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# Membership of the committee

## Members

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Mr Graham Perrett MP, Deputy Chair	Moreton, Queensland, ALP
Mr Russell Broadbent MP	McMillan, Victoria, LP
Senator Carol Brown	Tasmania, ALP
Senator Lucy Gichuhi	South Australia, LP
Ms Madeleine King MP	Brand, Western Australia, ALP
Mr Julian Leeser MP	Berowra, New South Wales, LP
Senator Nick McKim	Tasmania, AG
Senator Claire Moore	Queensland, ALP
Senator James Paterson	Victoria, LP

## Secretariat<sup>1</sup>

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Dr Kate Mitchell, Principal Research Officer  
Ms Shennia Spillane, Principal Research Officer  
Mr Andrew McIntyre, Senior Research Officer  
Mr David Hopkins, Legislative Research Officer

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Dr Jacqueline Mowbray

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1 The human rights committee secretariat is staffed by parliamentary officers drawn from the Department of the Senate Legislative Scrutiny Unit (LSU), which usually includes two principal research officers with specialised expertise in international human rights law. LSU officers regularly work across multiple scrutiny committee secretariats.

## Committee information

Under the *Human Rights (Parliamentary Scrutiny) Act 2011* (the Act), the committee is required to examine bills, Acts and legislative instruments for compatibility with human rights, and report its findings to both Houses of the Parliament. The committee may also inquire into and report on any human rights matters referred to it by the Attorney-General.

The committee assesses legislation against the human rights contained in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR); as well as five other treaties relating to particular groups and subject matter.<sup>2</sup> **Appendix 2** contains brief descriptions of the rights most commonly arising in legislation examined by the committee.

The establishment of the committee builds on Parliament's established tradition of legislative scrutiny. The committee's scrutiny of legislation is undertaken as an assessment against Australia's international human rights obligations, to enhance understanding of and respect for human rights in Australia and ensure attention is given to human rights issues in legislative and policy development.

Some human rights obligations are absolute under international law. However, in relation to most human rights, prescribed limitations on the enjoyment of a right may be justified under international law if certain requirements are met. Accordingly, a focus of the committee's reports is to determine whether any limitation of a human right identified in proposed legislation is justifiable. A measure that limits a right must be **prescribed by law**; be in pursuit of a **legitimate objective**; be **rationaly connected** to its stated objective; and be a **proportionate** way to achieve that objective (the **limitation criteria**). These four criteria provide the analytical framework for the committee.

A **statement of compatibility** for a measure limiting a right must provide a **detailed and evidence-based assessment** of the measure against the limitation criteria.

Where legislation raises human rights concerns, the committee's usual approach is to seek a response from the legislation proponent, or else draw the matter to the attention of the proponent on an advice-only basis.

More information on the committee's analytical framework and approach to human rights scrutiny of legislation is contained in Guidance Note 1 (see **Appendix 4**).

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2 These are the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of Discrimination against Women (CEDAW); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC); and the Convention on the Rights of Persons with Disabilities (CRPD).

# Table of contents

<b>Membership of the committee .....</b>	<b>iii</b>
<b>Committee information .....</b>	<b>iv</b>
<b>Chapter 1—New and continuing matters .....</b>	<b>1</b>
<b>Response required</b>	
Defence (Inquiry) Regulations 2018 [F2018L00316] .....	2
Migration Legislation Amendment (Temporary Skills Shortage Visa and Complementary Reforms) Regulations 2018 [F2018L00262] .....	11
National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 and National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2018 .....	16
Social Security (Assurances of Support) Determination 2018 [F2018L00425] and Social Security (Assurances of Support) Amendment Determination 2018 [F2018L00650] .....	41
Various park management plans .....	47
<b>Advice only</b>	
Appropriation Bill (No. 1) 2018-2019	
Appropriation Bill (No. 2) 2018-2019	
Appropriation (Parliamentary Departments) Bill (No. 1) 2018-2019	
Appropriation Bill (No. 5) 2017-2018	
Appropriation Bill (No. 6) 2017-2018 .....	49
<b>Bills not raising human rights concerns .....</b>	<b>53</b>
<b>Chapter 2—Concluded matters .....</b>	<b>55</b>
Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2017 (No. 4) [F2017L01678] .....	55
Crimes Amendment (National Disability Insurance Scheme—Worker Screening) Bill 2018 .....	64
Extradition (El Salvador) Regulations 2017 [F2017L01581] and Extradition Legislation Amendment (2017 Measures No. 1) Regulations 2017 [F2017L01575] .....	77
Identity-matching Services Bill 2018 and Australian Passports Amendment (Identity-matching Services) Bill 2018 .....	109

Migration (IMMI 18/003: Specified courses and exams for registration as a migration agent) Instrument 2018 [F2017L01708].....	144
Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Bill 2018 .....	153
<b>Appendix 1—Deferred legislation .....</b>	<b>161</b>
<b>Appendix 2—Short guide to human rights .....</b>	<b>163</b>
<b>Appendix 3—Correspondence.....</b>	<b>177</b>
<b>Appendix 4—Guidance Note 1 and Guidance Note 2 .....</b>	<b>231</b>