

# **PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS**

## **DEPUTY CHAIR'S TABLING STATEMENT**

**Wednesday 24 September 2014**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Twelfth Report of the 44<sup>th</sup> Parliament.

The committee considered 12 bills, all of which were introduced with a statement of compatibility. Of these 12 bills, nine do not require further scrutiny as they do not appear to give rise to human rights concerns. The committee has decided to defer its consideration of one bill.

The committee has identified two bills that it considers require further examination and for which it will seek further information.

Of the bills considered, those which are scheduled for debate during the sitting week commencing 22 September 2014 include:

- Customs Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014
- Customs Tariff Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014
- Infrastructure Australia Amendment (Cost Benefit Analysis and Other Measures Bill 2014
- Migration Amendment (Protection and Other Measures) Bill 2014

- Tax and Superannuation Laws Amendment (2014 Measures No. 5) Bill 2014

The report outlines the committee's assessment of the compatibility of these bills with human rights, and I encourage my fellow Members to look to the committee's report to inform your deliberations on the merits of this proposed legislation.

I would like to draw Members' attention to one bill in this report which is of particular interest and relevance to the committee's task of assessing legislation for compatibility with human rights.

The Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014 seeks to amend various Acts relating to social security, family assistance, veterans' entitlements and farm household support to make a number of changes to certain Australian Government payments. These include measures to:

- pause indexation for three years of the income free areas and assets value limits for student payments;
- pause indexation for three years of the income and assets test free areas for all pensioners (other than parenting payment single recipients) and the deeming thresholds for all income support payments;
- provide that all pensions are indexed to the Consumer Price Index only by removing both benchmarking to Male Total

## Average Weekly Earnings and indexation to the Pensioner and Beneficiary Living Cost Index.

The committee previously sought the advice of the minister as to whether the measures are compatible with these rights, noting that the statement of compatibility did not adequately identify and assess how potential limitations on the right to social security, the right to an adequate standard of living and the rights to quality and non-discrimination would be reasonable, necessary and proportionate in each case.

The further information provided by the minister in this case is an excellent model for the kind of detailed information and analysis required to assist the committee in its assessment of the human rights compatibility of legislation. This further information has allowed the committee to conclude that the measures are largely compatible with the right to social security and the right to an adequate standard of living, with identified limitations of rights being generally assessed as reasonable, necessary and proportionate in pursuit of a legitimate objective. Significantly, out of the twelve matters raised by the committee in relation to measures in the bill, the committee has concluded that ten of these are compatible with human rights.

I would urge ministers and officers of departments and agencies with responsibility for the preparation of statements of compatibility to look at the committee's examination of this bill as a guide to

understanding the processes and analytical framework within which the committee works.

With these comments, I commend the committee's Twelfth Report of the 44<sup>th</sup> Parliament to the chamber.