



TRIPLICATE COPY

Administering Department:

Please include this copy with documents sent to Federal Executive Council Secretariat in connection with the making of this legislation.

ExCo Secretariat:

Please complete this copy by inserting signatures, date of making and instrument no. and send to:

Legislative Services and Publication Unit

Office of Legislative Drafting

Attorney-General's Department

Australian Crime Commission Amendment Regulations 2003 (No. 3)¹

Statutory Rules 2003 No. ²

252

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Australian Crime Commission Act 2002*.

Dated 9 OCT 2003 2003

P.M. Jeffery
Governor-General

By His Excellency's Command

CHRISTOPHER MARTIN ELLISON
Minister for Justice and Customs

1 Name of Regulations

These Regulations are the *Australian Crime Commission Amendment Regulations 2003 (No. 3)*.

3

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Australian Crime Commission Regulations 2002*

Schedule 1 amends the *Australian Crime Commission Regulations 2002*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 8A

after the heading, insert

- (1) For subparagraphs 55A (2) (b) (ii) and (d) (ii) of the Act, each kind of duty, function or power under a provision of a State law mentioned in an item in Schedule 4 may be conferred on the ACC.

[2] Regulation 8A

omit

For subparagraphs

insert

- (2) For subparagraphs

[3] Regulation 8A*after*

cach

insert

kind of

[4] Schedule 3, heading, including the note*substitute*

Schedule 3 Duties, functions and powers conferred on certain persons and bodies by State laws

(subregulation 8A (2))

[5] Schedule 3, before Part 2*insert***Part 1 Laws of New South Wales**

Item	Law	Provision	Duty, function or power	Person or body
101	<i>Births, Deaths and Marriages Registration Regulation 2001</i>	clause 13	Power to apply for an old birth certificate	Member of the staff of the ACC
102	<i>Crimes (Detention After Arrest) Regulation 1998</i>	clause 12	Power to act as custody manager	Member of the staff of the ACC
103	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	section 4	Power to grant, vary or revoke an assumed identity approval	CEO

Item	Law	Provision	Duty, function or power	Person or body
104	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	section 5	Power to acquire and use an assumed identity	Member of the staff of the ACC
105	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	section 6	Power to request a body to do certain things	CEO
106	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	subsection 7 (1)	Power to apply for an order to make an entry in a register of births or marriages	CEO
107	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	subsection 7 (3)	Duty to provide evidence	CEO
108	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	subsection 7 (5)	Duty to maintain records	CEO
109	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	section 10	Duty to ensure that a record is kept of assumed identity approvals granted, varied or revoked	CEO
110	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	section 11	Duty to appoint a person to audit record of assumed identity approvals	CEO
111	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	section 16	Power to delegate functions	CEO

Item	Law	Provision	Duty, function or power	Person or body
112	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 5 (1)	Power to apply for authority to conduct a controlled operation	Member of the staff of the ACC
113	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 5 (2A)	Duty to provide certain particulars	Member of the staff of the ACC
114	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 5 (3)	Power to require additional information	CEO
115	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 6 (1)	Power to authorise or refuse to authorise a controlled operation	CEO
116	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 6 (2)	Duty not to grant authority unless code of conduct is prescribed by the regulations	CEO
117	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 6 (3)	Duty to be satisfied of certain matters	CEO
118	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 6 (4)	Duty to have regard to certain matters	CEO
119	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 6 (5)	Duty to keep a written record	CEO

Item	Law	Provision	Duty, function or power	Person or body
120	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 8 (2)	Duty to include certain details in an authority	CEO
121	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 8 (5)	Duty to ensure that written notes are kept of certain matters	CEO
122	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 10 (1)	Power to apply for a variation of an authority	Member of the staff of the ACC
123	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 10 (2)	Power to require additional information	CEO
124	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 10 (3)	Power to vary an authority or refuse an application for a variation	CEO
125	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 10 (4)	Duty to be satisfied of certain matters	CEO
126	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 10 (6)	Duty to use form of authority	CEO
127	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 10 (8)	Duty to ensure that written notes are kept of certain matters	CEO
128	<i>Law Enforcement (Controlled Operations) Act 1997</i>	section 12	Power to cancel an authority	CEO

Item	Law	Provision	Duty, function or power	Person or body
129	<i>Law Enforcement (Controlled Operations) Act 1997</i>	section 13	Power to engage in certain controlled activities	Member of the staff of the ACC
130	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 14 (1)	Power to apply for retrospective authority	Member of the staff of the ACC
131	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 14 (2)	Power to permit the manner of application for retrospective authority	CEO
132	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 14 (3)	Power to require information	CEO
133	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 14 (4)	Power to grant or refuse application for retrospective authority	CEO
134	<i>Law Enforcement (Controlled Operations) Act 1997</i>	subsection 14 (5)	Duty to be satisfied of certain matters	CEO
135	<i>Law Enforcement (Controlled Operations) Act 1997</i>	section 15	Duty to report	Member of the staff of the ACC
136	<i>Law Enforcement (Controlled Operations) Act 1997</i>	section 17	Power to issue a certificate certifying certain matters	CEO
137	<i>Law Enforcement (Controlled Operations) Act 1997</i>	section 21	Duty to give a notice to the Ombudsman	CEO

Item	Law	Provision	Duty, function or power	Person or body
138	<i>Law Enforcement (Controlled Operations) Act 1997</i>	section 29	Power to delegate	CEO
139	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	clause 5	Power to make an urgent application, and duty to ensure that written notes are kept of certain information	Member of the staff of the ACC
140	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	clause 5A	Duty to use form for grant of authority	CEO
141	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	clause 6	Power to make an urgent application, and duty to ensure that written notes are kept of certain information	Member of the staff of the ACC
142	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	clause 6A	Duty to use form for grant of variation of authority	CEO
143	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	clause 7	Power to require certain matters to be included in report	CEO
144	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	clause 7	Duty to include certain matters in report	Member of the staff of the ACC
145	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	clause 9	Duty to give notice to the Ombudsman including certain details	CEO

Item	Law	Provision	Duty, function or power	Person or body
146	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	clause 10	Duty to give notice to the Ombudsman including certain details	CEO
147	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	clause 12	Duty to give notice to the Ombudsman including certain details	CEO
148	<i>Law Enforcement (Controlled Operations) Regulation 1998</i>	Schedule 1, as applied by clause 8	Duty to act in good faith, disclose certain matters, refrain from certain conduct, and brief participants	Member of the staff of the ACC
149	<i>New South Wales Crime Commission Act 1985</i>	paragraph 24 (1) (c)	Duty to serve on Management Committee	Chair of the Board
150	<i>New South Wales Crime Commission Act 1985</i>	subsection 24 (3)	Power to appoint a person to attend a meeting of the Management Committee	Chair of the Board
151	<i>New South Wales Crime Commission Act 1985</i>	subsection 24 (5)	Functions of a member of the Management Committee	Chair of the Board
152	<i>New South Wales Crime Commission Act 1985</i>	subsection 25 (1)	Functions of the Management Committee	Chair of the Board
153	<i>New South Wales Crime Commission Act 1985</i>	subsection 25 (2)	Duty to be satisfied of certain matters	Chair of the Board
154	<i>New South Wales Crime Commission Act 1985</i>	subsection 25 (3)	Power to impose limitations	Chair of the Board

Item	Law	Provision	Duty, function or power	Person or body
155	<i>New South Wales Crime Commission Act 1985</i>	subsection 25 (6)	Duty to give high priority to certain matters	Chair of the Board
156	<i>New South Wales Crime Commission Act 1985</i>	section 27	Power to give directions and furnish guidelines	Chair of the Board
157	<i>New South Wales Crime Commission Act 1985</i>	subsection 27A (1)	Power to make arrangements	Chair of the Board
158	<i>New South Wales Crime Commission Act 1985</i>	subsection 27A (3)	Power to give directions and furnish guidelines	Chair of the Board
159	<i>Witness Protection Act 1995</i>	section 15	Power to apply to have a new entry made in a register and a document issued, and duty to provide evidence	CEO

[6] After Schedule 3

insert

Schedule 4 Duties, functions and powers conferred on the ACC by State laws

(subregulation 8A (1))

Item	Law	Provision	Duty, function or power
101	<i>Law Enforcement and National Security (Assumed Identities) Act 1998</i>	section 12	Duty to include a statement in the annual report

Notes

1. These Regulations amend Statutory Rules 1984 No. 132, as amended by 1985 No. 3; 1986 No. 29; 1989 No. 138; 1990 Nos. 38 and 270; 1992 Nos. 9 and 280; 1996 No. 286; 2001 No. 294; 2002 No. 325; 2003 Nos. 164 and 236.
2. Notified in the *Commonwealth of Australia Gazette* on / 2003.

10 October