

# **PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS**

## **CHAIR'S TABLING STATEMENT**

**TUESDAY 24 JUNE 2014**

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

This report covers 18 bills introduced in the period 2 to 19 June, nine of which have been deferred for further consideration, and 51 legislative instruments received during the period 31 May and 6 June. The report also includes the committee's consideration of 11 responses to matters raised in previous committee reports.

Of the bills considered in this report, I note that the following bills are scheduled for debate in the Parliament this week:

- Appropriation Bill (No. 1) 2014-2015
- Appropriation Bill (No. 2) 2014-2015
- Appropriation (Parliamentary Departments) Bill (No. 1) 2014-2015
- Appropriation Bill (No. 5) 2013-2014
- Appropriation Bill (No. 6) 2013-2014.

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

I would like to draw Senators' attention to two bills in this report which are of particular interest and relevance to the committee's task of assessing legislation for compatibility with human rights.

The Australian Citizenship (Intercountry Adoption) Bill 2014 seeks to amend the Australian Citizenship Act to facilitate inter-country adoptions in accordance with a bilateral agreement where the country of the child's birth is not a party to the Hague Convention. These 'fast track' arrangements for citizenship are currently only available where the birth country is a party to the Hague Convention.

The report notes that children have special rights under human rights law taking into account their particular vulnerabilities. Of particular relevance to the bill, article 21 of the Convention on the Rights of the Child provides special protection in relation to inter-country adoption, seeking to ensure that it is performed in the best interest of the child. The Hague Convention implements these obligations.

The report notes that, by providing for the grant of Australian citizenship (and the issue of passports) to children adopted by Australian citizens, the bill provides for the exercise of Australian jurisdiction over any such children. Accordingly, in exercising that jurisdiction, decision makers must act in the best interest of the child.

In accordance with this analysis, the committee has sought more information from the Minister on the standards or safeguards that will apply to inter-country adoptions under a bilateral agreement where the

country is not a signatory to the Hague Convention. More information on this question will enable the committee to better assess whether the bill is compatible with Australia's human rights obligation to consider the best interests of the child.

I would also like to draw to Senators' attention to a feature of the committee's work that is often overlooked. While the committee's work is generally concerned with identifying potential limitations on human rights, the committee's analysis of legislation also identifies bills and instruments that promote human rights. In this regard, I note that the Agricultural and Veterinary Chemicals Legislation Amendments (Removing re-approval and Re-registration) Bill seeks to reintroduce the right not incriminate oneself to the *Agricultural and Veterinary Chemicals Code Act 1994*. The committee notes that this measure promotes the right to a fair trial consistent with international human rights law.

I encourage Senators to consult the full discussion of these bills in the report, which provides a more detailed account of the issues raised.

Finally, in relation to responses to matters previously raised by the committee, the report contains consideration of 11 such responses, and the committee's concluding remarks on these matters.

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