

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

CHAIR'S TABLING STATEMENT

Tuesday, 17 September 2019

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' *Scrutiny Report 5 of 2019*.

This report contains a credible technical examination of legislation with Australia's obligations under international human rights law, as required under the committee's statutory mandate. It sets out the committee's consideration of 16 bills introduced into the Parliament between 9 September and 12 September 2019, and seven legislative instruments registered on the Federal Register of Legislation between 2 August and 8 August 2019. The committee is seeking further information in relation to three bills and has also reiterated its previous comments in relation to two bills.

I would like to note that the committee has adopted a new approach to reporting on private members' and senators' bills. The committee has resolved that where such bills appear to engage and may limit human rights it will generally list those bills in the 'Advice Only' section of the report, but not substantively comment on them. But should the bills proceed to further stages of debate the committee may request further information from the legislation

proponent as to the human rights compatibility of the bill. The current report provides an example of this approach. The National Integrity Commission Bill 2018 (No. 2) was introduced by a private senator, however, as the bill passed the Senate on 9 September 2019 and is now before the House, the committee is now seeking advice from the legislation proponent.

The committee has also made concluding remarks in relation to five legislative instruments and two bills. Two of these instruments, the Australian Crime Commission Regulations 2018 and the Fisheries Management Regulations 2019, both allow for personal identifying information about persons suspected of crimes to be shared overseas. The committee has raised concerns in relation to both of these instruments about the lack of policy or guidelines in place to prevent such information being shared overseas where there is a risk that disclosing such information could expose a person to the death penalty or to torture, cruel, inhuman or degrading treatment or punishment. The committee has recommended that consideration be given to developing guidelines or legislative amendments to help ensure that information is not shared overseas in such circumstances. This is an issue the committee will continue to monitor.

With these comments, I commend the committee's *Report 5 of 2019* to the House.