

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS
CHAIR'S TABLING STATEMENT

Tuesday 27 March 2018

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' *Human Rights Scrutiny Report 3 of 2018*.

In this week's report, 16 of the new bills have been assessed as promoting, permissibly limiting, or not engaging, human rights.

However, to complete its technical assessment of compatibility with Australia's international human rights law obligations, the committee has requested further information in relation to eight bills and 14 legislative instruments. The committee has also provided six 'advice only' comments to legislation proponents.

A number of bills examined in this report are scheduled for debate this week, including in relation to:

- higher education (student loan repayments);
- the Australian Signals Directorate;
- social services (newly arrived migrants);
- the drug testing trial bill; and
- treasury laws amendment (2018 Measures No. 3).

The report also contains the committee's concluded examination of nine bills and instruments. Following correspondence with the relevant legislation proponent, the committee has concluded that three of these bills and instruments are likely to be compatible with international human rights law.

In relation to the Broadcasting Legislation Amendment (Foreign Media Ownership and Community Radio) Bill 2017, questions arose about the right to privacy and whether, in the circumstances, civil penalty provisions should be accompanied by criminal trial safeguards - however more information was needed to finalise this assessment. Following a response from the minister, it was assessed that adequate safeguards will be in place to sufficiently circumscribe limitations on the right to privacy. The further information also clarified the particular regulatory context and intended application of the civil penalties, enabling the committee to conclude that they were unlikely to be considered 'criminal' for the purposes of international human rights law.

In relation to the national security espionage and foreign interference bill, information requested from the Attorney-General about proposed amendments addressed a number of issues going to compliance with Australia's international human rights obligations, though some concerns remain. The Attorney-General also foreshadowed the potential for further amendments - the committee has requested a copy of these and supported the Attorney-General's suggestion for a 5-year review of the operation of relevant provisions.

I encourage my fellow Members and others to examine the committee's report to better inform their consideration of proposed legislation.

With these comments, I commend the committee's Report 3 of 2018 to the House.