

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 271

Issued by Authority of the Minister for Agriculture, Fisheries and Forestry

Illegal Logging Prohibition Act 2012

Illegal Logging Prohibition Regulation 2012

Section 86 of the *Illegal Logging Prohibition Act 2012* (the Act) provides that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Inspectors appointed under the Act will be authorised to monitor, investigate and enforce suspected breaches of the legislation. Part 4 of the Act creates a regime where warrants to search premises and seize evidence may be issued. Inspectors can execute warrants in order to monitor and investigate compliance with the requirements of the Act.

The *Illegal Logging Prohibition Regulation 2012* (the Regulation) gives effect to identity cards for inspectors appointed under Section 19 of the *Illegal Logging Prohibition Act 2012*. The Regulation prescribes information that must be present on an identity card for inspectors appointed under the Act.

Section 20(2) of the Act states that identity card must:

- (a) be in the form prescribed by the regulations; and
- (b) contain a recent photograph of the inspector.

The Regulation gives effect to Section 20(2)(a) by prescribing the form of the identity card. The Regulation states that an identity card must contain: a statement that the inspector is appointed under the Act; an inspector's unique identifying number; and the expiry date of the inspector's appointment.

Section 20(6) of the Act states that an inspector must carry his or her identity card at all times when exercising powers as an inspector. The Regulation specifies the form of the identity card that is required for an inspector to carry out investigation, monitoring and other powers specified in Part 4 of the Act. As the Regulation gives effect to existing powers within the Act, consultation was not required. It is worth noting that the Act has been before the Senate Standing Committee on Rural Affairs and Transport twice – once as an exposure draft and once in its current form; the Senate Scrutiny of Bills Committee; and the Joint Standing Committee on Foreign Affairs, Defence and Trade for public inquiry

The Office of Best Practice Regulation was consulted in the preparation of the Regulation (ID 9816).

The Regulation commences on the commencement of item 8 of the table at section 2 of the *Illegal Logging Prohibition Act 2012*.

The Regulation is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out below.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Illegal Logging Prohibition Regulation 2012

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*.

Overview of the Legislative Instrument

The Regulation gives effect to identity cards for inspectors (Section 20) appointed under Section 19 of the *Illegal Logging Prohibition Act 2012* (the Act).

The Regulation gives effect to Section 20(2)(a) of the Act by prescribing the form of the identity card. The Regulation states that an identity card must contain: a statement that the inspector is appointed under the Act; an inspector's unique identifying number; and the expiry date of the inspector's appointment.

Section 20(6) of the Act states that an inspector must carry his or her identity card at all times when exercising powers as an inspector. The Regulation allows for an inspector to carry out investigation, monitoring and other powers specified in Part 4 of the Act.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Senator the Hon. Joseph William Ludwig
Minister for Agriculture, Fisheries and Forestry