



New South Wales

# Law Enforcement and National Security (Assumed Identities) Regulation 2024

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*.

YASMIN CATLEY, MP  
Minister for Police and Counter-terrorism

## Explanatory note

The object of this regulation is to remake, with some amendments, the *Law Enforcement and National Security (Assumed Identities) Regulation 2016*, which is repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation—

- (a) prescribes additional agencies that are law enforcement agencies for the purposes of the *Law Enforcement and National Security (Assumed Identities) Act 2010* (**the Act**),
- (b) prescribes chief officers, law enforcement officers and supervisors of law enforcement agencies,
- (c) prescribes positions and ranks within a law enforcement agency to which a chief officer in the agency may delegate functions,
- (d) declares corresponding laws for the Act.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) 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) Regulation 2024

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) Regulation 2024*.

### 2 Commencement

This regulation commences on 1 September 2024.

**Note—** This regulation replaces the *Law Enforcement and National Security (Assumed Identities) Regulation 2016*, which is repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Definition

In this regulation—

**AFP Act** means the *Australian Federal Police Act 1979* of the Commonwealth.

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

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

### 4 Definition of “law enforcement agency”

For the Act, section 4(1), definition of *law enforcement agency*, paragraph (g), the following agencies are prescribed—

- (a) the Australian Federal Police,
- (b) the Australian Secret Intelligence Service,
- (c) the Australian Taxation Office.

### 5 Definition of “chief officer” of law enforcement agency

For the Act, section 4(1), definition of *chief officer*, paragraph (g), the following chief officers are prescribed—

- (a) for the Australian Federal Police—the Commissioner of the Australian Federal Police,
- (b) for the Australian Secret Intelligence Service—the Director-General of the Australian Secret Intelligence Service,
- (c) for the Australian Taxation Office—the Commissioner of Taxation.

### 6 Definition of “law enforcement officer”

For the Act, section 4(1), definition of *law enforcement officer*, paragraph (g), the following law enforcement officers are prescribed—

- (a) for the Australian Federal Police—

- (i) a Deputy Commissioner of the Australian Federal Police, or
  - (ii) an AFP employee within the meaning of the AFP Act, or
  - (iii) a special member of the Australian Federal Police within the meaning of the AFP Act,
- (b) for the Australian Secret Intelligence Service—a staff member of the service,
- (c) for the Australian Taxation Office—
- (i) the Second Commissioner of Taxation, or
  - (ii) a person engaged under the *Public Service Act 1999* of the Commonwealth and performing duties in the Australian Taxation Office.

## 7 Supervisors for authorised civilians

For the Act, section 6(4)(g), the following rank and positions for the following law enforcement agencies are prescribed—

- (a) for the Australian Federal Police—the rank of sergeant or an equivalent or higher rank,
- (b) for the Australian Secret Intelligence Service—the position of ASIS Executive Level 1 or an equivalent or higher position,
- (c) for the Australian Taxation Office—the position of an Australian Public Service Executive Level 1, or an equivalent or higher position, in the Office.

## 8 Definition of “senior officer” for delegations

For the Act, section 39(4), definition of *senior officer*, paragraph (f), the following ranks and positions for the following law enforcement agencies are prescribed—

- (a) for the Australian Federal Police—
  - (i) a senior executive AFP employee within the meaning of the AFP Act, or
  - (ii) a Deputy Commissioner within the meaning of that Act, or
  - (iii) a person occupying a position in the Australian Federal Police equivalent to or higher than a position referred to in subparagraph (i) or (ii),
- (b) for the Australian Secret Intelligence Service—the Deputy Director-General, Operations,
- (c) for the Australian Taxation Office—
  - (i) a Second Commissioner of Taxation, or
  - (ii) a Senior Executive Service employee in the Office.

## 9 Definition of “corresponding law”

For the Act, section 4(1), definition of *corresponding law*, the following laws are declared—

- (a) the *Crimes (Assumed Identities) Act 2004* of Victoria,
- (b) the *Crimes (Assumed Identities) Act 2009* of the Australian Capital Territory,
- (c) the *Crimes Act 1914* of the Commonwealth, Part IAC,
- (d) the *Criminal Investigation (Covert Operations) Act 2009* of South Australia, Part 3,
- (e) the *Criminal Investigation (Covert Powers) Act 2012* of Western Australia, Part 3,
- (f) the *Police Powers (Assumed Identities) Act 2006* of Tasmania,

- (g) the *Police Powers and Responsibilities Act 2000* of Queensland, Chapter 12,
- (h) the *Police (Special Investigative and Other Powers) Act 2015* of the Northern Territory, Part 3.

#### **10 Savings**

An act, matter or thing that, immediately before the repeal of the *Law Enforcement and National Security (Assumed Identities) Regulation 2016*, had effect under that regulation continues to have effect under this regulation.