



New South Wales

Law Enforcement and National Security (Assumed Identities) Regulation 2010

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*.

MICHAEL DALEY, MP
Minister for Police

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Law Enforcement and National Security (Assumed Identities) Regulation 2004*, which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the agencies that are authorised agencies for the purposes of the *Law Enforcement and National Security (Assumed Identities) Act 1998*,
- (b) the chief executive officers of authorised agencies,
- (c) the offices within an authorised agency to which the chief executive officer of the agency may delegate his or her functions,
- (d) savings and formal matters.

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 (2) and 19 (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) Regulation 2010

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Law Enforcement and National Security (Assumed Identities) Regulation 2010

under the

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 2010*.

2 Commencement

This Regulation commences on 1 September 2010 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Law Enforcement and National Security (Assumed Identities) Regulation 2004* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

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

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

4 Authorised agencies

For the purposes of paragraph (e) of the definition of *authorised agency* in section 3 of the Act, 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 Organisation,
- (d) the Australian Secret Intelligence Service,
- (e) the Australian Customs and Border Protection Service,
- (f) the Australian Taxation Office.

5 Chief executive officers of certain authorised agencies

For the purposes of paragraph (e) of the definition of *chief executive officer* in section 3 of the Act, the following officers are prescribed as the chief executive officers in respect of the following agencies:

- (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 Organisation—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 and Border Protection Service—the Chief Executive Officer of Customs,
- (f) in respect of the Australian Taxation Office—the Commissioner of Taxation.

6 Delegations

For the purposes of section 16 (2) of the Act, the following offices are prescribed as offices to which functions under the Act may be delegated:

- (a) in respect of the NSW Police Force:
 - (i) one Deputy Commissioner position nominated by the Commissioner of Police, and
 - (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—the 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—the Director of Operations,
- (e) in respect of the Australian Federal Police—an officer of the Australian Federal Police nominated by the Commissioner of the Australian Federal Police,

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- (f) in respect of the Australian Security Intelligence Organisation—any office designated as Senior Executive Service Band 2 Officer, New South Wales,
 - (g) in respect of the Australian Secret Intelligence Service—Deputy Director-General—Operations,
 - (h) in respect of the Australian Customs and Border Protection 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.

7 Savings

Any act, matter or thing that, immediately before the repeal of the *Law Enforcement and National Security (Assumed Identities) Regulation 2004*, had effect under that Regulation continues to have effect under this Regulation.