



NSW Police Force Submission

PARLIAMENT OF AUSTRALIA
**PARLIAMENTARY JOINT COMMITTEE ON LAW
ENFORCEMENT**

**Inquiry into an Australian Standard for the training and use of
privately contracted security and detection dogs**

Terms of Reference

On 16 October 2019, the Parliamentary Joint Committee on Law Enforcement commenced an inquiry into the development and introduction of an Australian Standard in relation to the training and use of privately contracted security and detection dogs, with particular reference to:

- (a) the adequacy of current Australian arrangements, and the potential benefits of introducing a National Standard;
- (b) funding, administration, and enforcement implications of the introduction of a National Standard;
- (c) the nature and effectiveness of models adopted in overseas jurisdictions;
- (d) any issues arising in the context of the work of law enforcement agencies, including the Australian Federal Police, in relation to the training and use of privately contracted security and detection dogs, or insights from law enforcement that might help guide the development of an appropriate National Standard; and
- (e) any related matters.

Submission

The NSW Police Force (**NSWPF**) has previously supported and continues to support the development of a national standard for security patrol dog teams and would welcome involvement in the process.

However, the NSW Police Force does not support the development of a standard for drug detection dogs. The NSW Police Force also does not support the development of a standard for explosive detection dogs. NSWPF considers that there is a strong argument for prohibiting privately operated explosive and drug detection dogs on account of significant and unacceptable risks to public safety, and legal and liability risks associated with their use.

These risks include, but are not limited to, security licensees not having the legal authority to stop, search and detain people to whom dogs provide a positive indication, and for licensees to take possession of explosives located during a search.

The NSW Police Force does not consider that there is a current or foreseeable need to call upon the services of explosive detection dogs operated by the private sector. Moreover, applying necessary regulatory control to private sector explosive detection, would create significant resource implications in NSW.

It is noted the national training package (CPP31318- Certificate III in Security Operations) does not contain any units of competency relating to handling explosive detection dogs. To regulate such training, additional assessment standards would need to be imposed to:

- (a) ensure competency of the detection dog handler to control the dog during the execution of a systematic search,
- (b) accurately interpret change in detection dog behaviour associated with odour detection/identification, and
- (c) carry out the final response.

Furthermore, the introduction of new training and assessment requirements for explosives detection, would require all existing licensees in the NSW Class 1D (guard dog handler) licence category to re-train to maintain their licences.

It appears likely that the effective regulation of training would rely heavily on the NSW Police Force Dog Unit; as it is the only source of technical expertise and experience for dog explosive detection in NSW.

It would also be expected that, given the public safety, legal and liability risks associated with the private provision of explosive detection dog services, there would need to be a proactive regulatory program in place, for master licensees that provide explosive detection services.

At present in NSW just over 1 per cent of class 1 security licence holders are in the 1D subclass, the category permitting dog handling.

There are currently nine Registered Training Organisations (RTOs) in NSW approved to deliver training for guard dog handlers, only two of which have delivered courses in the last 3 years.

It is anticipated, therefore, that only a small number of master licensees would be in a position to provide explosive detection dog services due to the costs associated with the care, welfare and training of detection dogs, the continued training and accreditation requirements for dog handlers; as well as the small number of private security operatives likely to be trained to perform such duties.

Coupled with what the NSW Police Force considers the already satisfactory coverage provided by its own explosive detection dogs and the need to mitigate safety, legal and liability risks, the resources required to regulate the training of detection dogs and their handlers is disproportionate to the value they would provide to community safety.

In regard to the development of a national standard to guide the operation of biosecurity detection dogs by the private sector, NSWPF has not previously reached a corporate position on this. While their training and deployment can be expected to present some of the same concerns posed by explosive detection dogs, NSW Police Force will require more information and assessment to indicating its position.

Current New South Wales Legislative Provisions

Within the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) there are two relevant Parts relating to the lawful use of detection dogs within the state.

Part 11, Division 2 – Use of Drug Detection Dogs provides for police powers and responsibilities in relation to NSW Police Force use of drug detection dogs within the community, including their use on specific premises and public transport.

Part 13 – Use of Dogs to Detect Firearms and Explosives provides for police powers and responsibilities in relation to police use of firearms or explosive detection dogs.

With respect to the provision of any such services by private individuals or companies the provisions of the *Security Industry Act 1997* (NSW) becomes relevant.

Under the Security Industry Act the provision of drug, firearms or explosive detection dogs by private companies or individuals is not explicitly allowed nor prohibited by the Security Industry Act beyond the provisions in sections 4, 11 and 23 of the Act.

Section 4 – Carrying on a “Security Activity” defines such as activity as including *“patrolling, protecting or guarding any property by physical means (which may involve the use of dogs...”*

Under **Section 11 – Class 1 licences** a class 1D licence *“authorises the licensee to patrol, protect or guard any property with a dog,...”*

Section 23 – Special conditions – master licences provides *“It is a condition of every master licence that the master licensee must not provide persons to carry on a security activity with a dog except with the approval of the Commissioner.”*

As such, the use of dogs to undertake detection activities by private companies or individuals is currently only permitted in NSW for persons carrying on a security activity with a dog with the approval of the Commissioner of Police and as a part of patrolling, protecting or protecting property under a class 1D licence.

This has been further clarified in the Act since May 2017 when amendment was made to the Act to remove then **section 23D – Special Conditions – dog handling security services** and **section 23F – Special Conditions – class 1A, 1B, 1C, 1E of 1F licensee not to use dog** (see *Security Industry Amendment Act 2017*) to clarify that master licensees must not provide persons to carry on a security activity with a dog, except with the approval of the NSW Commissioner of Police.

Summary

The NSW Police Force supports the development of a national standard for security patrol dog teams and would welcome involvement in the process.

The NSW Police Force does not support the development of a standard for drug detection dogs. The NSW Police Force opposes the development of a national standard for explosive detection dogs. This is because the associated risks and the resources required to regulate the training of detection dogs and their handlers outweighs the value the standard would add to the community.

The NSW Police Force is not in position to indicate its position on the development of a national standard for biosecurity detection dogs at present.