

## PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

### Index of legislative instruments considered by the committee as requiring further scrutiny in 2016

**Last updated:** 23 March 2017

**Key:** RR – Response required    NRR – No response required, matters raised on an advice only basis

The committee reviews all legislative instruments. This list only includes those instruments raising human rights concerns.

Instrument	Report No.	Action	Response Report No.	Right(s)	Issue(s)
Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2015 (No. 1) [F2015L01422]	33/44	RR		Right to privacy, right to a fair hearing, right to protection of the family, right to equality and non-discrimination	'Freezing' of designated person's assets, lack of effective access to an independent and impartial court or tribunal (autonomous sanctions regime, ministerial designations under the UN Charter sanctions regime), declarations under the autonomous sanctions regime—effect on families, designations or declarations in relation to specified countries

<b>Instrument</b>	<b>Report No.</b>	<b>Action</b>	<b>Response Report No.</b>	<b>Right(s)</b>	<b>Issue(s)</b>
Aviation Transport Security (Prohibited Cargo - Bangladesh) Instrument 2015 [F2015L02072] Aviation Transport Security (Prohibited Cargo - Egypt) Instrument 2015 [F2015L02058] Aviation Transport Security (Prohibited Cargo - Somalia) Instrument 2015 [F2015L02057] Aviation Transport Security (Prohibited Cargo - Syria) Instrument 2015 [F2015L02073] Aviation Transport Security (Prohibited Cargo - Yemen) Instrument 2015 [F2015L02056]	35/44	RR	37/44		
Migration Amendment (Charging for a Migration Outcome and Other Measures) Regulation 2015 [F2015L01961] Migration Legislation Amendment (2015 Measures No. 4) Regulation 2015 [F2015L01962]	34/44	NRR			
Migration Amendment (Protection and Other Measures) Regulation 2015 [F2015L00542]	36/44	NRR			
My Health Records (Opt-out Trials) Rule 2016 [F2016L00094]	36/44	NRR			
My Health Records Rule 2016 [F2016L00095]	36/44	NRR			
Charter of the United Nations (Sanctions—Iran) Document List Amendment 2016 [F2016L00116]	36/44	RR	9/2016	Right to a fair trial and quality of law test	Offences of dealing with export and import sanctioned goods
Royal Commissions Amendment Regulation 2016 (No. 1) [F2016L00113]	36/44	RR	38/44	Right to a fair trial and fair hearing rights, right to privacy	Sharing of information in circumstances where the witness was not afforded the privilege against self-incrimination
Child Care Benefit (Vaccination Schedules) (Education) Determination 2015 [F2015L02101]	37/44	NC			

<b>Instrument</b>	<b>Report No.</b>	<b>Action</b>	<b>Response Report No.</b>	<b>Right(s)</b>	<b>Issue(s)</b>
Social Security (Administration) (Trial Area—East Kimberley) Determination 2016 [F2016L00307]	37/44	NRR			Implement measures considered in the committee's <i>2016 Review of Stronger Futures measures</i> report
Social Security (Administration) (Trial Area—Ceduna and Surrounding Region) Amendment Determination (No. 1) 2016 [F2016L00309]	37/44	NRR			Implement measures considered in the committee's <i>2016 Review of Stronger Futures measures</i> report
Social Security (Administration) (Trial—Community Body—Ceduna Region Community Panel) Authorisation 2016 [F2016L00310]	37/44	NRR			Implement measures considered in the committee's <i>2016 Review of Stronger Futures measures</i> report
Social Security (Administration) (Trial—Variation of Percentage Amounts) Determination 2016 [F2016L00297]	37/44	NRR			Implement measures considered in the committee's <i>2016 Review of Stronger Futures measures</i> report
Social Security (Administration) (Trial—Excluded Voluntary Participants) Determination 2016 [F2016L00306]	37/44	NRR			Implement measures considered in the committee's <i>2016 Review of Stronger Futures measures</i> report
Social Security (Administration) (Welfare Restricted Bank Account) Determination 2016 [F2016L00311]	37/44	NRR			Implements measures considered in the committee's <i>2016 Review of Stronger Futures measures</i> report

Instrument	Report No.	Action	Response Report No.	Right(s)	Issue(s)
Social Security (Administration) (Trial—Declinable Transactions) Determination 2016 [F2016L00312]	37/44	NRR			Implements measures considered in the committee's <i>2016 Review of Stronger Futures measures</i> report
Migration Act 1958—Specification of Class of Persons Defined as Fast Track Applicants 2016/007 [F2016L00455]	38/44	NRR			Implements measures considered in relation to the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014
Migration Act 1958—Specification of Class of Persons Defined as Fast Track Applicants 2016/008 [F2016L00456]	38/44	NRR			Implements measures considered in relation to the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014
Social Security (Administration) (Trial—Declinable Transactions) Amendment Determination (No. 1) 2016 [F2016L00493]	38/44	NRR			Implements measures considered in the committee's <i>2016 Review of Stronger Futures measures</i> report
Social Security (Administration) (Excluded circumstances—Queensland Commission) Amendment Specification 2016 [F2016L00500]	38/44	NRR			Implements measures considered in the committee's <i>2016 Review of Stronger Futures measures</i> report
PAYG Withholding Variation: Variation of amount to be withheld from indigenous artists when an ABN is not provided [F2016L00358]	38/44	NRR		Right to equality and non-discrimination	Measures bestowing a benefit on a particular group on the basis of race

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Australian Crime Commission Amendment (National Policing Information) Regulation 2016 [F2016L00712]	7/2016	RR	8/2016	Right to privacy	Collection and use of 'national policing information'
Biosecurity (Human Health) Regulation 2016 [F2016L00719]	7/2016	RR	8/2016	Right to privacy	Requirements for taking, storing and using body samples
Census and Statistics Regulation 2016 [F2016L00706]	7/2016	RR	8/2016	Right to privacy	Statistical information to be collected from persons for the census
Federal Financial Relations (National Partnership payments) Determination No. 104—8 (March 2016)—(July 2016)	7/2016	RR	8/2016	Health; social security; adequate standard of living; children; education	Payments to the states and territories for the provision of health, education, employment, housing and disability services
Social Security (Administration) (Vulnerable Welfare Payment Recipient) Amendment Principles 2016 [F2016L00770]	7/2016	RR	8/2016	Equality and non-discrimination; social security, adequate standard of living; private life	Time limits on 'vulnerable welfare recipient' determinations
Australian Citizenship (Declared Terrorist Organisation—Islamic State) Declaration 2016 [F2016L00665]	7/2016	NRR		Freedom of movement; private life; protection of the family; take part in public affairs; liberty; obligations of non-refoulement; equality and non-discrimination; fair hearing and criminal process rights; prohibition against retrospective criminal laws; prohibition against double punishment; rights of children	Declaration of a terrorist organisation

Instrument	Report No.	Action	Response Report No.	Right(s)	Issue(s)
Migration Act 1958 - Class of Persons Defined as Fast Track Applicants 2016/049 [F2016L00679]	7/2016	NRR		Non-refoulement; fair hearing; obligation to consider the best interests of the child	Expansion of the fast-track assessment process
Social Security (Administration) (Trial - Declinable Transactions) Amendment Determination (No. 2) 2016 [F2016L01248]	7/2016	NRR		Social security; private life; equality and non-discrimination	Restrictions on how social security payments are spent
Australian Public Service Commissioner's Directions 2016 [F2016L01430]	8/2016	RR	10/2016	Privacy	Publishing termination decision for breach of the Code of Conduct
Comptroller-General of Customs Directions (Use of Force – Norfolk Island) 2016 [F2016L01033]	8/2016	NRR		Life	Use of force
Social Security (Administration) (Trial Area - Ceduna and Surrounding Region) Amendment Determination (No. 2) 2016 [F2016L01424]	8/2016	NRR		Social security; private life; equality and non-discrimination	Extending a trial of cashless welfare arrangements
Sex Discrimination Amendment (Exemptions) Regulation 2016 [F2016L01445]	9/2016	RR	1/2017	Equality and non-discrimination	Extension of prescription period
Instruments made under the <i>Autonomous Sanctions Act 2011</i> and the <i>Charter of the United Nations Act 1945</i>	6/2013, 7/2013, 10/2013, 28/44, 33/44	RR	9/2016	Privacy; fair hearing; protection of the family; equality and non-discrimination; adequate standard of living; freedom of movement; non-refoulement	'Freezing' of designated person's assets; designations or declarations in relation to specified countries
Migration Legislation Amendment (2016 Measures No. 3) Regulation 2016 [F2016L01390]	10/2016	NRR		Protection of the family; family reunion; privacy; rights of children	Approval of persons as family visa sponsors; disclosure of information to visa applicants

Please consult the relevant [report](#) for further information on the committee's consideration of each legislative instrument.

<b>Report No.</b>	<b>Date tabled</b>
33/44 – <a href="#">Thirty-third Report of the 44th Parliament</a>	2 February 2016
34/44 – <a href="#">Thirty-fourth Report of the 44th Parliament</a>	23 February 2016
35/44 – <a href="#">Thirty-fifth Report of the 44th Parliament</a>	25 February 2016
36/44 – <a href="#">Thirty-sixth Report of the 44th Parliament</a>	16 March 2016
37/44 – <a href="#">Thirty-seventh Report of the 44th Parliament</a>	2 May 2016
38/44 – <a href="#">Thirty-eighth Report of the 44th Parliament</a>	3 May 2016
7/2016 – <a href="#">Report 7 of 2016</a>	11 October 2016
8/2016 – <a href="#">Report 8 of 2016</a>	9 November 2016
9/2016 – <a href="#">Report 9 of 2016</a>	22 November 2016
10/2016 – <a href="#">Report 10 of 2016</a>	30 November 2016