

Customs Tariff Amendment (Product Stewardship for Oil) Bill 2014

Excise Tariff Amendment (Product Stewardship for Oil) Bill 2014

Portfolio: Immigration and Border Protection

Introduced: House of Representatives, 29 May 2014

Purpose

1.19 The Customs Tariff Amendment (Product Stewardship for Oil) Bill 2014 seeks to amend the *Customs Tariff Act 1995* to increase the excise-equivalent customs duty on new and recycled petroleum-based oils and greases and their synthetic equivalents (Oils) from 5.449 cents to 8.5 cents per litre or kilogram from 1 July 2014.

1.20 The Excise Tariff Amendment (Product Stewardship for Oil) Bill 2014 seeks to amend the *Excise Tariff Act 1921* to increase the excise on new and recycled petroleum-based oils, greases and their synthetic equivalents from 5.449 cents to 8.5 cents per litre or kilogram from 1 July 2014.

Committee view on compatibility

Right to work and rights at work

1.21 The right to work and rights at work are guaranteed in articles 6(1), 7 and 8(1)(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

1.22 The UN Committee on Economic Social and Cultural Rights has stated that the right to work affirms the obligation of States parties to ICESCR to assure individuals their right to freely chosen or accepted work, including the right not to be deprived of work unfairly.

1.23 Under article 2(1) of ICESCR, countries must take steps, to the maximum of available resources, to progressively achieve the full realisation of the rights recognised in the covenant. A number of aspects of ICESCR rights, including the right to non-discrimination in the enjoyment of those rights, are subject to an obligation of immediate implementation.

1.24 The right to work and rights at work may be subject only to such limitations as are determined by law and compatible with the nature of the right, and solely for the purpose of promoting the general welfare in a democratic society.

Economic impact of measures

1.25 The bills are accompanied by a single statement of compatibility which states that the bills 'are compatible with human rights as they do not raise any human rights issues.'¹

1.26 However, the committee notes that, to the extent that increase to the rate of excise and excise-equivalent customs duty may have an adverse impact on the economic viability of businesses and, consequently, on the employment opportunities of workers in those industries, the bills may limit the right to work and rights at work.

1.27 The committee's usual expectation where a right may be limited is that the statement of compatibility set out the legitimate objective being pursued, the rational connection between the measure and that objective, and the proportionality of the measure.

1.28 The committee therefore seeks the Immigration and Border Protection's advice as to the compatibility of the bill with the right to work and rights at work.

Requirements for statements of compatibility

1.29 The committee notes that, where a statement of compatibility is prepared in relation to a package of related bills, the committee's usual expectation is that the statement of compatibility provides a separate and discrete assessment of each bill. This approach supports the committee's function of assessing the human rights compatibility of individual bills under the *Human Rights (Parliamentary Scrutiny) Act 2011*.

1.30 The committee draws to the attention of the Minister for Immigration and Border Protection its usual expectations regarding the form and content of statements of compatibility.

1 Explanatory memorandum, p. 7.