

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

CHAIR'S TABLING STATEMENT

Wednesday 16 March 2016

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Thirty-sixth Report of the 44th Parliament.

The committee's report examines the compatibility of bills and legislative instruments with Australia's human rights obligations. This report considers bills introduced into the Parliament from 25 February to 3 March 2016 and legislative instruments received from 5 to 25 February 2016. The report also includes the committee's consideration of seven responses to matters raised in previous reports.

Thirteen new bills are assessed as not raising human rights concerns and the committee will seek a response from the legislation proponents in relation to two bills and two regulations, as well as a further response on one legislative instrument. The committee has also concluded its examination of six bills and one regulation.

This report concludes consideration of the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. The bill amends the Citizenship Act to expand the existing grounds on which a dual citizen's Australian citizenship will cease. Now, a dual citizen over 14 years of age who engages in terrorist activities with the intention of coercing, influencing or intimidating the government or the public will find their citizenship automatically having ceased. Additionally, a

dual citizen's Australian citizenship may be revoked if the person is convicted of a specified offence and the minister is satisfied that it would be in the public interest and that the conviction demonstrates a repudiation of allegiance to Australia.

The committee recognises the importance of ensuring that national security and law enforcement agencies have the necessary powers to protect the security of all Australians. Moreover, the committee recognises the specific importance of protecting Australians from terrorism and individuals who have engaged in terrorist conduct. The Australian government and the parliament have the responsibility to ensure that laws and operational frameworks support the protection of life and security of the person. Additionally, Australia has specific international obligations to detect, arrest and punish terrorists.

Human rights principles and norms are not inherently opposed to national security objectives or outcomes. Rather, international human rights law allows for the balancing of human rights considerations with responses to national security concerns.

Legal advice to the committee indicates that a number of the measures are incompatible as measured against the standards of international human rights law, and that the revised statement of compatibility does not provide sufficient evidence to demonstrate that these measures are compatible with human rights.

However, notwithstanding this advice, some committee members remain of the view that the deprivation of citizenship of those who endanger the security of Australians is desirable as a matter of policy, and that this measure will help to ensure that Australians are kept safe from terrorism and individuals who have engaged in terrorist conduct.

It is to be remembered that the Parliamentary Joint Committee on Human Rights is a scrutiny committee that undertakes a technical examination of bills and legislative instruments with reference to the content of 7 international human rights law treaties that Australia has voluntarily accepted. It does not assess the broader merits of, or community support for, particular measures.

Stronger Futures

I also rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' review of the Stronger Futures legislation. In broad terms, the measures in this legislation are directed at improving certain social outcomes in Indigenous communities of the Northern Territory.

This report follows the committee's 2013 inquiry into the human rights compatibility of the Stronger Futures legislation. In that report the committee made a number of findings, and determined that it would undertake a subsequent review to evaluate the continuing necessity of the measures. Accordingly, the report I table today examines the latest evidence as to the effectiveness of key aspects of

the Stronger Futures measures, and makes a number of recommendations that flow from that evidence.

Significantly, the report finds that a number of measures, including those concerning food security and land reform, promote important human rights.

However, the evidence before the committee also suggested that some of the measures are not operating as intended. To offer a particular example, I draw Members' attention to the School Enrolment and Attendance through Welfare Reform Measure, also known as SEAM.

SEAM has two main elements: increasing the number of children of compulsory school-age being enrolled in school; and identifying children who are enrolled at school but have problems with attendance, and putting in place strategies to address these issues. Where a child fails to attend school regularly, a parent's income support benefits may be suspended.

Research indicates that there is a negative cycle whereby poor school attendance is likely to result in poor education outcomes, and an increased likelihood of welfare dependency and unemployment. In light of the poor school attendance in the Northern Territory, the committee found that measures that improve school engagement are a legitimate objective for the purposes of international human right law.

However, two substantive evaluations of SEAM have demonstrated that its effectiveness is mixed. Enrolment and attendance outcomes have not improved. As such, the committee recommends that SEAM be redesigned with a focus on the strategies that we now know to be the most effective. While highlighting that sanctions are a legitimate and effective mechanism to encourage families to assist their children to attend school, the committee therefore recommends that sanctions regimes differentiate between voluntary disengagement and non-attendance resulting from causes or factors outside the child or family's control.

As always, I encourage my fellow Members and others to examine the committee's report to better inform their understanding of the committee's deliberations.

With these comments, I commend the committee's Thirty-sixth Report of the 44th Parliament and the committee's 2016 report into Stronger Futures to the chamber.