

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

CHAIR'S TABLING STATEMENT

TUESDAY 13 MAY 2014

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

This report covers 18 bills introduced in the period 24 to 27 March, three of which have been deferred for further consideration, and 175 legislative instruments received during the period 8 March to 25 April. The report also includes the committee's consideration of 10 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 during this week:

- the G20 (Safety and Security) Complementary Bill 2014;
- the Major Sporting Events (Indicia and Images) Protection Bill 2014; and
- the Tax Laws Amendment (2014 Measures No. 1) 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 senators' attention to one bill in this report which raises an issue of particular interest and relevance to the committee's task of assessing legislation for compatibility with human rights.

The G20 (Safety and Security) Complementary Bill 2014 is intended to clarify the interaction between provisions of the *G20 (Safety and Security) Act 2013 (Qld)* and existing Commonwealth legislation at the Brisbane Airport during the G20 Summit. The G20 Summit is to be held in Brisbane in November this year. In simple terms, the bill will allow the provisions of the Queensland Act to apply in certain areas of Brisbane Airport in the lead-up to and during the G20 Summit. Commonwealth laws that would otherwise apply in Brisbane Airport, which is a Commonwealth place, will effectively be 'rolled back'.

As noted in the report, the application of the provisions of the Queensland law to areas of Brisbane Airport amounts to the enactment of Commonwealth law in those places. Given this, to the extent that those laws may engage and limit human rights, the report notes that any such laws should be subject to a human rights assessment in accordance with the committee's usual expectations for new legislation. As the statement of compatibility for the G20 bill did not provide an assessment of the provisions of the Queensland Act that will be applied in the Commonwealth areas of Brisbane Airport, the committee has requested further information from the minister on this matter.

More generally, the committee notes that the G20 bill is a specific instance of the application of state laws to Commonwealth places as provided for by the *Commonwealth Places (Application of Laws) Act*

1970. This raises the wider question of how state laws applied to Commonwealth places can be systematically assessed for compatibility with human rights. The committee has therefore determined that it will undertake a human rights assessment of the Commonwealth Places Act, and has requested that the Minister for Justice prepare a statement of compatibility to facilitate the committee's consideration of the Act.

I encourage senators to consult the full discussion of the G20 bill in the report, which provides a more detailed account of the issues raised and the interesting background to the practice of applying state laws to Commonwealth places.

Finally, in relation to responses to matters previously raised by the committee, the report contains consideration of 10 such responses, and the committee's concluding remarks on these matters.

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

Senator Dean Smith

Chair

Parliamentary Joint Committee on Human Rights