continues —

Commission's review

- [23] In May 2023, Commission Officers met with WA Police representatives from Emergency Management & Specialist Support Division, including the Canine Unit, to understand the status of the initiatives.
- [24] WA Police confirmed that a Project Manager and working group had recently been established earlier that month.
- [25] WA Police explained the project addresses the Commission's recommendations and includes a wider review of the Canine Unit operations. However, most if not all these actions are yet to be completed.
- [26] In the past 12 months, WA Police have engaged ECU's Sellenger Centre to assist with research into police dog operations. As a result, a new reporting tool was developed to aid data collection on police dog deployment. Despite aligning the research project outcomes to the Commission's review date, this information is not yet available.
- [27] WA Police are presently unable to show the results of many of the proposed actions and initiatives. It is likely the outcome of research will assist in developing policy and procedures.

Here we go!

Hon Samantha Rowe: Should we brace ourselves?

Hon PETER COLLIER: I think you should. The report continues —

- [28] WA Police have committed to completing Recommendation One by March 2024.

I draw members' attention to a question I asked today in question time —

I refer to the commitment of the Western Australia Police Force to —

Minister, this is very important.

Hon Stephen Dawson: Sorry. My colleague was asking me how serious this issue was.

Hon PETER COLLIER: It is very serious. I asked —

I refer to the commitment of the Western Australia Police Force to complete recommendation 1 of *A report on the deployment of police dogs*, tabled in the Legislative Council on 11 May 2022, by March 2024.

Remember that it is now May. The question asked —

(1) Has recommendation 1 been completed?

The response was —

(1) Recommendation 1 is partially complete.

It has not been completed! I also asked —

(2) If not, why not, and when will it be completed?

The answer was —

(2) The training components are anticipated to be completed by July 2024.

I ask the minister: is that a good government, one that cannot even keep a commitment to have that review done by March? I told the minister that it was going to be fatal. You watch!

Hon Stephen Dawson: Do you want me to answer that now or do you want me to wait?

Hon PETER COLLIER: No, just watch all the minions in Dumas House, who will now be running around, asking, “What we do? How do we respond to this?” The CCC report continued —

[29] WA Police predict these actions will reflect an overall culture change within the Canine Unit.

[30] In addition to proposed structural changes, there will be a focus on the fact that a canine handler is a ‘police officer first’ and that the measure of success for a police dog deployment should be an apprehension without a bite.

[31] Given most initiatives remain in their infancy or are yet to be commenced, the Commission’s review is limited.

We have got a long way to go, do we not, minister? It continued —

CONCLUSION

[32] The decision to conduct a wider review of the Canine Unit operations and not simply address the Commission’s recommendations, demonstrates a commitment by WA Police to wholesale change.

Hon Stephen Dawson: As you have said, they are a good agency.

Hon PETER COLLIER: It is a very good agency. I have a lot of respect for WAPOL. I continue —

[33] The changes proposed to the Canine Unit culture, personnel/structure and operating practices are important and will require time to implement.

[34] It is recognised that, at a minimum, the new reporting will assist WA Police in reviewing police dog deployments and how these align to legislation, policy, and practices.

[35] The Commission acknowledges the commitment of WA Police to addressing the inherent risks associated with the use of police dogs. However, it is considered too early to assess whether the two recommendations have been addressed.

[36] The Commission will conduct a further review of action taken by WA Police in 12 months’ time.

The jury is out about whether the Western Australia Police Force has actually met the recommendations of the original report, but it has certainly made some inroads. I think my intense scrutiny of the government during question time and my comprehensive coverage today show how we cannot, for a moment, be complacent. That is the role of His Majesty’s loyal opposition: to scrutinise government and make sure that government adheres to its commitments.

I genuinely did not mean to be flippant tonight. This is one of those occasions when governments and oppositions work together. I took one for the team tonight. Yes, I extended my comments a lot further than I originally intended, but, with all due respect, the reports from the CCC are important. To be perfectly honest, members could have read the report. I intended to have a much more condensed precis of the CCC reports, but it does not hurt at all to read them in.

Suffice it to say that the bill itself is a good piece of legislation. It does something that the opposition supports, which is to ensure sanctions for anyone who hurts or maims a police dog or a police horse, which are both essential in assisting in the maintenance of law and order, particularly in high-population areas and in some areas of the regions. It is absolutely appropriate. We think that the sanctions are appropriate, and the sooner they start, the better. This legislation will probably not go through tonight as I am sure some other members would like to contribute, but I would like to think that we will get through this tomorrow and then it can become law as soon as possible. Having said that, the opposition supports the bill.

HON DAN CADDY (North Metropolitan) [5.47 pm]: It gives me great pleasure to stand and speak about the Criminal Investigation Amendment (Protection of Law Enforcement Animals) Bill 2023. While I have been listening

to the outstanding and voluminous contribution of Hon Peter Collier and the details he went into, I have been reflecting. I will not speak for as long, but I will take a somewhat different tack.

This may appear to be a bill about protecting police assets; however, at its core I see this as a bill about animal welfare. The bill recognises the value of police animals, not just as values on a balance sheet but also as critical and important members of the Western Australia Police Force. As I have done in the past on numerous occasions, I will always stand in this place in support of enhanced protection for animals, including working animals, of which police horses and police dogs, or the mounted and canine units, are a subset.

In my mind, animals fall into five categories. I will go through the categories, and when I get to the end, I will tie this back. We have wild animals, livestock, pets, animals involved in sport—I use that term loosely in some instances—and working animals, which are the animals we are talking about here today. Why do I say this? I say this because there are all sorts of laws that govern each and every one of these categories of animals. At the moment, we are catching up with laws for working animals. For wild animals, we have protected species on land, air and sea. Some of them are protected because they are native species, and some because they are endangered or in some instances critically endangered. That is not specific to Western Australia or Australia; those sorts of laws apply in many jurisdictions around the world. Then when we get to livestock, there are numerous laws around the way primary producers look after their flocks or their herds. There are laws around the way people need to keep their animals on a farm. There are laws about transporting animals, whether it is domestic or for export. There are laws for the processes around selling livestock. A lot of these laws have been updated recently in different jurisdictions, but most of these laws go to the inherent value we put on livestock as animals, not necessarily as dollars on a balance sheet. I have spoken before about my family history of farming. I know that, yes, my grandfather, my uncles, and other family made money from livestock, but, at the end of the day, the welfare of the animals was first and foremost in our minds.

We have laws around how we treat our pets. We have minimum standards laws and indeed if someone's pet—no matter what it is, but it is generally dogs—is not treated properly, the owner may well find themselves reported. We have laws around restraining certain breeds, especially of dogs. There are three registered breeds of dogs. I spoke recently about greyhounds as pets. Once they finish racing, they have to be kept on leads. At the start, people considered the laws around greyhounds as pets to be for public safety, but they are as much for the welfare of the animal as they are for anything else. I have spoken about those before and the changes to the laws around how we treat greyhounds once they have finished racing.

I just spoke about greyhounds, but sports animals are a good example, because there are laws around the treatment of sports animals. There are others, but I am thinking specifically of horses and dogs, which is why this is a good point to make. Just this morning, Hon Samantha Rowe and I, along with Hon Peter Collier and Hon Dr Brad Pettitt, spoke with representatives from Racing and Wagering Western Australia about a recent initiative that will mean that the transporting of greyhounds can only be done in air-conditioned vehicles. A lot more focus will be put on the temperature control of kennels on race days and myriad other things around that. I cannot remember the name of the actual thing, but it is basically their hot day regulations. Once again, that is around animal welfare. There are similar things with horses. We have vet checks and all of these sorts of things.

The other thing that is interesting with sporting animals—greyhounds, thoroughbreds and harness racing horses—is that when it comes to their sport, for want of a better term, they are treated as we treat human athletes. They are swabbed. There are laws around substances they can have in their bodies and, if they fall foul of that, a very similar process is followed to what happens with a human athlete. To me, that is an important point, because that is where this ties back quite particularly to this bill and what we are doing for police animals. We are in effect treating them or protecting them in a way we would treat human police officers that are either sitting on them, serving with them, handling them or whatever terminology you may want to use. This is a critical point. When we look at working animals, we have to make sure that they have, as best as can possibly be, the same protection as the humans they work alongside.

I will talk about it a bit more later because there are different categories of working animals, but it is particularly important for police animals because they tend to work in volatile environments for some of their working life. They are probably more prone than other working animals to experience maltreatment. That might be the best way to put it. This bill will create a two-limbed offence provision —

Hon Darren West: Shouldn't it be four-limbed?

Hon DAN CADDY: Very good interjection, Hon Darren West. Comedy hour is tomorrow morning, but I welcome the interjection. It is fantastic.

The first limb is assaulting, injuring or killing an animal that is being used by an officer, and the second limb is assaulting, injuring or killing an animal on account of it being an animal that is used, trained to be used or maintained for use by officers. This means a targeted attack, whereby someone may attack an animal when it is not working, for want of a better term. This will stop that as well. A penalty will be seven years' imprisonment, with a summary conviction of three years' imprisonment and a fine of \$36 000. In circumstances of aggravation, imprisonment will

be an option as well, and killing an animal could lead to imprisonment for several years. Obviously, there will always be extenuating circumstances in some cases, so the bill includes reasonable excuse defences that are clearly spelt out. Self-defence provisions is the way I would use them, which reflect similar provisions in the Animal Welfare Act, if I am not wrong. All Criminal Code defences will also apply. The bill will also empower the court to make an order for restitution for the reasonable costs of treatment, care, rehabilitation, retraining or replacement of a police animal that has been assaulted, injured or, in the worst-case scenario, killed.

I did not want to speak for long, but I also want to take this opportunity to talk generally about both the mounted section and the canine section. Positions in the mounted section and especially the canine section are incredibly sought after. That is my understanding, and I am happy to be corrected. Members may be interested to know that frontline experience as a police officer is a more important prerequisite to join the mounted section than horseriding and handling skills. Indeed, I spoke to a young man not long ago who was very eager to join the police. He wanted to do his six months at the academy and go straight to the mounted section. I said to him that I am not an expert on this, but I do not think that is how it will work. He said that he had ridden trails through Montana and had ridden horses for years and years, so I said that he may want to look to see how it works. I do not know what he decided to do. I certainly hope he made the decision. All staff obviously have to do a substantial riding course upon joining the section. I believe there are also regular assessments.

Although the mounted section has been in operation for what must be 90 years now, mounted policing has seen a re-emergence not just here in Western Australia but in other parts of the world and is considered to be an extremely important method of policing for the twenty-first century. As I have said many times in this place—I have spoken about the Western Australia Police Force on a number of occasions—our police are responsible for the largest policing jurisdiction in the world. I am reliably informed that the mounted section makes itself available across the entire state, from the Kimberley to Albany out to the goldfields, which is pretty impressive. I have spoken before about being breathalysed by a mounted police officer in York Street in Albany and I retold the joke I had with the officer. She was fantastic. I am showing my age, but I have a great polaroid—actually, it is not a polaroid; it is a digital photo—of her contorted on the horse trying to get through the window to breathalyse me. That is something I will never forget.

WAPOL will tell you that a police horse provides a unique platform with an excellent 360-degree view, from a great height, of the surroundings and of not just colleagues, but also anyone at ground level. Horses are used a lot in crowds. Even someone with my short stature has an excellent view of events in a crowded area when on horseback. I think that is important. Speaking about being in a crowded area, this goes to one of the reasons that this bill is so important. Hon Peter Collier gave us some of the history of the reasons for it and why the police union, for example, is so keen for this bill to be enacted. The roles of the horses and officers who ride them are mixed, obviously. They perform some ceremonial roles and are also involved in search-and-rescue operations in what I expect would be difficult terrain. In my experience, and from what I have been told, for most of the time the mounted units are deployed where there are large crowds, and often that is in the urban environment. That brings me back to what the bill is all about. It is no stretch to point out that in some cases when officers are on horseback among large crowds, those situations may be volatile. I suggest that is the reason that the mounted unit is there in the first place.

We all saw the horrible footage a couple of years ago of a police horse being attacked in Queensland, I think. That goes to the analysis and the requests from the police union. It is for this very reason that the amendments we are talking about today are important to protect a valuable asset of the state. I heard earlier that the dollar value of a horse is \$150 000 and a dog is \$15 000, but it is also about the life of the individual animals and the place that the animal has with the officer who handles them. As members of this place and, more importantly, as members of the Western Australian community, we owe a great debt to the dedicated officers, ancillary staff and horses of the mounted section of our Western Australian police force. This is a shout-out to them and the work they do. It is an opportunity to say thank you. I am sure that this legislation will be welcomed by them.

I have spent my time talking about horses, but I do not want to miss out on the canine section. The canine section of the Western Australia Police Force is a much newer beast than the mounted section. I think it is some 30 years old. It started off with a couple of German shepherds. I grew up with German shepherds. I do not remember a time before I had a German shepherd. They were called Luther and Romell. We did not name them; the names were given to them when we got them as puppies. They are incredibly intelligent, loyal and capable dogs. It is little surprise that German shepherds were the first dogs used by the police force. German shepherds and Belgian shepherds are used by police forces not only here, but also right across the world. I have never had the pleasure of visiting the canine unit here in Western Australia, but I saw a European facility in my time living abroad. The bond between the officers and the animals is absolutely incredible.

WA police quickly realised after the inception of the canine unit 30 years ago that the canines were an incredible addition. Since then, the number of dogs has steadily grown. I need to refer to my notes because there are several teams, including the narcotic detection dogs, general purpose dogs, dual purpose dogs and also a dedicated training cell. I had a quick look at the WAPOL website to see what it could tell me about the canine section. It operates for

24 hours a day, seven days a week. The support that it provides to the frontline staff—this will bring it back to the bill—are the apprehension of violent offenders; narcotics detection in houses, buildings, vehicles, vessels and aircraft; lecturing on the role of dogs in policing; responding to antisocial behaviour, demonstrations and riots; and tracking and searching for offenders involved in criminal activities. At least three of those support roles, if not four, are what can only be described as being at the pointy end of policing. As I outlined earlier, the mounted units often attend large gatherings that may be a bit unsettled. That is no different for the dogs. They will often work in difficult, if not volatile, situations. Once again, they are critically important. As with the horses and the officers who work with the horses, I take this opportunity to recognise the hardworking humans and dogs of the Western Australia Police Force canine section.

Hon Peter Collier made the point at the start of his lengthy contribution that this bill will be supported by the community. I agree with that. I have absolutely no doubt that it has support across not only this chamber, but also the Western Australian community. In a wider sense, the public perception of animal welfare has moved drastically over the last decade, which is a good thing, and this bill is another example of that. We have debated more than one bill in this place either pertaining to or having a major component of which relates to animal welfare. The Animal Welfare and Trespass Legislation Amendment Bill and the Dog Amendment (Stop Puppy Farming) Bill 2021 are examples of that. We have seen a marked increase in the media coverage of animal welfare, once again, not just in this state or country but around the world. That is primarily in the area of primary production. I do not think that is always welcome or the best thing, but this government has recognised that over the years. Indeed, the former Premier delivered an additional \$800 000 in funding boosts last year split across six organisations that look after various animals. I believe that one of those was the Dogs' Refuge Home, as referred to by Hon Peter Collier; I believe he is a patron of that organisation.

I will circle back and come back to the bill itself. In fact, the history of this legislation goes back to when we were in opposition. Ahead of the 2017 election, the then opposition leader, later the Premier, made a commitment to the people of Western Australia and to the Western Australian Police Union that he would create or codify an offence for assaulting a police animal or animals. I have already referred to that. At the time, there was some pretty dramatic footage from other jurisdictions of things that had happened. This legislation was important to the Western Australia Police Force because of the animals it has. I think it has roughly 50 animals, if I am not wrong, and its horses and dogs are trained and used for several purposes, as I have outlined tonight. The primary use for the dogs is to track and apprehend offenders. One of the dot points I spoke about was an education piece, which must be an absolute thrill. I assume that officers take the dogs out to schools. I can only assume that is something that happens; I am not sure from reading that. I know that in my time living abroad, I had lots of friends who were members of the local police force, and, indeed, some who were members of the dog unit there. One thing they did regularly was visit schools as part of police relations; when they visit schools with a dog, they are twice as popular as they would have otherwise been. Other than that, noting the points I have here, these animals are primarily used at that pointy end, as I have said before.

The statistics that were compiled by the WA Police Union and presented to the current government, which was the opposition at the time, absolutely showed that police animals were often subject to assault when they were being used to apprehend offenders. Those statistics showed that since the start of 2015 there had been 32 charges relating to 26 assault incidents involving law enforcement animals. When we came to government, following consultation with the Attorney General's office and the Director of Public Prosecutions, we made the decision to create an offence within the Criminal Investigation Act, as this is the act that provides the power for police officers to use police animals in the course of their duty. As I read in earlier, this is a duo-legged act with different penalties applying.

I do not want to take up all the time, but there is not much time left for us to talk tonight anyway. I think that the absolutely critical part of this legislation is that as well as protection for the animals, it should give the handlers—I call them handlers because I am referring to those who are with the dogs—or the mounted officers heart to know that there are provisions in place and that hopefully these provisions will have a preventive effect on anyone out there, whether those people are part of a large crowd, as we have pointed out, or are individual offenders who are being tracked and pursued by police dogs. It is good legislation; it is necessary legislation. I think Hon Peter Collier may have alluded to this in his comments, but this legislation will bring Western Australia into line with most other states. I know that Queensland, New South Wales, the Northern Territory, South Australia and Tasmania already have similar legislation in place. As Hon Peter Collier said, we are not sure exactly where Victoria is at. But, most importantly, this legislation will provide protection for our—I say “our” because they are ours—frontline animal resources. I wanted to say “animal officers”, and I know from my experience with dog handlers overseas that that is how they see their dogs. They do not distinguish between their human colleagues and the dogs they are working with as they go out into their work day. Whether it is one of those days when they are on an education drive or they are out looking to apprehend someone, they 100 per cent look at these animals as their partners and consider them one of them. I have seen firsthand the relationship between dog handlers and their dogs.

This is a fantastic and universally supported bill. It is a very important bill. It is not before its time. It is here, and I go back to what I said. As a government, we have done a lot in the space of animals and animal welfare. With that, I take my seat. I commend this bill to the house.

HON LORNA HARPER (East Metropolitan) [6.16 pm]: We have just a few minutes left before we go to members' statements. I am honoured to stand and speak on the Criminal Investigation Amendment (Protection of Law Enforcement Animals) Bill 2023. I am delighted that we have a bill here that will protect the horses and dogs that really are officers of the law. I am a great dog lover. My dogs are spaniels, not German shepherds, because I am rather short in stature; German shepherds are usually about half my size. I have met a few police horses. I remember they used to come round the street where we lived near Bayswater, and we would hear them. I try to stay away from them because, again, with my size, I think the horses are rather large. While I was researching this to be able to have a quick chat, I was delighted to learn that the Clydesdale horses—the horses traditionally used with the mounted police—actually come from Scotland. Again, us Scottish migrants come in here, and we have even brought our horses.

Hon Jackie Jarvis interjected.

Hon LORNA HARPER: Our horses took the jobs of the Australian ones, yes! These horses are spectacular. The height of those horses scares me, but when we are out in the city and we see mounted police officers, it is a sight to behold. The fact that people would actually attack or punch a police horse, or would try to harm a police dog, is really pretty sad. Yes, these animals deserve protection, and 10 years' imprisonment for killing a police dog is the protection that we need to give them. These are also officers of the law. If we think about it, a police dog cannot read somebody their rights, to use an American term, and arrest them, but they can hunt them down. These dogs are highly trained to be able to find drugs and hunt down people who are hiding. We see it on the news when dogs hunt down people hiding in a bush. If a police officer and an Alsatian were running after me, I would hide, as well!

Debate adjourned, pursuant to standing orders.