

## 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 17 to 20 March 2014 and legislative instruments received during the period 1 to 7 March 2014. The committee has also considered responses to the committee's comments made in previous reports.

### **Bills introduced 17 to 20 March 2014**

The committee considered 22 bills, all of which were introduced with a statement of compatibility. Of these 22 bills, 13 do not require further scrutiny as they do not appear to give rise to human rights concerns. The committee has decided to defer its consideration of three bills.

The committee has identified six bills that it considers require further examination and for which it will seek further information.

Of the bills considered, those which are scheduled for debate during the sitting week commencing 24 March 2014 include:

- Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill 2014;
- Clean Energy Finance Corporation (Abolition) Bill 2013 [No.2];
- Defence Force Retirement Benefits Legislation Amendment (Fair Indexation) Bill 2014;
- Marriage (Celebrant Registration Charge) Bill 2014 and Marriage Amendment (Celebrant Administration and Fees) Bill 2014; and
- Omnibus Repeal Day (Autumn 2014) Bill 2014.

### **Legislative instruments received between 1 and 7 March 2014**

The committee considered 42 legislative instruments received between 1 and 7 March 2014. The full list of instruments scrutinised by the committee can be found in Appendix 1 to this report.

Of these 42 instruments, 40 do not appear to raise any human rights concerns and all are accompanied by statements of compatibility that are adequate. The committee has decided to seek further information from the relevant Minister in relation to one of the two remaining instruments before forming a view about its compatibility with human rights.<sup>1</sup> The committee notes that a statement of compatibility was not provided for this instrument as it is exempt from the statement of compatibility

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1 See Migration Act 1958 - Determination of Granting of Protection Class XA Visas in 2013/2014 Financial Year - IMMI 14/026, pp 49-52.

requirement under the *Human Rights (Parliamentary Scrutiny) Act 2011*. The committee has consistently regarded the preparation of a statement of compatibility for exempt instruments, particularly where they involve limitations on human rights, as a best-practice approach. In relation to the second remaining instrument, the committee has taken the opportunity to draw the relevant Minister's attention to the committee's views with regard to national cooperative schemes of legislation.<sup>2</sup>

## **Responses**

The committee has considered seven responses relating to matters raised in relation to bills and legislative instruments in previous reports. Of these, the responses relating to two bills and two instruments appear to have adequately addressed the committee's concerns.<sup>3</sup>

The committee retains concerns and/or has sought further information or the inclusion of safeguards in relation to two bills and one instrument. The committee will write again to the relevant Ministers in relation to these matters.

**Senator Dean Smith**  
**Chair**

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2 See Marine Order 503 (Certificates of survey — national law) Amendment 2014 (No. 1), pp 47-48.

3 See Australian Jobs (Australian Industry Participation) Rule 2014, pp 71-74, Higher Education (Maximum Amounts for Other Grants) Determination 2013, pp 75-80, Social Security Legislation Amendment (Green Army Programme) Bill 2014, pp 81-86, and Tertiary Education Quality and Standards Agency Amendment Bill 2014, pp 87-90.