

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

CHAIR'S TABLING STATEMENT

THURSDAY 19 JUNE 2014

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Seventh Report of the 44th Parliament.

This report covers 42 bills introduced in the period 13 to 29 May, seven of which have been deferred for further consideration, and 218 legislative instruments received during the period 8 March to 30 May. The report also includes the committee's consideration of 15 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:

- Migration Legislation Amendment Bill (No. 1) 2014; and
- Fair Work Amendment Bill 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 Senator's 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 *Migration Legislation Amendment Bill (No.1) 2014* consists of six schedules of amendments to the Migration Act and the Australian Citizenship Act. Key changes include:

- amending the existing limitations on applying for a further protection visa whilst in the migration to include situations where the first visa applications was made on behalf of a non-citizen. This would cover situations where the non-citizen did not know of, or did not understand, the nature of the application due to a mental impairment or because they were a minor;
- extending debt recovery provisions for detention costs to all convicted people smugglers and illegal foreign fishers;
- amending the role of authorised recipients for visa applicants; and the Migration Review Tribunal and Refugee Review Tribunal's obligation to give documents to authorised recipients;
- providing access to, and use of, material and information obtained under a search warrant in migration and citizenship decisions; and
- amending the procedural fairness provisions that apply to visa applicants.

As noted in the report, the committee has raised concerns about each of these amendments. In most cases, the committee has sought more information from the Minister, noting that the statement of compatibility for the bill did not provide an adequate assessment of how the limitation on rights in each case was reasonable, necessary and proportionate.

In particular the committee noted that extending the statutory bar on repeat protection visa applications to children and persons with a mental impairment engages a number of human rights. These include the best interests of the child and the right of persons with a mental impairment to legal capacity. The schedule also engages Australia's non-refoulement obligations – the obligation not to return people to harm. In this regard, the committee notes that merits review of decisions to remove people from Australia is an important aspect of our non-refoulement obligations.

I encourage senators to consult the full discussion of the bill 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 15 such responses, and the committee's concluding remarks on these matters.

With these comments, I commend the committee's Seventh Report of the 44th Parliament to the Senate.