**EXPLANATORY STATEMENT**

**Select Legislative Instrument No. 36, 2015**

*Textile, Clothing and Footwear Investment and Innovation Programs Act 1999*

and *Textile, Clothing and Footwear Investment and Innovation Programs Regulation 2015*

**Authority**

Section 56 of the *Textile, Clothing and Footwear Investment and Innovation Programs Act 1999* (the Act) provides that the Governor‑General may make Regulations prescribing matters required or permitted to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Paragraphs 37U(2)(a) and 37ZZD(2)(a) of the Act provide for the form of identity card to be prescribed by regulation.

**Background**

The Act provides for the form of identity cards to be prescribed by regulations.

**Purpose and operation**

The Textile, Clothing and Footwear Investment and Innovation Programs Act 1999 (the Act) prescribes a framework for the implementation of the Textile, Clothing and Footwear Strategic Investment and Innovation Programs. There are two schemes under the programs:

• TCF Post-2005 Strategic Investment Program (SIP) scheme;

• the Clothing and Household Textile Building Innovative Capability (BIC) scheme.

The purpose of *Textile, Clothing and Footwear Investment and Innovation Programs Regulation 2015* (the Regulation) is to specify the types of information that must be included in an identity card issued to an authorised officer.

In accordance with Part 6 of the *Legislative Instruments Act 2003* the original regulations made under the Act, the *Textile, Clothing and Footwear Strategic Investment Program Regulations 2005* (renamed as the *Textile, Clothing and Footwear Investment and Innovation Programs Regulations 2005*) are due to sunset on the 1 April 2015.

Parts 3A and 3C provide, respectively, for the TCF Post-2005 (SIP) scheme and the Clothing and Household Textile (BIC) scheme. Both of the schemes make provision for the payment of grants subject to certain conditions under Division 6 of each Part.

Division 6 of Part 3A and Division 6 of Part 3C of the Act set out that grants are paid subject to the condition that the receiving entity must allow authorised officers to access their business premises, inspect and search the premises, operate electronic equipment on the premises to obtain information, and remove documents/disks/tapes/other storage device.

An authorised officer must carry an identity card at all times when exercising these compliance powers. An authorised officer is not entitled to exercise any power of the relevant Part relating to premises unless he/she is able to produce the identity card if so requested.

An ‘identity card’ is issued by the Secretary of the Department of Industry and Science to authorised officers under either subsection 37U(1) or 37ZZD(1) of the Act.

An ‘authorised officer’ is an APS employee in the Department of Industry and Science authorised by the Secretary under subsection 37P(6) or 37ZY(1) of the Act to exercise the compliance powers, respectively in Division 6 of Part 3A of the Act or Division 6 of Part 3C of the Act.

Paragraphs 37U(2)(a) and 37ZZD(2)(a) of the Act provide for the form of the identity card to be prescribed by regulations.

This Regulation is required as the SIP and BIC schemes will continue to require the compliance mechanisms as provided for through the powers of an authorised officer under Division 6 of Part 3A and Division 6 of Part 3C of the Act.

**Consultation**

No consultation has been required in making this Regulation.

**Detailed explanation of the Regulation’s provisions**

Section 1 – Name of Regulation

This section provides the title of the Regulation, *Textile, Clothing and Footwear Investment and Innovation Programs Regulation 2015*.

Section 2 – Commencement

This section provides that the Regulation commences on 1 April 2015.

Section 3 – Authority

This section provides that the Regulation is made under the *Textile, Clothing and Footwear Investment and Innovation Programs Act 1999*.

Section 4 – Definitions

This section provides the definition of Act as meaning the *Textile, Clothing and Footwear Investment and Innovation Programs Act 1999*.

Section 5

This section prescribes the information an identity card issued to an authorised officer must include for the purposes of paragraph 37U(2)(a).

Section 6

This section prescribes the information an identity card issued to an authorised officer must include for the purposes of paragraph 37ZZD(2)(a).

**STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS**

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

**Textile, Clothing and Footwear Investment and Innovation Programs Regulation 2015**

This Regulation 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 Regulation**

The Regulation prescribes the information that must be on an identity card issued to an authorised officer. This information is required to be prescribed under paragraphs 37U(2)(a) and 37ZZD(2)(a) of the *Textile, Clothing and Footwear Investment and Innovation Programs Act 1999*.

An ‘authorised officer’ is an APS employee in the Department of Industry and Science authorised by the Secretary under subsections 37P(6) or 37ZY(1) of the Act to exercise the compliance powers, respectively in Division 6 of Part 3A of the Act or Division 6 of Part 3C of the Act.

An authorised officer must carry an identity card at all times when exercising the compliance powers referred to in Division 6 of Part 3A and Division 6 of Part 3C, which includes being able to access business premises, operate electronic equipment on the premises to obtain information, and remove documents, disks, tapes, or other storage devices. An authorised officer is not entitled to exercise any power of the relevant Part relating to premises unless he/she is able to produce the identity card if so requested.

**Human rights implications**

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

**Conclusion**

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

**The Minister for Industry and Science, the Honourable Ian Macfarlane MP**