

# PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

## CHAIR'S TABLING STATEMENT

**Tuesday 10 February 2015**

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

This report provides the committee's view on the compatibility with human rights as defined in the *Human Rights (Parliamentary Scrutiny) Act 2011* of bills introduced during the period 1 to 4 December 2014, legislative instruments received during the period 31 October 2014 to 22 January 2015 and legislation previously deferred by the committee. The committee has also considered responses to the committee's comments in previous reports.

Of the 26 bills considered in this report, 16 are assessed as not raising human rights concerns and four raise matters requiring further correspondence with ministers. The committee has either deferred or concluded its consideration of the remaining bills.

A number of the bills considered are scheduled for debate during the sitting week commencing 9 February 2015, including:

- the Biosecurity Bill 2014 and related legislation; and
- the Higher Education and Research Reform Bill.

As always, the report outlines the committee's examination of the compatibility of these bills with our human rights obligations, and I

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

This report includes our examination of the Biosecurity Bill 2014 and related legislation. These bills are an excellent example of how consideration of traditional rights and freedoms in the policy making process can greatly improve the final outcome of legislation.

The Biosecurity Bill seeks to provide a new regulatory framework to manage the risks of pests and diseases entering Australia, replacing the century-old *Quarantine Act 1908*. As the statement of compatibility recognises, the bill engages multiple human rights, including the right to life; the right to liberty; freedom of movement; fair trial rights; and the right to privacy. This is because the bills, in seeking to manage risks to safety, include provisions that, for example, restrict the free movement of persons who may spread disease.

While the bill limits a number of fundamental rights and freedoms, the statement of compatibility provides an excellent analysis of how such limitations are reasonable and proportionate in pursuit of a legitimate objective. The bills have been drafted with Australia's human rights obligations in mind and, as the statement of compatibility says, seek 'to ensure individual liberties and freedoms are considered in conjunction with the disease risk'.

The committee commends the minister and the department for their commitment to ensuring that the bills include appropriate safeguards, and on the quality of the statement of compatibility.

I also wish to commend the work of the Australian Public Service Commissioner in reviewing the APSC's Directions following advice from the committee. Specifically, in its *Sixth Report of 2013*, the committee raised concerns about the publication of personal information about public servants in the Gazette. Following the committee's comments, the Commissioner launched a review and has now amended the directions to address most of the committee's concerns.

This report also considers the Minister for Education's response to the committee in relation to the Higher Education and Research Reform Amendment Bill 2014, which the minister introduced into the other house in December last year. The minister's response has enabled the committee to conclude its examination of most measures in the bills. In relation to the 14 individual measures in the bills, the committee has concluded that 12 of those measures are compatible with human rights. In relation to the removal of the cap on student contribution amounts, the committee has sought further information from the minister.

I would like to remind Senators that the committee undertakes its scrutiny function as a technical inquiry relating to Australia's

international human rights obligations. The committee does not consider the broader policy merits of legislation.

The committee's purpose is to enhance understanding of and respect for human rights in Australia and to ensure appropriate recognition of human rights issues in legislative and policy development.

The committee's engagement with proponents of legislation emphasises the importance of maintaining an effective dialogue that contributes to this broader respect for and recognition of human rights in Australia.

Members of the committee engage with the committee's work in keeping with the scrutiny tradition of undertaking technical and bipartisan inquiry into the merits of proposed legislation and, in the case of this committee's particular task, the compatibility of proposed legislation with the human rights conventions signed up to by previous Australian governments.

To put aside personal opinions on the policy merits of legislation is not always an easy thing to do, and for doing so in the interests of providing credible reports to inform the debates of the Parliament, I recognise and commend committee members for their service to this institution and to the legislators within it.

With these comments I commend the committee's Eighteenth Report of the 44th Parliament to the Senate.