



New South Wales

Law Enforcement and National Security (Assumed Identities) Regulation 2004

under the

Law Enforcement and National Security (Assumed Identities) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Law Enforcement and National Security (Assumed Identities) Act 1998*.

JOHN WATKINS, M.P.,

Minister for Police

Explanatory note

The object of this Regulation is to remake the *Law Enforcement and National Security (Assumed Identities) Regulation 1999* with only minor changes in substance (namely, in relation to certain of the offices prescribed for the purposes of section 16 of the *Law Enforcement and National Security (Assumed Identities) Act 1998 (the Act)*). That Regulation is repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The objects of this Regulation are as follows:

- (a) to prescribe as authorised agencies for the purposes of the Act the Australian Federal Police, the Australian Crime Commission, the Australian Security Intelligence Organization, the Australian Secret Intelligence Service, the Australian Customs Service and the Australian Taxation Office,
- (b) to prescribe the officer who is to be the chief executive officer of an agency that has been prescribed as an authorised agency for the purposes of the Act,
- (c) to prescribe the offices to which functions of the chief executive officer of an authorised agency under the Act can be delegated.

This Regulation is made under the *Law Enforcement and National Security (Assumed Identities) Act 1998*, including sections 3 (definitions of **authorised agency** and **chief executive officer**), 16 and 19 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature.

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Law Enforcement and National Security (Assumed Identities) Act 1998

1 Name of Regulation

This Regulation is the *Law Enforcement and National Security (Assumed Identities) Regulation 2004*.

2 Commencement

This Regulation commences on 1 September 2004.

Note. This Regulation replaces the *Law Enforcement and National Security (Assumed Identities) Regulation 1999* which is repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

In this Regulation:

the Act means the *Law Enforcement and National Security (Assumed Identities) Act 1998*.

4 Notes

Notes in the text of this Regulation do not form part of this Regulation.

5 Authorised agencies

The following agencies are prescribed as authorised agencies for the purposes of the Act:

- (a) the Australian Federal Police,
- (b) the Australian Crime Commission,
- (c) the Australian Security Intelligence Organization,
- (d) the Australian Secret Intelligence Service,
- (e) the Australian Customs Service,
- (f) the Australian Taxation Office.

6 Chief executive officers of certain authorised agencies

An officer referred to in one of the following paragraphs is prescribed as the chief executive officer of the authorised agency referred to in the same paragraph for the purposes of paragraph (e) of the definition of *chief executive officer* in section 3 of the Act:

- (a) in respect of the Australian Federal Police—the Commissioner of Police,
- (b) in respect of the Australian Crime Commission—the Chief Executive Officer of the Commission,
- (c) in respect of the Australian Security Intelligence Organization—the Director-General of Security,
- (d) in respect of the Australian Secret Intelligence Service—the Director-General of that Service,
- (e) in respect of the Australian Customs Service—the Chief Executive Officer of Customs,
- (f) in respect of the Australian Taxation Office—the Commissioner of Taxation.

7 Delegations

Each of the following offices is prescribed for the purposes of section 16 of the Act as an office to which functions under the Act may be delegated:

- (a) in respect of NSW Police, the following:
 - (i) one Deputy Commissioner position nominated by the Commissioner of Police,
 - (ii) 3 other NSW Police Senior Executive Service positions, of or above the rank of Superintendent, nominated by the Commissioner of Police,
- (b) in respect of the New South Wales Crime Commission—Director of Operations,
- (c) in respect of the Independent Commission Against Corruption—an Assistant Commissioner position nominated by the Commissioner for the Independent Commission Against Corruption,
- (d) in respect of the Police Integrity Commission—Director of Operations,

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- (e) in respect of the Australian Federal Police—an officer of the Australian Federal Police nominated by the Commissioner of the Australian Federal Police,
 - (f) in respect of the Australian Security Intelligence Organization—Manager (North) (Position Identifier CLD 002),
 - (g) in respect of the Australian Secret Intelligence Service—Deputy Director-General—Operations,
 - (h) in respect of the Australian Customs Service—Regional Director (New South Wales),
 - (i) in respect of the Australian Crime Commission—an officer of the Australian Crime Commission nominated by the Chief Executive Officer of the Commission,
 - (j) in respect of the Australian Taxation Office—an Assistant Commissioner position nominated by the Commissioner of Taxation.

8 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Law Enforcement and National Security (Assumed Identities) Regulation 1999*, had effect under that Regulation continues to have effect under this Regulation.