

CRIMINAL INVESTIGATION AMENDMENT BILL 2009

Introduction and First Reading

Bill introduced, on motion by **Mr R.F. Johnson (Minister for Police)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.F. JOHNSON (Hillarys — Minister for Police) [12.32 pm]: I move —

That the bill be now read a second time.

The government is introducing this bill in response to an increasing concern by government, police and the community in relation to the proliferation of weapons and the increasing number of incidents of violence and antisocial behaviour in entertainment precincts. As a result of this, it has been identified that powers of search need to be extended to enable police officers to stop and search people and vehicles in these areas without the consent of the person and without the need for the usual reasonable suspicion test.

Currently, under the Criminal Investigation Act 2006, police officers may stop and search a person or vehicle in a prescribed or declared area and seize any thing found that is relevant to an offence or that the officers reasonably suspect may endanger the place or people within it. However, these powers are limited and can be exercised only when the person provides consent for the search to occur. The problem with this is that if a person does not consent to a search, police officers can then only refuse the person entry to the relevant area. This leaves the potential for drugs and weapons to remain in public, which therefore may lead to their engagement in violent and other antisocial acts of behaviour.

The bill will insert new provisions into the Criminal Investigation Act 2006 in a new section that will enable police officers to stop and search people in prescribed and declared areas without the consent of the person. Police officers also will not have to rely on the reasonable suspicion test in these areas. To provide some safeguards to the public, police officers can exercise these new search powers only within a public place contained in the specified or declared area. This ensures that police cannot use these powers within a private residence that might be within the specified area. Searches of private residences will still be subject to the normal search warrant provisions. Furthermore, only a basic search of a person will be able to be conducted, which includes the use of metal detectors; the removal of a person's outer clothing, such as hats, jackets and shoes; and a pat-down search of the person. But if a person was found in possession of weapons, drugs et cetera, that person would be arrested and then a strip search might occur subject to the current provisions of the Criminal Investigation Act 2006 that allow for strip searches to happen in certain circumstances. During the search, should the officer locate any thing that is relevant to an offence that he or she reasonably suspects may endanger the place or people within it, the officer may seize that item.

Under the new provisions, an area can be specified either in regulations or by declaration of the Commissioner of Police. Areas specified in regulations can operate for up to 12 months, whereas the commissioner can declare an area only for up to two months. To provide flexibility and to better target the exercise of these new powers, an area can be specified or declared to operate only on certain days of the week or at certain times on these days. Furthermore, the commissioner will be able to make a declaration only with the approval of the minister. Details of any declaration made by the commissioner will be published in the *Government Gazette*. The commissioner will be able to delegate his power to the deputy commissioner or any assistant commissioner. To ensure that these new powers are operating effectively, the bill requires the minister to carry out a review of the operation and effectiveness of these new police powers after they have been in operation for five years.

I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.