

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 39

Issued by the authority of the Minister for Justice

Australian Federal Police Amendment Regulation 2012 (No. 1)

Statement of Compatibility with Human Rights

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Purpose

This regulation repeals redundant provisions in the *Australian Federal Police Regulations 1979*.

In 2010, the Department of Finance and Deregulation conducted a review of Commonwealth subordinate legislation made before 2008. The purpose of the review was to identify regulations that impose costs on business and to improve regulatory efficiency.

One of the review's recommendations was that regulations 25 to 27 of the Australian Federal Police Regulations be repealed. Regulations 25 to 27 relate to the operational use of listening devices and were made under sections 12C and 12G of the *Australian Federal Police Act 1979*. Those sections were located in Division 2 of Part II of the Act, which was repealed following the enactment of the *Surveillance Devices Act 2004*.

The Australian Federal Police and Australian Crime Commission were consulted on the possible repeal of regulations 25 to 27. Both agencies indicated that there are no operational reasons for retaining the provisions and supported their repeal.

Schedule 1 amends the Australian Federal Police Regulations to repeal regulations 25 to 27.

The regulation commences the day after it is registered on the Federal Register of Legislative Instruments.

The regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.