

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS
CHAIR'S TABLING STATEMENT

Tuesday 14 August 2018

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' *Human Rights Scrutiny Report 7 of 2018*.

Of the new bills examined in *Report 7*, 12 have been assessed as not raising human rights concerns as they promote, permissibly limit, or do not engage, human rights. To complete its technical assessment of compatibility with Australia's international human rights law obligations, the committee has requested further information in relation to 10 bills and legislative instruments.

Of these bills and instruments, I would like to highlight four instruments made under the *National Disability Insurance Scheme Act 2013*, which relate to:

- the resolution of complaints about national disability insurance scheme (NDIS) providers;
- incident management systems for NDIS providers to record reportable incidents;
- the disclosure of information by the NDIS Quality and Safeguards Commissioner; and
- the conditions of registration for NDIS providers that use 'regulated restrictive practices' in delivering NDIS support.

As outlined, these instruments raise a range of issues relevant to the human rights of people with disabilities. Consequently, the committee has requested further information from the minister as to the human

rights compatibility of these instruments, particularly regarding the scope of various measures and the adequacy of safeguards to protect human rights.

Chapter 2 of the report contains the committee's concluded examination of 10 bills and legislative instruments. It includes the committee's concluded examination of five park management plans made under the *Environment Protection and Biodiversity Conservation Act 1999*.

In relation to these instruments, the committee sought further information from the minister as to whether the measures engage and permissibly limit the right to freedom of expression on the basis that they provided certain restrictions on media reporting. The minister's response contained additional information which enabled the committee to conclude that, while certain measures in the plans do limit freedom of expression, they are nevertheless likely to be compatible with this right, because they are sufficiently circumscribed and are only as extensive as necessary to achieve a legitimate objective. This illustrates the constructive process of liaising with legislation proponents to identify relevant information in order to assist the committee in its assessment of legislation.

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 7 of 2018* to the Chamber.