

POLICE — VEHICLE SEARCHES

3230. Mr M. McGowan to the Minister for Police:

- (1) What are the current limitations or conditions on police being able to search vehicles for the presence of illicit drugs?
- (2) What are the current limitations or conditions on the use of drug detection dogs being allowed to enter vehicles to detect illicit drugs?

Mrs L.M. Harvey replied:

- (1) Section 23 of the *Misuse of Drugs Act 1981* (MDA) and section 39 of the *Criminal Investigation Act 2006* (CIA) provide police with the power to search vehicles for the presence of drugs.
- (2) Inherently within section 23 of the MDA, there is a power for a police officer to use such force as is reasonably necessary and such assistance as the officer considers necessary. It is this power that WA Police rely on for the use of drug detection dogs.

Under the CIA, section 15 also provides an officer with the power to use assistance of others in order to exercise a power. Section 17 of the CIA specifically provides an officer with power to use animals in the exercise of any powers under the CIA, provided:

the animal has been trained for the purpose for which it is used;

use of the animal is reasonably necessary in the circumstances; and

the officer takes all reasonable measures to ensure that animal does not injure any person or damage any property.