New South Wales

Law Enforcement and National Security (Assumed Identities) General Amendment (Miscellaneous) Regulation 2012

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 GALLACHER, MLC
Minister for Police and Emergency Services

Explanatory note

The objects of this Regulation are to:

(a) update a reference to the Commissioner of the Australian Federal Police, and

(b) revise references to ranks and positions in certain law enforcement agencies, the holders of which may be delegated the functions of a chief officer under the *Law Enforcement and National Security (Assumed Identities) Act 2010* (*the Act*), and

(c) prescribe laws of the Australian Capital Territory, the Commonwealth, Queensland, South Australia, Tasmania and Victoria as corresponding laws for the purposes of the Act.

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 and *corresponding law*), 39 (4) (definition of *senior officer*) and 42 (the general regulation-making power).

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1   Name of Regulation

This Regulation is the *Law Enforcement and National Security (Assumed Identities) General Amendment (Miscellaneous) Regulation 2012*.

2   Commencement

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

Law Enforcement and National Security (Assumed Identities) General
Amendment (Miscellaneous) Regulation 2012

2012 No 532

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

Schedule 1

Schedule 1 Amendment of Law Enforcement and National Security (Assumed Identities) General Regulation 2010

[1] Clause 5 Chief officers of certain law enforcement agencies

Omit clause 5 (a). Insert instead:

> (a) in respect of the Australian Federal Police—the Commissioner of the Australian Federal Police,

[2] Clause 8 Delegations

Omit clause 8 (a) and (b). Insert instead:

> (a) in respect of the Australian Federal Police:
>> (i) any senior executive AFP employee within the meaning of section 4 (1) of the *Australian Federal Police Act 1979* of the Commonwealth, or
>> (ii) any Deputy Commissioner within the meaning of section 4 (1) of that Act, or
>> (iii) a person occupying a position in the Australian Federal Police that is equivalent to or higher than a position referred to in subparagraph (i) or (ii),
> (b) in respect of the Australian Security Intelligence Organisation—any Senior Executive Service Band 2 Officer,

[3] Clause 8 (d)

Omit the paragraph. Insert instead:

> (d) in respect of Customs—the National Director of Compliance and Enforcement, the National Manager of Enforcement Operations, or the National Manager of Investigations,

[4] Clause 9

Insert after clause 8:

> **9 Corresponding laws**
>
> For the purposes of the definition of *corresponding law* in section 4 (1) of the Act, the following laws are declared to correspond to the Act:
>> (a) the *Crimes (Assumed Identities) Act 2009* of the Australian Capital Territory,

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(b)   Part IAC of the *Crimes Act 1914* of the Commonwealth,

(c)   Chapter 12 of the *Police Powers and Responsibilities Act 2000* of Queensland,

(d)   Part 3 of the *Criminal Investigation (Covert Operations) Act 2009* of South Australia,

(e)   the *Police Powers (Assumed Identities) Act 2006* of Tasmania,

(f)   the *Crimes (Assumed Identities) Act 2004* of Victoria.