

# PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

## CHAIR'S TABLING STATEMENT

Wednesday 1 October 2014

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

This report provides the Parliamentary Joint Committee on Human Rights' view on the compatibility with human rights as defined in the *Human Rights (Parliamentary Scrutiny) Act 2011* of bills introduced into the Parliament during the period 22 to 25 September 2014 and legislative instruments received during the period 6 to 12 September 2014. The committee has also considered responses to the committee's comments made in previous reports.

The committee considered 11 bills, all of which were introduced with a statement of compatibility. Of these 11 bills, ten 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 five bills.

The committee has identified one bill that it considers requires 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 30 September 2014 include:

- the Automotive Transformation Scheme Amendment Bill 2014

- the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Amendment Bill 2014
- the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Collection) Amendment Bill 2014
- the Australian Education Amendment Bill 2014
- the Rural Research and Development Legislation Amendment Bill 2014
- the Aged Care and Other Legislation Amendment Bill 2014
- the Health and Other Services (Compensation) Care Charges (Amendment) Bill 2014 and
- the Private Health Insurance Amendment Bill (No. 1) 2014

The report outlines the committee's assessment of the compatibility of these bills with human rights – and I am pleased to report all these bills do not raise any human rights concerns.

I would like to draw Senators' 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 National Security Legislation Amendment Bill (No. 1) 2014.

In its report the committee notes that the statement of compatibility prepared by the Attorney-General's Department identifies a number of human rights engaged by the bill. However, the statement of compatibility does not provide sufficient information on each

proposed measure for the committee to presently and fully assess the compatibility of the bill with Australia's human rights obligations.

As had been previously stated, the committee requires a reasoned and evidence-based assessment of whether a proposed limitation is reasonable, necessary and proportionate to achieving a legitimate objective. In the absence of detailed information in relation to the proposed measures it will be difficult for the committee to conclude that the proposed measures are compatible with human rights.

For this reason, the committee is seeking further information from the Attorney-General's Department in relation to the engagement of a number of human rights, such as the right to be free from arbitrary detention, the right to an effective remedy, the right to freedom of expression, the right to freedom of movement and the right a fair trial.

The committee is particularly disappointed the Attorney-General's Department has not given sufficient attention to the expectations set out in the committee's Practice Note 1 which states "the committee relies on the statement to provide sufficient information about the purpose and effect of the proposed legislation, the operation of its individual provisions and how these may impact on human rights ... the committee expects statements to set out the necessary information in a way that allows it to undertake its scrutiny tasks efficiently. Without this information, it is often difficult to identify provisions which raise human rights concerns in the time available."

I note that the Parliamentary Joint Committee on Human Rights is not the only legislative scrutiny committee to have raised issues in relation to the bill. The Scrutiny of Bills Committee previously raised a number of concerns with the Attorney-General and, promisingly for our deliberations, received a comprehensive response in relation to these concerns.

It is important to note that any characterisation of human rights as being in opposition to national security is inaccurate and also unproductive. Parliamentary committees such as this one have a critical function in ensuring there is the right balance struck between national security and human rights.

Indeed, Australia's current membership of the UN Security Council requires us to exercise important leadership in advancing both international peace and security, and at the same time advancing the protection of national security and human rights on the global stage.

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