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# Membership of the committee

## Members

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Mr Graham Perrett MP, Deputy Chair	Moreton, Queensland, ALP
Mr Russell Broadbent MP	McMillan, Victoria, LP
Senator Carol Brown	Tasmania, ALP
Ms Madeleine King MP	Brand, Western Australia, ALP
Mr Julian Leeser MP	Berowra, New South Wales, LP
Senator Nick McKim	Tasmania, AG
Senator Claire Moore	Queensland, ALP
Senator James Paterson	Victoria, LP
Senator Linda Reynolds CSC	Western Australia, LP

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## External legal adviser

Dr Aruna Sathanapally

## Committee information

Under the *Human Rights (Parliamentary Scrutiny) Act 2011* (the Act), the committee is required to examine bills, Acts and legislative instruments for compatibility with human rights, and report its findings to both Houses of the Parliament. The committee may also inquire into and report on any human rights matters referred to it by the Attorney-General.

The committee assesses legislation against the human rights contained in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR); as well as five other treaties relating to particular groups and subject matter.<sup>1</sup> **Appendix 2** contains brief descriptions of the rights most commonly arising in legislation examined by the committee.

The establishment of the committee builds on Parliament's established tradition of legislative scrutiny. The committee's scrutiny of legislation is undertaken as an assessment against Australia's international human rights obligations, to enhance understanding of and respect for human rights in Australia and ensure attention is given to human rights issues in legislative and policy development.

Some human rights obligations are absolute under international law. However, in relation to most human rights, prescribed limitations on the enjoyment of a right may be justified under international law if certain requirements are met. Accordingly, a focus of the committee's reports is to determine whether any limitation of a human right identified in proposed legislation is justifiable. A measure that limits a right must be **prescribed by law**; be in pursuit of a **legitimate objective**; be **rationaly connected** to its stated objective; and be a **proportionate** way to achieve that objective (the **limitation criteria**). These four criteria provide the analytical framework for the committee.

A **statement of compatibility** for a measure limiting a right must provide a **detailed and evidence-based assessment** of the measure against the limitation criteria.

Where legislation raises human rights concerns, the committee's usual approach is to seek a response from the legislation proponent, or else draw the matter to the attention of the proponent on an advice-only basis.

More information on the committee's analytical framework and approach to human rights scrutiny of legislation is contained in Guidance Note 1 (see **Appendix 4**).

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1 These are the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of Discrimination against Women (CEDAW); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC); and the Convention on the Rights of Persons with Disabilities (CRPD).

# Table of contents

<b>Membership of the committee .....</b>	<b>iii</b>
<b>Committee information .....</b>	<b>iv</b>
<b>Chapter 1—New and continuing matters .....</b>	<b>1</b>
<b>Response required</b>	
Federal Financial Relations (National Partnership payments) Determination No. 116-119 (February 2017)-(May 2017) .....	2
Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Bill 2017 .....	7
Social Services Legislation Amendment (Payment Integrity) Bill 2017 .....	17
<b>Advice only</b>	
Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) (Documents) Instrument 2017 [F2017L00539] .....	21
Competition and Consumer Amendment (Safeguarding the Reputation of Australian Beef) Bill 2017 .....	25
National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017 .....	27
Telecommunications (Interception and Access - Law Enforcement Conduct Commission of New South Wales) Declaration 2017 [F2017L00533] .....	30
Vaporised Nicotine Products Bill 2017 .....	34
<b>Bills not raising human rights concerns .....</b>	<b>36</b>
<b>Chapter 2—Concluded matters .....</b>	<b>37</b>
Australian Public Service Commissioner's Directions 2016 [F2016L01430] .....	37
Higher Education Support Legislation Amendment (A More Sustainable, Responsive and Transparent Higher Education System) Bill 2017 .....	41
<b>Appendix 1— Deferred legislation .....</b>	<b>61</b>
<b>Appendix 2— Short guide to human rights .....</b>	<b>63</b>
<b>Appendix 3— Correspondence .....</b>	<b>77</b>
<b>Appendix 4— Guidance Note 1 and Guidance Note 2 .....</b>	<b>89</b>

