

Responses requiring no further comment

Clean Energy Legislation (Carbon Tax Repeal) Bill 2013

Portfolio: Environment

Introduced: House of Representatives and Senate, 13 November 2013

Status: Before Senate

PJCHR comments: First Report of the 44th Parliament, tabled 10 December 2013

Response dated: 29 January 2014

Information sought by the committee

3.112 The committee noted that the statement of compatibility did not include a justification for the limitation on the right to freedom of expression imposed as a result of the prohibition in new section 60K of the bill.

3.113 The committee also noted the detailed analysis of the compatibility of new civil penalty provisions inserted into the *Competition and Consumer Act 2010* by Schedule 2 of the bill. The committee was pleased to note that certain minimum guarantees applicable to criminal proceedings are protected, but expressed concern that the application of a civil standard of proof in such proceedings to determine an individual's liability to for such penalties may not meet the requirements of the right to be presumed innocent.¹

3.114 The committee wrote to the Minister for the Environment and the Treasurer to draw their attention to the committee's expectation that statements of compatibility will contain an explicit articulation of a legitimate objective, the rational connection of the measure the achievement of that purpose and why the measure is a reasonable and proportionate one.

Committee's response

3.115 The committee thanks the Minister for the Environment for his advice that he will endeavour to ensure that separate statements of compatibility are prepared for each individual bill in a legislative package in the future.

3.116 The committee notes the Minister's advice that he has referred the committee's comments on amendments to the *Competition and Consumer Act 2010* to the Treasurer.

1 Article 14(2) of the International Covenant on Civil and Political Rights.



The Hon Greg Hunt MP
Minister for the Environment

MS14-000144

Senator Dean Smith
Chair
Parliamentary Joint Committee on Human Rights
S1.111
Parliament House
CANBERRA ACT 2600

29 JAN 2014

Dear Senator Smith 

I refer to your letter of 10 December 2013 concerning the Parliamentary Joint Committee on Human Rights' comments on the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013.

The Committee's comments on the form and content of the Human Rights Impact Statement have been noted. In particular, I note the Committee's preference that separate statements of compatibility are prepared for each individual bill in a legislative package and will endeavour to ensure that this protocol is followed in the future.

Thank you for bringing these issues to my attention. As the Committee's report includes discussion of amendments to the *Competition and Consumer Act 2010*, a copy of this correspondence has also been sent to the Treasurer.

Yours sincerely


Greg Hunt