



New South Wales

Law Enforcement and National Security (Assumed Identities) Amendment Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Law Enforcement and National Security (Assumed Identities) Act 2010* (the **principal Act**) as follows:

- (a) to require that applications for orders under the principal Act to make or cancel entries for assumed identities in the Births, Deaths and Marriages Register be heard in chambers,
- (b) to make it clear that the Australian Security Intelligence Organisation and the Australian Secret Intelligence Service may apply for orders under the principal Act to have entries for assumed identities made in the Births, Deaths and Marriages Register,
- (c) to increase (from 4 to 5) the number of delegations of a chief officer's functions under the principal Act that may be in force at any one time,
- (d) to update references to certain offices, the holders of which may be delegated a chief officer's functions under the principal Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Law Enforcement and National Security (Assumed Identities) Act 2010 No 73

Schedule 1 [1] requires applications for orders to make or cancel entries for assumed identities in the Births, Deaths and Marriages Register to be heard in the chambers of the Judge authorised under the principal Act to hear such applications (and not in open court).

Schedule 1 [2] makes it clear that the Australian Security Intelligence Organisation and the Australian Secret Intelligence Service may apply for orders under the principal Act to have entries for assumed identities made in the Births, Deaths and Marriages Register, and such entries cancelled, even though they are defined as an “intelligence agency” (rather than a “law enforcement agency”) under the corresponding law of the Commonwealth.

Schedule 1 [3] increases (from 4 to 5) the number of delegations of a chief officer’s functions under the principal Act that may be in force at any one time in respect of any one law enforcement agency under the Act.

Schedule 1 [4] and [5] update references to certain offices (in relation to the New South Wales Crime Commission and the Australian Crime Commission, respectively), the holders of which may be delegated the functions under the principal Act of the chief officer of the agency to which the office relates.

Schedule 1 [6] enables savings and transitional regulations to be made as a consequence of the proposed Act or any other Act that amends the principal Act.

First print



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New South Wales

Law Enforcement and National Security (Assumed Identities) Amendment Bill 2013

No. , 2013

A Bill for

An Act to amend the *Law Enforcement and National Security (Assumed Identities) Act 2010* with respect to applications to make or cancel entries for assumed identities in the Births, Deaths and Marriages Register and the delegation of the functions under that Act of chief officers of law enforcement agencies.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Law Enforcement and National Security (Assumed Identities) Amendment Act 2013</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Law Enforcement and National Security (Assumed Identities) Act 2010 No 73	1 2 3
[1] Sections 11 (3) and 14 (3)		4
Omit the subsections. Insert instead:		5
(3) The application must be heard in chambers and not in open court.		6
[2] Section 11 Making entries in Births, Deaths and Marriages Register		7
Insert after section 11 (4):		8
(5) A reference in subsection (2) (a) (ii) to a law enforcement agency under a corresponding law includes a reference to an intelligence agency under Part IAC of the <i>Crimes Act 1914</i> of the Commonwealth.		9 10 11 12
[3] Section 39 Delegation of chief officer's functions		13
Omit "4" from section 39 (3). Insert instead "5".		14
[4] Section 39 (4) (c)		15
Omit the paragraph. Insert instead:		16
(c) in relation to the New South Wales Crime Commission, an Assistant Commissioner, and		17 18
[5] Section 39 (4) (g)		19
Omit the paragraph. Insert instead:		20
(g) in relation to the Australian Crime Commission, any of the following:		21 22
(i) an Executive Director or a National Manager,		23
(ii) an office of the Australian Crime Commission that is prescribed by the regulations.		24 25

Law Enforcement and National Security (Assumed Identities) Amendment
Bill 2013

Schedule 1 Amendment of Law Enforcement and National Security (Assumed
Identities) Act 2010 No 73

[6] Schedule 1 Savings and transitional provisions

Insert at the end of clause 1 (1):

any Act that amends this Act

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2
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