



# **Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 26 November 2020

David Hurley  
Governor-General

By His Excellency's Command

Christian Porter  
Attorney-General

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## 1 Name

This instrument is the *Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2021.	1 January 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Law Enforcement Integrity Commissioner Act 2006*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Law Enforcement Integrity Commissioner Regulations 2017*

#### 1 Before section 6

Insert:

##### 5A Heads of prescribed law enforcement agencies

For the purposes of paragraph (c) of the definition of *head* in subsection 5(1) of the Act, the person holding the office mentioned in column 2 of an item of the following table is the head of the Commonwealth government agency mentioned in column 1 of the item.

<b>Heads of prescribed law enforcement agencies</b>		
<b>Item</b>	<b>Column 1 Commonwealth government agency</b>	<b>Column 2 Office</b>
1	Australian Competition and Consumer Commission	The Chairperson appointed under section 7 of the <i>Competition and Consumer Act 2010</i>
2	Australian Prudential Regulation Authority	The Chair of APRA appointed under section 18 of the <i>Australian Prudential Regulation Authority Act 1998</i>
3	Australian Securities and Investments Commission	The Chairperson of ASIC appointed under section 10 of the <i>Australian Securities and Investments Commission Act 2001</i>
4	Australian Taxation Office	The Commissioner of Taxation mentioned in section 4 of the <i>Taxation Administration Act 1953</i>

Note: The Commonwealth government agencies mentioned in column 1 of this table are prescribed for the purposes of paragraph (d) of the definition of *law enforcement agency* in subsection 5(1) of the Act (see section 6A of this instrument).

#### 2 After section 6

Insert:

##### 6A Law enforcement agencies

For the purposes of paragraph (d) of the definition of *law enforcement agency* in subsection 5(1) of the Act, each of the following Commonwealth government agencies is prescribed:

- (a) the Australian Competition and Consumer Commission;
- (b) the Australian Prudential Regulation Authority;
- (c) the Australian Securities and Investments Commission;
- (d) the Australian Taxation Office.

#### 3 At the end of Part 2

Add:

2 *Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020*

OPC64518 - A

**7A Staff members and secondees of prescribed law enforcement agencies**

- (1) For the purposes of subsection 10(4) of the Act, a person in the class of persons mentioned in column 2 of an item of the table in subsection (3) of this section is a staff member of the Commonwealth government agency mentioned in column 1 of the item.
- (2) For the purposes of paragraph 10(5)(d) of the Act, a person mentioned in column 3 of an item of the table in subsection (3) of this section is a secondee of the Commonwealth government agency mentioned in column 1 of the item.
- (3) The following table has effect for the purposes of subsections (1) and (2).

<b>Staff members and secondees of prescribed law enforcement agencies</b>			
<b>Item</b>	<b>Column 1 Commonwealth government agency</b>	<b>Column 2 Class of persons who are staff members</b>	<b>Column 3 Persons who are secondees</b>
1	Australian Competition and Consumer Commission	Persons who are any of the following: (a) the Chairperson, or another member of the Commission, appointed under section 7 of the <i>Competition and Consumer Act 2010</i> ; (b) an associate member of the Commission appointed under section 8A of that Act; (c) a Deputy Chairperson of the Commission appointed under section 10 of that Act; (d) a person referred to in subsection 27(1) of that Act; (e) a person engaged under section 27A of that Act; (f) an officer or employee of some other body or organisation (whether located within or outside Australia) whose services are made available, by or on behalf of the other body or organisation, to the Commission in connection with the performance or exercise of any of the Commission's functions or powers	A person referred to in paragraph (f) of column 2 of this item
2	Australian Prudential	Persons who are any of the	Persons who are any of the

<b>Staff members and secondees of prescribed law enforcement agencies</b>			
<b>Item</b>	<b>Column 1 Commonwealth government agency</b>	<b>Column 2 Class of persons who are staff members</b>	<b>Column 3 Persons who are secondees</b>
	Regulation Authority	following: (a) an APRA member within the meaning of the <i>Australian Prudential Regulation Authority Act 1998</i> ; (b) an APRA staff member within the meaning of that Act; (c) an officer or employee (other than an officer or employee covered by paragraph (b)) of some other body or organisation (whether located within or outside Australia) whose services are made available, by or on behalf of the other body or organisation, to the Australian Prudential Regulation Authority in connection with the performance or exercise of any of the Authority's functions or powers	following: (a) a person referred to in section 46 of the <i>Australian Prudential Regulation Authority Act 1998</i> whose services are made available to the Australian Prudential Regulation Authority; (b) a person referred to in paragraph (c) of column 2 of this item
3	Australian Securities and Investments Commission	Persons who are any of the following: (a) the Chairperson, or a Deputy Chairperson, of ASIC appointed under section 10 of the <i>Australian Securities and Investments Commission Act 2001</i> ; (b) a member of ASIC appointed under section 9 of that Act; (c) a staff member within the meaning of that Act; (d) an officer or employee (other than an officer or employee covered by paragraph (c)) of some other body or organisation (whether located within or outside Australia) whose services are made	Persons who are any of the following: (a) a person referred to in section 122 of the <i>Australian Securities and Investments Commission Act 2001</i> whose services are made available to the Australian Securities and Investments Commission; (b) a person referred to in paragraph (d) of column 2 of this item



<b>Staff members and secondees of prescribed law enforcement agencies</b>			
<b>Item</b>	<b>Column 1 Commonwealth government agency</b>	<b>Column 2 Class of persons who are staff members</b>	<b>Column 3 Persons who are secondees</b>
		available, by or on behalf of the other body or organisation, to the Australian Securities and Investments Commission in connection with the performance or exercise of any of the Commission's functions or powers	
4	Australian Taxation Office	<p>Persons who are any of the following:</p> <p>(a) the Commissioner of Taxation, or a Second Commissioner of Taxation, mentioned in section 4 of the <i>Taxation Administration Act 1953</i>;</p> <p>(b) a member of the staff mentioned in subsection 4A(1) of that Act;</p> <p>(c) an individual who is an entity referred to in section 355-15 in Schedule 1 to that Act;</p> <p>(d) an officer or employee of some other body or organisation (whether located within or outside Australia) whose services are made available, by or on behalf of the other body or organisation, to the Commissioner of Taxation in connection with the performance or exercise of any of the Commissioner's functions or powers</p>	A person referred to in paragraph (d) of column 2 of this item

Note: The Commonwealth government agencies mentioned in column 1 of this table are prescribed for the purposes of paragraph (d) of the definition of **law enforcement agency** in subsection 5(1) of the Act (see section 6A of this instrument).