



# Legislative Council

## Law Enforcement And National Security (Assumed Identities)

### Amendment Bill Hansard - Extract

20/11/2002

#### Second Reading

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, Minister for Juvenile Justice, and Minister Assisting the Premier on Youth) [8.32 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

#### Leave granted.

The Government is pleased to introduce the *Law Enforcement and National Security (Assumed Identities) Amendment Bill 2002*.

In 1998 this Government implemented the *Law Enforcement and National Security (Assumed Identities) Act* to permit the Chief Executive Officers of authorised agencies to approve the acquisition and use of documents in assumed names for law enforcement purposes.

Both State and Commonwealth agencies are authorised to use the Act to obtain State Government-issued documents. At present, those agencies are:

- NSW Police
- NSW Crime Commission
- Independent Commission Against Corruption
- Police Integrity Commission
- Department of Corrective Services
- Australian Federal Police
- National Crime Authority
- Australian Secret Intelligence Service
- Australian Security Intelligence Organisation, and
- Australian Customs Service

The Assumed Identities Act is an important initiative in the fight against crime. It allows law enforcement and national security officers to obtain documentation such as drivers' licences and credit cards in an assumed name and to use them in the course of their official duties.

In most cases, an assumed identity is needed when officers must have direct contact with suspects, for example, in undercover operations or to protect investigations. Other officers, such as technical staff and surveillance officers, may also require the protection of an assumed name.

This bill is required in order to include the Australian Taxation Office as an authorised agency to enable the covert surveillance activities that the Australian Taxation Office conducts in relation to Excise fraud to be undertaken effectively, securely and safely.

Advice has been received from the Australian Taxation Office that it has taken over the role of undertaking surveillance activities and covert operations in relation to the investigation of Excise Fraud from the Australian Customs Service.

The Australian Customs Service is included as an authorised agency under the Act, and the Australian Taxation Office is seeking to be granted the same in order to be able to use assumed identities to covertly register vehicles and obtain drivers licences in NSW.

The Australian Customs Service will continue to carry out other investigative roles requiring the use of assumed identities and must remain prescribed as an authorised agency under the Act.

In the course of their duties, officers sometimes have to give proof of their identity in order to maintain contact with a person they are investigating or to protect the integrity of a covert operation.

It is essential that in such circumstances officers can give an assumed name. Otherwise their own safety or the integrity of the case they are working on could be put in jeopardy.

Some minor amendments to the *Law Enforcement and National Security (Assumed Identities) Regulation 1999* are also required to define the chief executive officer and enable delegations of this power, in line with existing arrangements for the other Commonwealth agencies listed as authorised agencies under the Act.

The Commonwealth has recently introduced the *Measures to Combat Serious and Organised Crime Act 2001*, which, amongst other matters, amends the Commonwealth's *Crimes Act 1914* to enable approved officers from participating law enforcement and criminal justice agencies to obtain and use assumed identities in the course of their work.

These provisions are intended to operate in a similar capacity to the NSW *Law Enforcement and National Security (Assumed Identities) Act 1998*, but for Commonwealth issued or controlled identification such as passports, Medicare cards, telephone and bank accounts, tax file numbers and credit cards.

The Australian Taxation Office is a prescribed agency under the Commonwealth's new legislation.

There is a clear need for the Australian Taxation Office to be included as an agency authorised to use the Act.

Without the support for law enforcement activities that Act provides, the ATO is not able to carry out essential investigative functions.

This bill is a simple one that makes a small amendment to section 3 of the Act to include the Australian Taxation Office in the definition of authorised agency.

I commend this bill to the House.