

# **PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS**

## **CHAIR'S TABLING STATEMENT**

**TUESDAY 26 August 2014**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Tenth Report of the 44<sup>th</sup> Parliament.

The committee considered 22 bills. Of these 22 bills, 16 do not require further scrutiny as they are compatible with human rights. The committee has decided to further defer its consideration of two 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 25 August 2014 include:

- the Fair Work Amendment Bill 2014; and
- the Australian Citizenship Amendment (Inter-country Adoption) Bill 2014.

The report outlines the committee's assessment of the compatibility of these bills with human rights, and I encourage my fellow Senators to look to the committee's report to inform your deliberations on the merits of this proposed legislation.

I would like to draw Senators' attention to two bills in this report which are of particular interest and relevance to the committee's task

of assessing legislation for compatibility with human rights.

Firstly, the Australia Sports-Anti-Doping Authority Amendment Bill 2014 seeks to amend the Australian Sports Anti-Doping Authority Act 2006) to align Australia's anti-doping legislation with the revised World Anti-Doping Code and International Standards that come into force on 1 January 2015. The committee notes the challenge of seeking to realise the goal of drug- and doping-free sport while ensuring that any anti-doping measures are compatible with fundamental human rights.

As noted in the report, the committee has recommended that the bill be amended to include a requirement that the 'prohibited association, anti-doping rule violation' will apply only insofar as it is consistent with the right to freedom of association protected under international human rights law. The committee has also raised concerns about measures which engage fair trial rights and the prohibition on retrospective criminal laws.

The committee has sought the advice of the minister as to whether the measures are compatible with these rights, noting that the statement of compatibility did not adequately identify and assess how potential limitations on rights would be reasonable, necessary and proportionate in each case.

Secondly, the International Tax Agreements Amendment Bill 2014 seeks to give effect to a double taxation treaty between Australia and Switzerland. I note that the report draws attention to the statement of compatibility accompanying the bill, and the exemplary assessment which it provides of the bill's impact on the right to privacy.

While it is fair to say that there is still considerable room for improvement in the quality of statements of compatibility, it is pleasing to be able to point to an example which demonstrates that departments continue to develop the knowledge and expertise to formulate human rights assessments that are consistent with the committee's human rights analytical framework.

I commend the officers of the Treasury responsible for preparation of the statement of compatibility for this bill, and I encourage Senators to consult the full report for discussion of these and other bills currently before the Parliament.

With these comments, I commend the committee's Tenth Report of the 44<sup>th</sup> Parliament to the Senate.