



NSW Police Force

D/2012/183502

8 November 2012

Ms. Rachel Simpson
Director, Committees
NSW Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000

Attn: Jacqueline Isles

Dear Ms. Simpson

Possession and use of firearms and prohibited weapons by Police Integrity Commission (PIC) Officers

This Office has been furnished with a copy of the attached correspondence penned by the Hon Bruce James QC, Commissioner PIC and we endorse the content in its entirety.

As detailed by the Commissioner, the current exemption prescribed by section 124(1) of the *Police Integrity Commission Act 1996* provides Commission investigators and surveillance officers who are seconded police, or approved former police officers with an exemption from the requirement to be authorised by a licence or permit to possess or use semi automatic pistols (and accompanying ammunition) whilst acting in their capacity as officers of the Commission.

There are two identified deficiencies under the current exemption; firstly PIC requires officers who are not afforded the benefit of the above exemption to have access to semi automatic pistols and ammunition. Secondly, officers may during the course of their employment, be in possession of firearms other than semi automatic pistols.

A second exemption is prescribed by section 124(2) of the *Police Integrity Commission Act 1996* which provides Commission investigators and surveillance officers who are seconded police, or approved former police officers with an exemption from the requirement to be authorised by a permit to possess or use handcuffs and body armour vests whilst acting in their capacity as officers of the Commission.

The deficiencies of this exemption are that PIC requires officers who are not afforded the benefit of the above exemption to have access to handcuffs and body armour vests. Further, PIC requires officers to have access to additional items (not prescribed by the above exemption) which are also classified as prohibited weapons, such as oleoresin capsicum (OC) spray, batons and detachable magazines.

FIREARMS REGISTRY

Locked Bag No. 1 Murwillumbah NSW 2484

T 1300 362 562 F 02 6670 8558 EN 64558 W www.police.nsw.gov.au
TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

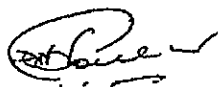
Report crime anonymously

It is open to suggest that in the case of lawful seizure of firearms or prohibited weapons by PIC officers that they are afforded the benefit section 6(3) (b) of the *Firearms Act 1996* and section 6(3) (b) *Weapons Prohibition Act 1998*. However these provisions do not confer the general authority to possess and use the items sought by PIC officers during the course of their duties.

Therefore whilst it is open to the legislature to continue to manage the exemptions under the *Police Integrity Commission Act 1996*, this Office would suggest that it is equally appropriate to do so within section 6 of both the *Firearms Act 1996* and the *Weapons Prohibition Act 1998*. Submissions to this effect were tendered by this Office in conjunction with the 2012 Statute Law Review.

To date this Office has attempted to assist PIC via the issuance of a number of permits authorising PIC personnel who fall outside the scope of sections 124(1) and (2) of the *Police Integrity Commission Act 1996* and authorising possession and use of certain items which again fall outside the current provisions. However it is requested that the Committee give due consideration to the request for legislative amendment in the manner proposed to alleviate the need for such permits in the future and reduce unnecessary red tape associated with the application and management of permits issued by the Commissioner of Police under Firearms & Weapons legislation.

Yours faithfully,



PA Houlton
General Manager
Firearms Registry