

TASMANIA

**POLICE POWERS (ASSUMED IDENTITIES) BILL
2006**

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**POLICE POWERS (ASSUMED IDENTITIES) BILL
2006**

*(Brought in by the Minister for Justice and Workplace
Relations, the Honourable Steven Kons)*

A BILL FOR

**An Act to facilitate, for law enforcement purposes,
investigations and intelligence-gathering in relation to
criminal activity, including investigations beyond this
jurisdiction**

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Police Powers
(Assumed Identities) Act 2006*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention
appears –

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“acquire” an assumed identity means acquire evidence of the identity and includes taking steps towards acquiring evidence of the identity;

“agency” means –

- (a) an issuing agency; or
- (b) a law enforcement agency;

“Australian Crime Commission” means the Australian Crime Commission established by the *Australian Crime Commission Act 2002* of the Commonwealth;

“authorised civilian” means a person (other than a law enforcement officer) who is authorised under an authority to acquire or use an assumed identity;

“authorised officer” means a law enforcement officer who is authorised under an authority to acquire or use an assumed identity;

“authorised person” means –

- (a) an authorised civilian; or
- (b) an authorised officer;

“authority” means an authority granted under section 6 to acquire or use an assumed identity, including the authority as varied under section 9;

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“chief officer”, of –

- (a) a law enforcement agency, means the person for the time being holding office as –
 - (i) in relation to the Police Service, the Commissioner of Police; or
 - (ii) in relation to the Australian Crime Commission, the Chief Executive Officer of the Australian Crime Commission; or
- (b) an issuing agency, means the chief executive officer (however described) of the agency;

“conduct” includes any act or omission;

“corresponding authority” means –

- (a) an authority under a corresponding law to acquire or use an assumed identity in this jurisdiction; or
- (b) an authority under a corresponding law to request the production of evidence of an assumed identity in this jurisdiction;

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“corresponding law” means a law of another jurisdiction that corresponds to this Act, and includes a law of another jurisdiction that is declared by the regulations to correspond to this Act;

“criminal activity” means conduct that involves the commission of an offence by one or more persons;

“doing” a thing includes failing to do the thing;

“evidence”, of identity, means a document or other thing (such as a driver’s licence, birth certificate, credit card or identity card) that evidences, indicates or supports, or can be used to evidence, indicate or support, a person’s identity or any aspect of a person’s identity;

“government issuing agency”, in relation to an authority, means an entity that –

- (a) performs any function of the government of this jurisdiction;
and
- (b) is named in the authority;

“issuing agency” means –

- (a) a government issuing agency; or
- (b) a non-government issuing agency;

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“jurisdiction” means the Commonwealth or a State or Territory of the Commonwealth;

“law enforcement agency” means –

- (a) the Police Service; or
- (b) the Australian Crime Commission;

“law enforcement officer” means –

- (a) in relation to the Police Service, police officers; and
- (b) in relation to the Australian Crime Commission, a member of staff of the Australian Crime Commission –

and includes a person who is seconded to a law enforcement agency, including (but not limited to) a member of the police force or police service, and a police officer (however described), of another jurisdiction;

“non-government issuing agency”, in relation to an authority, means a person, body or entity (other than a government issuing agency) named in the authority that issues evidence of identity;

“officer”, of an agency, includes a person employed or engaged in the agency;

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“participating jurisdiction” means a jurisdiction in which a corresponding law is in force;

“Register” has the same meaning as in the *Births, Deaths and Marriages Registration Act 1999*;

“Registrar” means the Registrar of Births, Deaths and Marriages appointed and holding office under the *Births, Deaths and Marriages Registration Act 1999*;

“supervisor”, of an authorised civilian, means the law enforcement officer who supervises or is to supervise the acquisition or use of an assumed identity by the authorised civilian;

“this jurisdiction” means Tasmania;

“use” an assumed identity includes representing (whether expressly or impliedly, or by saying or doing something) the identity to be real when it is not.

4. Meaning of reckless

- (1) A person is “reckless” in relation to a circumstance if –
 - (a) the person is aware of a substantial risk that the circumstance exists or will exist; and

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- (b) having regard to the circumstances known to the person, it is unjustifiable to take the risk.
- (2) A person is “reckless” in relation to a result if –
- (a) the person is aware of a substantial risk that the result will happen; and
 - (b) having regard to the circumstances known to the person, it is unjustifiable to take the risk.
- (3) It is a question of fact as to whether taking a risk is unjustifiable.

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Part 2 – Authority for Assumed Identity

PART 2 – AUTHORITY FOR ASSUMED IDENTITY

5. Application for authority to acquire or use assumed identity

- (1) A law enforcement officer of a law enforcement agency may apply to the chief officer of the agency for an authority for the law enforcement officer or any other person to do either or both of the following:
 - (a) acquire an assumed identity;
 - (b) use an assumed identity.
- (2) A separate application must be made in respect of each assumed identity to be acquired or used.
- (3) An application –
 - (a) must be in writing in the form approved by the chief officer; and
 - (b) must contain –
 - (i) the name of the applicant; and
 - (ii) the name of the person to be authorised to acquire or use an assumed identity (if not the applicant); and
 - (iii) if the person referred to in subparagraph (ii) is not a law enforcement officer, the name and rank or position of the person

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- proposed to be appointed as supervisor and an explanation of why it is necessary for a person who is not a law enforcement officer to acquire or use the assumed identity; and
- (iv) details of the proposed assumed identity; and
 - (v) reasons for the need to acquire or use an assumed identity; and
 - (vi) details of the investigation or intelligence-gathering exercise in which the assumed identity will be used (to the extent known); and
 - (vii) details of any issuing agencies and the types of evidence to be issued by them; and
 - (viii) details of any application to be made for an order under section 11 in respect of the assumed identity.
- (4) The chief officer may require the applicant to furnish such additional information concerning the application as is necessary for the chief officer's proper consideration of the application.

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6. Determination of application

- (1) After considering an application for an authority to acquire or use an assumed identity, and any additional information furnished under section 5(4), the chief officer –
 - (a) may grant an authority to acquire or use the assumed identity, either unconditionally or subject to conditions; or
 - (b) may refuse the application.
- (2) An authority to acquire or use an assumed identity may not be granted unless the chief officer is satisfied on reasonable grounds –
 - (a) that the assumed identity is necessary for the purposes of an investigation or intelligence-gathering in relation to criminal activity; and
 - (b) that the risk of abuse of the assumed identity by the authorised person is minimal; and
 - (c) if the application is for authorisation of an assumed identity for a person who is not a law enforcement officer, that it would be impossible or impracticable in the circumstances for a law enforcement officer to acquire or use the assumed identity for the purpose sought.
- (3) If an authority is granted for an authorised civilian, the chief officer must appoint a law

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enforcement officer of the law enforcement agency to supervise the acquisition or use of the assumed identity by the authorised civilian.

- (4) The law enforcement officer appointed as supervisor must be –
 - (a) for the Police Service, of or above the rank of sergeant; or
 - (b) for the Australian Crime Commission, of or above the rank of senior investigator.
- (5) An authority may also authorise any one or more of the following:
 - (a) an application for an order for an entry in a register of births, deaths or marriages under section 11 or a corresponding law;
 - (b) a request under section 15 or 26;
 - (c) the use of an assumed identity in a participating jurisdiction.
- (6) A separate authority is required for each assumed identity.

7. Form of authority

- (1) An authority must be –
 - (a) in writing in the form approved by the chief officer; and
 - (b) signed by the person granting it.

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- (2) An authority must state the following:
- (a) the name of the person granting the authority;
 - (b) the date of the authority;
 - (c) details of the assumed identity authorised;
 - (d) details of any evidence of the assumed identity that may be acquired under the authority;
 - (e) the conditions (if any) to which the authority is subject;
 - (f) why the authority is granted;
 - (g) if the authority relates to an authorised officer, the name of the officer;
 - (h) if the authority relates to an authorised civilian –
 - (i) the name of the authorised civilian; and
 - (ii) the name of his or her supervisor under the authority; and
 - (iii) the period for which the authority will remain in force, being a period not exceeding 3 months.
- (3) The authority must also state the following:

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- (a) each issuing agency to which a request may be made under section 15 or 26;
 - (b) whether it authorises an application for an order for an entry in a register of births, deaths or marriages under section 11 or a corresponding law;
 - (c) each participating jurisdiction in which an assumed identity may be used.

8. Period of authority

- (1) An authority for an authorised officer remains in force until cancelled under section 9.
- (2) An authority for an authorised civilian remains in force until the end of the period specified in the authority in accordance with section 7(2)(h)(iii), unless the authority is cancelled sooner under section 9.
- (3) A fresh authority may be issued to an authorised civilian before or after the end of the period specified in the initial authority.

9. Variation or cancellation of authority

- (1) The chief officer who grants an authority –
 - (a) may vary or cancel the authority at any time; and
 - (b) must cancel the authority if the chief officer is satisfied (on a review under

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section 10 or otherwise) that use of the assumed identity is no longer necessary.

- (2) The chief officer must give written notice of the variation or cancellation to –
 - (a) the authorised person to whom it relates; and
 - (b) if the authorised person is an authorised civilian, the authorised person's supervisor.
- (3) The notice must state why the authority is varied or cancelled.
- (4) The variation or cancellation takes effect –
 - (a) on the day on which the written notice is given to the authorised person; or
 - (b) if a later date of effect is stated in the notice, on the day stated.

10. Yearly review of authority

- (1) The chief officer must periodically review each authority granted by the chief officer or a delegate of the chief officer under this Act.
- (2) A review of an authority under this section is to be conducted at least once every 12 months.
- (3) The purpose of a review is to determine whether use of the assumed identity under the authority is still necessary.

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- (4) If the chief officer is satisfied on a review that use of the assumed identity under the authority is no longer necessary, he or she must cancel the authority under section 9.
- (5) If the chief officer is satisfied on a review that use of the assumed identity under the authority is still necessary, he or she must record his or her opinion, and the reasons for it, in writing.

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Part 3 – Evidence of Assumed Identity

PART 3 – EVIDENCE OF ASSUMED IDENTITY

11. Making records of births, deaths or marriages

- (1) The Supreme Court may order the Registrar to do one or more of the following:
 - (a) make an entry in the Register;
 - (b) issue a certificate of birth, death or marriage in relation to the acquisition of an assumed identity under an authority or corresponding authority.
- (2) The Registrar may create such other records as the Registrar thinks necessary to support the entry or certificate made or issued in accordance with the order in relation to the acquisition of an assumed identity under an authority or corresponding authority.
- (3) The Court may make the order only –
 - (a) on application by –
 - (i) the chief officer of a law enforcement agency; or
 - (ii) the chief officer of a law enforcement agency under a corresponding law; or
 - (iii) the chief officer of a Commonwealth participating agency within the meaning of

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Part 1AC of the *Crimes Act 1914*
of the Commonwealth; and

- (b) if satisfied that the order is justified, having regard to the nature of the activities undertaken or to be undertaken by the officer or person under the authority or corresponding authority.
- (4) The application must be heard in closed court.
- (5) The Registrar must give effect to an order –
 - (a) within the period stated in the order; or
 - (b) if no period is stated in the order, within 28 days after the day on which the order is made.
- (6) In this section –
 - “**chief officer**” includes the chief officer (however described) of a participating agency under Part 1AC of the *Crimes Act 1914* of the Commonwealth;
 - “**corresponding authority**” includes an authorisation issued under Division 3 of Part 1AC of the *Crimes Act 1914* of the Commonwealth.

12. Cancellation of authority affecting records of births, deaths or marriages

- (1) This section applies if –

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- (a) the chief officer cancels an authority for an assumed identity; and
 - (b) there is an entry in relation to that identity –
 - (i) in the Register because of an order under section 11; or
 - (ii) in a register of births, deaths or marriages in a participating jurisdiction because of an order under a corresponding law of the jurisdiction.
- (2) If subsection (1)(b)(i) applies, the chief officer must apply for an order under section 13 within 28 days after the day on which the authority is cancelled.
- (3) If subsection (1)(b)(ii) applies, the chief officer must apply for an order under the corresponding law to cancel the entry, within 28 days after the day on which the authority is cancelled.

13. Cancelling entries in Register

- (1) The Supreme Court may order the Registrar to cancel an entry that has been made in the Register under an order under section 11.
- (2) The Court may make the order only on application by the chief officer who applied for the order under section 11.
- (3) The application must be heard in closed court.

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- (4) The Registrar must give effect to the order within 28 days after the day on which the order is made.

14. Restriction about access to application for entry in Register

- (1) A person is not entitled to search information in the custody of a court in relation to a relevant proceeding unless a judge otherwise orders in the interests of justice.

- (2) In this section –

“relevant proceeding” means –

- (a) an application under section 11 or 13 for an order to make or cancel an entry in the Register; or
- (b) an order given under the application.

15. Request for evidence of assumed identity

- (1) This section applies if an authority granted under section 6 authorises a request under this section.
- (2) The chief officer who grants the authority may request the chief officer of an issuing agency stated in the authority to –
- (a) produce evidence of an assumed identity in accordance with the authority; and

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- (b) give evidence of the assumed identity to the authorised person named in the authority.
- (3) The request must state a reasonable period for compliance with the request.
- (4) A request cannot be made under this section for an entry in the Register or for the issue of a certificate of birth, death or marriage.
- (5) In this section –

“**evidence**” means evidence similar to that ordinarily produced or given by the issuing agency.

16. Government issuing agencies to comply with request

- (1) The chief officer of a government issuing agency who receives a request under section 15 must comply with the request within the reasonable period stated in the request.
- (2) The chief officer of a government issuing agency may create such other records as the chief officer thinks necessary to support evidence of the assumed identity produced in response to the request.

17. Non-government issuing agencies may comply with request

The chief officer of a non-government issuing agency who receives a request under section 15 may comply with the request.

18. Cancellation of evidence of assumed identity

(1) The chief officer of an issuing agency who produces evidence of an assumed identity under this Part must cancel the evidence if directed in writing to do so by the chief officer who requested the evidence.

(2) In this section –

“**cancel**” includes delete or alter an entry in a record of information.

19. Protection from criminal liability – officers of issuing agencies

The chief officer, or an officer, of an issuing agency (whether government or non-government) who does something that, apart from this section, would be an offence is not criminally responsible for the offence if the thing is done to comply with a request under section 15 or a direction under section 18.

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20. Indemnity for issuing agencies and officers

- (1) This section applies if the chief officer of a law enforcement agency makes a request under section 15 or gives a direction under section 18 to the chief officer of an issuing agency, whether government or non-government.
- (2) The law enforcement agency must indemnify the issuing agency, or an officer of the issuing agency, for any liability incurred by the issuing agency or officer (including reasonable costs) if –
 - (a) the liability is incurred because of something done by the issuing agency or officer to comply with the request or direction in the course of duty; and
 - (b) any requirements prescribed under the regulations have been met.

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21. Assumed identity may be acquired and used

- (1) An authorised officer may acquire or use (or both) an assumed identity if the acquisition or use (or both) are –
 - (a) in accordance with an authority; and
 - (b) in the course of duty.
- (2) An authorised civilian may acquire or use (or both) an assumed identity if the acquisition or use (or both) are in accordance with –
 - (a) an authority; and
 - (b) any direction by the person’s supervisor under the authority.

22. Protection from criminal liability – authorised persons

If an authorised person does something (whether in this jurisdiction or elsewhere) that, apart from this section, would be an offence, the officer or person is not criminally responsible for the offence if –

- (a) the thing is done in the course of acquiring or using an assumed identity in accordance with an authority; and
- (b) the thing is done –

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- (i) in the case of an authorised officer, in the course of his or her duty; or
 - (ii) in the case of an authorised civilian, in accordance with any direction by his or her supervisor under the authority; and
- (c) doing the thing would not be an offence if the assumed identity were the person's real identity.

23. Indemnity for authorised persons

- (1) This section applies if the chief officer of a law enforcement agency grants an authority.
- (2) The law enforcement agency must indemnify the authorised person under the authority for any liability incurred by the person (including reasonable costs) because of something done by the person (whether in this jurisdiction or elsewhere) if –
 - (a) the thing is done in the course of acquiring or using an assumed identity in accordance with the authority; and
 - (b) the thing is done –
 - (i) in the case of an authorised officer, in the course of his or her duty; or

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- (ii) in the case of an authorised civilian, in accordance with any direction by his or her supervisor under the authority; and
- (c) any requirements prescribed under the regulations have been met.

24. Particular qualifications

- (1) Sections 22 and 23 do not apply to anything done by an authorised person if –
 - (a) a particular qualification is needed to do the thing; and
 - (b) the person does not have that qualification.
- (2) Subsection (1) applies whether or not the person has acquired, as evidence of an assumed identity, a document that indicates that he or she has that qualification.

25. Effect of being unaware of variation or cancellation of authority

- (1) If an authority has been varied in a way that limits its scope, this Part continues to apply to the authorised person to whom it relates as if it had not been varied in that way, for as long as the person –
 - (a) is unaware of the variation; and

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- (b) is not reckless about the existence of the variation.
- (2) If an authority has been cancelled, this Part continues to apply to the authorised person to whom it related as if it had not been cancelled, for as long as the person –
- (a) is unaware of the cancellation; and
 - (b) is not reckless about the existence of the cancellation.

**PART 5 – MUTUAL RECOGNITION UNDER
CORRESPONDING LAWS**

26. Requests to participating jurisdiction for evidence of assumed identity

- (1) This section applies if an authority granted under section 6 authorises a request under this section.
- (2) The chief officer who grants the authority may request the chief officer of an issuing agency of a participating jurisdiction stated in the authority to –
 - (a) produce evidence of the assumed identity in accordance with the authority; and
 - (b) give evidence of the assumed identity to the authorised person named in the authority.

27. Requests from participating jurisdiction for evidence of assumed identity

- (1) This section applies if –
 - (a) a corresponding authority authorises a request for –
 - (i) the production of evidence of an assumed identity in this jurisdiction; and
 - (ii) the giving of evidence of the assumed identity to the

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authorised person named in the authority; and

- (b) the request is made to the chief officer of an issuing agency of this jurisdiction; and
 - (c) the request states a reasonable period for compliance with the request.
- (2) The chief officer of a government issuing agency who receives the request must comply with the request within the reasonable period stated in the request.
 - (3) The chief officer of a non-government issuing agency who receives the request may comply with the request.

28. Directions from participating jurisdiction to cancel evidence of assumed identity

- (1) The chief officer of an issuing agency who produces evidence of an assumed identity because of a request mentioned in section 27 must cancel the evidence if directed in writing to do so by the chief officer who made the request.
- (2) In this section –
 - “**cancel**” includes delete or alter an entry in a record of information.

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29. Indemnity for issuing agencies and officers

- (1) This section applies if the chief officer of a law enforcement agency makes a request to the chief officer of an issuing agency of a participating jurisdiction under section 26.
- (2) The law enforcement agency must indemnify the issuing agency, and any officer of the issuing agency, for any liability incurred by the agency or officer (including reasonable costs) if –
 - (a) the liability is incurred because of something done (whether in this jurisdiction or elsewhere) by the agency or officer to comply with the request in the course of duty; and
 - (b) any requirements prescribed under the regulations have been met.

30. Application of Act to authorities under corresponding laws

The following provisions apply to anything done in this jurisdiction in relation to a corresponding authority as if it were an authority granted under section 6:

- (a) section 19 (Protection from criminal liability – officers of issuing agencies);
- (b) section 21 (Assumed identity may be acquired and used);

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- (c) section 22 (Protection from criminal liability – authorised persons);
- (d) section 24 (Particular qualifications);
- (e) section 25 (Effect of being unaware of variation or cancellation of authority);
- (f) section 31 (Misuse of assumed identity);
- (g) section 32 (Disclosing information about assumed identity).

PART 6 – COMPLIANCE AND MONITORING

Division 1 – Misuse of assumed identity and information

31. Misuse of assumed identity

- (1) An authorised officer is guilty of an offence if –
- (a) he or she intentionally, knowingly or recklessly acquires evidence of, or uses, an assumed identity covered by his or her authority; and
 - (b) he or she knows that, or is reckless as to whether, the acquisition or use is not –
 - (i) in accordance with his or her authority; or
 - (ii) in the course of duty.

Penalty: Imprisonment for a term not exceeding 2 years.

- (2) An authorised civilian is guilty of an offence if –
- (a) he or she intentionally, knowingly or recklessly acquires evidence of, or uses, an assumed identity covered by his or her authority; and
 - (b) he or she knows that, or is reckless as to whether, the acquisition or use is not in accordance with –
 - (i) his or her authority; or

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- (ii) the directions of his or her supervisor under the authority.

Penalty: Imprisonment for a term not exceeding 2 years.

32. Disclosing information about assumed identity

(1) A person is guilty of an offence if –

- (a) the person intentionally, knowingly or recklessly discloses any information; and
- (b) the person knows that, or is reckless as to whether, the information reveals, or is likely to reveal, that an assumed identity acquired or used by another person is not the other person's real identity; and
- (c) the person knows that, or is reckless as to whether, the disclosure is not made –
 - (i) in connection with the administration or execution of this Act or a corresponding law; or
 - (ii) for the purposes of any legal proceeding arising out of or otherwise related to this Act or a corresponding law or of any report of any such proceedings; or
 - (iii) in accordance with any requirement imposed by law.

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Penalty: Imprisonment for a term not exceeding 2 years.

- (2) A person is guilty of an offence against this subsection if the person commits an offence against subsection (1) in circumstances in which the person –
- (a) intends to endanger the health or safety of any person or prejudice the effective conduct of an investigation or intelligence-gathering in relation to criminal activity; or
 - (b) knows that, or is reckless as to whether, the disclosure of the information –
 - (i) endangers or will endanger the health or safety of any person; or
 - (ii) prejudices or will prejudice the effective conduct of an investigation or intelligence-gathering in relation to criminal activity.

Penalty: Imprisonment for a term not exceeding 4 years.

Division 2 – Reporting and record-keeping

33. Reports about authorities for assumed identities, &c.

- (1) As soon as practicable after the end of each financial year, the chief officer of a law

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enforcement agency must submit a report to the Minister and the Minister administering the *Police Service Act 2003* that includes the following information for the year:

- (a) the number of authorities granted during the year;
 - (b) a general description of the activities undertaken by authorised persons when using assumed identities under this Act during the year;
 - (c) the number of applications for authorities that were refused during the year;
 - (d) a statement whether or not any fraud or other unlawful activity was identified by an audit under section 35 during the year;
 - (e) any other information relating to authorities and assumed identities and the administration of this Act that the Minister considers appropriate.
- (2) The chief officer must advise the Minister of any information in the report that, in the chief officer's opinion, should be excluded from the report before the report is laid before both Houses of Parliament because the information, if made public, could reasonably be expected to –
- (a) endanger a person's safety; or
 - (b) prejudice an investigation or prosecution;
or

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- (c) compromise any law enforcement agency's operational activities or methodologies.
- (3) The Minister must exclude information from the report if satisfied on the advice of the chief officer of any of the grounds set out in subsection (2).
- (4) The Minister is to cause a copy of the report to be laid before each House of Parliament within 15 sitting-days from the day on which the report is received by the Minister.

34. Record-keeping

- (1) The chief officer of a law enforcement agency must cause appropriate records to be kept about the operation of this Act in respect of the agency.
- (2) The records must include the following, in respect of authorities granted, varied or cancelled under this Act in respect of the agency:
 - (a) the date on which an authority was granted, varied or cancelled and the name of the person who granted, varied or cancelled it;
 - (b) the name of the authorised person under the authority, together with details of the assumed identity to which the authority applies;

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- (c) details of any request made to an issuing agency under section 15 in respect of the authority;
- (d) the general nature of the duties undertaken by the authorised person under the assumed identity;
- (e) general details of relevant financial transactions entered into using the assumed identity;
- (f) details of reviews of the authority under section 10.

35. Audit of records

- (1) The chief officer of a law enforcement agency must arrange for the records kept under section 34 for each authority in respect of the agency to be audited –
 - (a) at least once every 6 months while the authority is in force; and
 - (b) at least once in the 6 months after the cancellation or expiry of the authority.
- (2) The audit is to be conducted by a person appointed by the chief officer.
- (3) The person appointed to conduct the audit –
 - (a) may, but need not, be an officer of the law enforcement agency; and

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- (b) must not be a person –
 - (i) who granted, varied or cancelled any of the authorities to which the records under section 34 relate; or
 - (ii) who is or was an authorised person under any of the authorities to which those records relate.
- (4) The results of an audit are to be reported to the chief officer.

PART 7 – GENERAL

36. Delegation of chief officer’s functions

- (1) Except as provided by this section (and despite any other Act or law to the contrary) the functions of a chief officer under this Act may not be delegated to any other person.
- (2) A chief officer may delegate to a senior officer of the law enforcement agency any of the chief officer’s functions under this Act relating to the granting, variation and cancellation of authorities (including conducting reviews under section 10, making applications under section 11 or 13, or making requests under section 13 or 26).
- (3) In this section –

“senior officer” means a person for the time being holding office as –

- (a) in relation to the Police Service, an officer of or above the rank of inspector; or
- (b) in relation to the Australian Crime Commission, any of the following:
 - (i) the Director National Operations;
 - (ii) a Director;

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- (iii) a Head of Investigation/Operation;
- (iv) an office of the Australian Crime Commission that is prescribed by the regulations.

37. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may be made so as to apply differently according to such factors as are specified in the regulations.
- (3) The regulations may authorise any matter to be from time to time determined, applied or regulated by any person or body specified in the regulations.

38. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Justice and Workplace Relations; and

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- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.