

DPC 13/001068

Ms Ronda Miller
Clerk of the Legislative Assembly
NSW Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000

24 APR 2013

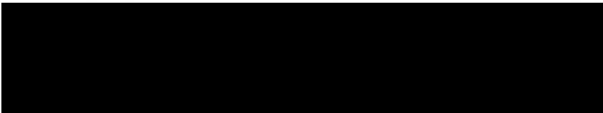
Dear Ms Miller *Ronda,*

I am pleased to advise of the Government's response to the report by the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission entitled 'Report on the Use of Anti-Personnel Spray and Batons by Police Integrity Commission Officers' (Report No. 6/55, December 2012).

The Government supports the recommendations of the Committee that it is appropriate to provide the same exemption for appropriately trained 'other' PIC officers in relation to the use of firearms and other police equipment as exists for PIC officers who are former police officers. The Government proposes to implement these recommendations by amendments to Section 124 of the *Police Integrity Commission Act 1996*. These amendments are contained in the *Independent Commission Against Corruption and Other Legislation Amendment Bill 2013* which was introduced into the Legislative Assembly on 14 March 2013.

I enclose a table setting out the Government's response in more detail.

Yours sincerely



Barry O'Farrell MP
Premier

Committee Recommendations	Government Response
<p>RECOMMENDATION 1</p> <p>The Committee recommends that section 124 of the <i>Police Integrity Commission Act</i> be amended to provide the same exemption for appropriately trained 'other' PIC officers in relation to the use of firearms and other police equipment. The Committee recommends that this be achieved by way of the proposed section 124 outlined in Recommendation 4.</p>	<p>Supported.</p> <p>Section 124(1) and (2) to be extended to "appropriately trained officers" by amendments proposed in the ICAC and Other Legislation Amendment Bill 2013.</p>
<p>RECOMMENDATION 2</p> <p>The Committee recommends that in any circumstances where officers of the PIC are required to provide personal details to the NSW Police Force in relation to licensing and permits for firearms and weapons, consideration be given to permitting those applications to be provided on an unidentified basis.</p>	<p>The exemption to be provided for appropriately trained officers of PIC by the proposed amendments to section 124 will mean that officers will not be required to make applications to the NSW Police Force.</p>
<p>RECOMMENDATION 3</p> <p>The Committee recommends that the provision of firearms and weapons to officers of the PIC should be granted by way of clear legislative statement, and not by way of a corporate licence. The Committee recommends that this be achieved by way of the proposed section 124 outlined in Recommendation 4.</p>	<p>Supported.</p> <p>The exemption to be provided for appropriately trained officers of PIC by the proposed amendments to section 124 will provide a clear legislative statement in relation to the provision of firearms and weapons to PIC officers. The firearms and weapons legislation will still require a corporate license to permit the PIC to acquire and store firearms and weapons on PIC premises.</p>
<p>RECOMMENDATION 4</p> <p>The Committee recommends that section 124 of the <i>Police Integrity Commission Act 1996</i> be amended to clearly provide 'approved former police officers' and other appropriately trained investigators of the PIC with the authority to possess and use firearms and weapons in a manner consistent with NSW Police Force officers, by including in section 124(2) a list of approved weapons.</p> <p>The Committee recommends that consideration be given to replacing section 124 with the following text:</p> <p>Section 124 Firearms and other police equipment</p> <p>(1) Commissioner investigators, and Commission surveillance officers, who are seconded police officers, approved former police officers, or certified by the Commissioner as appropriately trained, are exempt from the requirement made by the <i>Firearms Act 1996</i> to be authorised by a licence or permit to possess or use semi-</p>	<p>Supported.</p> <p>On the advice of Parliamentary Counsel, it is proposed that the amended section 124 will read (amendments in bold):</p> <p>Section 124 Firearms and other police equipment</p> <p>(1) Commission investigators, and Commission surveillance officers, who are seconded police officers or approved former police officers or appropriately trained officers are exempt from the requirement made by the <i>Firearms Act 1996</i> to be authorised by a licence or permit to possess or use semi-automatic pistols (or to possess ammunition for any such pistol), but only when acting in their capacity as officers of the Commission.</p> <p>(2) Commission investigators, and Commission surveillance officers, who are seconded police officers or approved former police officers or appropriately trained officers are exempt from the</p>

<p>automatic pistols (or to possess ammunition for any such pistol), but only when acting in their capacity as officers of the Commission.</p> <p>(2) Commissioner investigators, and Commission surveillance officers, who are seconded police officers, approved former police officers, or certified by the Commissioner as appropriately trained, are exempt from the requirement under the Weapons Prohibition Act 1998 to be authorised by a permit to possess or use handcuffs, body armour vests, antipersonnel spray, batons and magazines holding 15 rounds of semi-automatic pistol ammunition, but only when acting in their capacity as officers of the Commission.</p>	<p>requirement under the <i>Weapons Prohibition Act 1998</i> to be authorised by a permit to possess or use anti-personnel spray, batons, magazines for semi-automatic pistols, handcuffs and body armour vests, but only when acting in their capacity as officers of the Commission.</p> <p>(3) An officer is an appropriately trained officer if the Commissioner certifies in writing that the officer is an appropriately trained officer for the purposes of this section.</p>
<p>RECOMMENDATION 5</p> <p>The Committee recommends that, as an interim measure, the Weapons Prohibition Regulation and the Firearms Regulation be amended to provide PIC investigators with an exemption under the Weapons Prohibition Act and the Firearms Act with respect to anti-personnel spray, batons and magazines for semi-automatic pistol ammunition.</p>	<p>The Government agrees that prompt action should be taken to enable appropriately trained PIC officers to have access to firearms and other police equipment. The Government introduced the above amendments into Parliament on 14 March 2013. Regulatory amendments are therefore not required.</p>