

## Executive Summary

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 12 to 14 March 2013 and select legislative instruments registered with the Federal Register of Legislative Instruments (FRLI) during the period 17 to 20 December 2012.

### **Bills introduced 12 to 14 March 2013**

The committee considered 24 bills, all of which were introduced with a statement of compatibility. Twelve of the bills considered do not require further scrutiny as they do not appear to give rise to human rights concerns. The committee has identified 12 bills that it considers require further examination and for which it will seek further information.

### **Select instruments registered between 17 to 20 December 2012**

The committee considered the following four legislative instruments that were deferred for further consideration:

- Radiocommunications (Field Trial by Corrective Services NSW of PMTS Jamming Devices at Lithgow Correctional Centre) Exemption Determination 2012;
- Social Security (Actuarial Certificate - Life Expectancy Income Stream Guidelines) Determination 2012;
- Social Security (Actuarial Certificate - Lifetime Income Stream Guidelines) Determination 2012;
- Work Health and Safety Act 2011 (application to Defence activities and Defence members) Declaration 2012.

The committee is seeking further information in relation to these instruments before forming a view about their compatibility.

### **Issues arising**

A number of the bills considered by the committee in this report have led it to reflect on some fundamental principles with regard to its role in the scrutiny of legislation.

### **Timetable for the consideration of bills**

The committee considers that the timetable for the consideration of legislation should allow sufficient time for the Parliament to examine draft legislation in some

detail.<sup>1</sup> The committee notes that article 25 of the International Covenant on Civil and Political Rights guarantees the rights of citizens to participate in government through their elected representatives. A fundamental premise of the *Human Rights (Parliamentary) Scrutiny Act 2011* is that the examination of draft legislation for human rights compatibility is an important component of the Australian Human Rights Framework, and that the role of the committee is not a purely formal one or intended to be primarily after-the-event commentary on legislation.

### **Early release of comments**

The committee determined to release its comments early on six of the bills<sup>2</sup> in this report to give other parliamentary committees the benefit of these comments prior to the conclusion of their inquiries. These bills, which make up a package of bills on media reform, were referred to the Senate Environment and Communications Legislation Committee and the House of Representatives Infrastructure and Communications Committee. The subject matter of the bills is also the subject of an inquiry by the Joint Select Committee on Broadcasting Legislation established on 14 March 2013.

The committee has determined that I should draw attention to these issues in my tabling statement.

**Mr Harry Jenkins MP**  
**Chair**

---

1 See discussion on Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013.

2 The Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013; the Broadcasting Legislation Amendment (News Media Diversity) Bill 2013; the Television Licence Fees Amendment Bill 2013; the News Media (Self-regulation) Bill 2013; the News Media (Self-regulation) (Consequential Amendments) Bill 2013; and the Public Interest Media Advocate Bill 2013.