



New South Wales

Law Enforcement and National Security (Assumed Identities) General Regulation 2010

under the

Law Enforcement and National Security (Assumed Identities) Act 2010

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 2010*.

MICHAEL DALEY, MP
Minister for Police

Explanatory note

The object of this Regulation is to prescribe certain matters as a consequence of the enactment of the *Law Enforcement and National Security (Assumed Identities) Act 2010*.

This Regulation makes provision with respect to the following:

- (a) agencies that are law enforcement agencies for the purposes of the Act,
- (b) the chief officers and law enforcement officers of those agencies,
- (c) the officers within those agencies who may supervise the acquisition or use of an assumed identity by an authorised civilian,
- (d) the officers within those agencies to whom the chief officer of the agency may delegate his or her functions,
- (e) formal matters.

This Regulation is made under the *Law Enforcement and National Security (Assumed Identities) Act 2010*, including sections 4 (1) (definitions of **chief officer** of a law enforcement agency, **law enforcement agency** and **law enforcement officer**), 6 (4), 39 (4) (definition of **senior officer**) and 42 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Law Enforcement and National Security (Assumed Identities) General Regulation 2010

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Law Enforcement and National Security (Assumed Identities) General Regulation 2010

under the

Law Enforcement and National Security (Assumed Identities) Act 2010

1 Name of Regulation

This Regulation is the *Law Enforcement and National Security (Assumed Identities) General Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

Customs has the same meaning as it has in the *Customs Administration Act 1985* of the Commonwealth.

the Act means the *Law Enforcement and National Security (Assumed Identities) Act 2010*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Law enforcement agencies

For the purposes of paragraph (g) of the definition of **law enforcement agency** in section 4 (1) of the Act, the following agencies are prescribed as law enforcement agencies for the purposes of the Act:

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

5 Chief officers of certain law enforcement agencies

For the purposes of paragraph (g) of the definition of *chief officer* of a law enforcement agency in section 4 (1) of the Act, the following officers are prescribed as the chief officers in respect of the following law enforcement agencies:

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

6 Law enforcement officers

For the purposes of paragraph (g) of the definition of *law enforcement officer* in section 4 (1) of the Act, the following are prescribed as law enforcement officers in respect of the following law enforcement agencies:

- (a) in respect of the Australian Federal Police—a Deputy Commissioner of the Australian Federal Police, an AFP employee or a special member of the Australian Federal Police (within the meaning of the *Australian Federal Police Act 1979* of the Commonwealth),
- (b) in respect of the Australian Security Intelligence Organisation—an officer of the Organisation,
- (c) in respect of the Australian Secret Intelligence Service—a staff member of the Service,
- (d) in respect of Customs—an officer of Customs,
- (e) in respect of the Australian Taxation Office—a person engaged under the *Public Service Act 1999* of the Commonwealth and performing duties in the Australian Taxation Office.

7 Supervisors

For the purposes of section 6 (4) (g) of the Act, the following ranks and positions are prescribed in respect of the following law enforcement agencies:

- (a) in respect of the Australian Federal Police—the rank of sergeant or an equivalent or higher rank,

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- (b) in respect of the Australian Security Intelligence Organisation—the position of ASIO Executive Officer Level 1 or an equivalent or higher position,
 - (c) in respect of the Australian Secret Intelligence Service—the position of ASIS Executive Officer Level 1 or an equivalent or higher position,
 - (d) in respect of Customs—the position of a Customs Level 4 officer or an equivalent or higher position,
 - (e) in respect of the Australian Taxation Office—the position of an Australian Public Service Executive Level 2 or an equivalent or higher position.

8 Delegations

For the purposes of paragraph (f) of the definition of *senior officer* in section 39 (4) of the Act, the following ranks or positions are prescribed in respect of the following law enforcement agencies:

- (a) in respect of the Australian Federal Police—Deputy Commissioner or Manager, Sydney Office,
- (b) in respect of the Australian Security Intelligence Organisation—any office designated as Senior Executive Service Band 2 Officer, New South Wales,
- (c) in respect of the Australian Secret Intelligence Service—Deputy Director-General—Operations,
- (d) in respect of Customs—Regional Director (New South Wales),
- (e) in respect of the Australian Taxation Office—an Assistant Commissioner.