

## Report snapshot<sup>1</sup>

In this report the committee has examined the following bill and legislative instruments for compatibility with human rights. The committee's full consideration of legislation commented on in the report is set in Chapters 1 and 2.

### Bills

#### Chapter 1: New and continuing matters

The committee did not consider any new bills in this report.

#### Chapter 2: Concluded

Bills committee has concluded its examination of following receipt of ministerial response	1
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#### Intelligence Services Legislation Amendment Bill 2023

*Advice to Parliament*

#### **Exemption from civil and criminal liability for defence officials and others**

##### *Right to privacy and effective remedy*

The committee notes the minister's advice that these proposed immunities seek to protect defence officials from personal liability when utilising cyber capabilities for activities connected to the defence and security of Australia and that there is a possibility that this may limit the right to privacy of people in Australia. The committee considers that it is not clear to what extent Australians' privacy may be limited, but if such conduct did impermissibly limit the right to privacy of a person in Australia, that would in turn engage the right to an effective remedy. In this regard, the committee considers that because the extent of any potential inference with the right to privacy is not clear, it is not possible to conclude whether the remedies identified by the minister would be considered to be effective remedies for the purposes of international human rights law.

<sup>1</sup> This section can be cited as Parliamentary Joint Committee on Human Rights, Report snapshot, *Report 10 of 2023*; [2023] AUPJCHR 99.

## Legislative instruments

### Chapter 1: New and continuing matters

Legislative instruments registered on the <a href="#">Federal Register of Legislation</a> between 23 June to 28 August 2023 <sup>2</sup>	275
Legislative instruments commented on in report <sup>3</sup>	1

### Chapter 2: Concluded

Legislative instruments committee has concluded its examination of following receipt of ministerial response	0
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### Social Security (Remote Engagement Program Payment) Determination 2023

<i>Seeking Information</i>	<p><b>Remote engagement program</b> <i>Rights to adequate standard of living; equality and non-discrimination; just and favourable conditions of work; social security; work</i></p> <p>This instrument determines the arrangements between the Commonwealth and Paupiyala Tjarutja Aboriginal Corporation and the Commonwealth and Ngaanyatjarra Council Aboriginal Corporation as the remote engagement program. It also determines the part of that program that is a remote engagement placement and the rate of the remote engagement program payment (that is, \$190). The remote engagement program is intended to replace the Community Development Program.</p> <p>To the extent that the measure provides opportunities for job seekers to develop employment skills and facilitates the payment of a supplementary social security payment, it promotes the rights to work, social security, an adequate standard of living and the right to equality and non-discrimination. However, these rights may also be limited. For example, if work performed as part of the remote engagement program placement was characterised as a form of employment for the purposes of international human rights law, the measure may engage and limit the right to just and favourable conditions of work, noting that it is not clear the rate of payment would amount to fair remuneration. The</p>
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<sup>2</sup> The committee examines all legislative instruments registered in the relevant period, as listed on the Federal Register of Legislation. To identify all of the legislative instruments scrutinised by the committee during this period, select 'legislative instruments' as the relevant type of legislation, select the event as 'assent/making', and input the relevant registration date range in the Federal Register of Legislation's [advanced search function](#).

<sup>3</sup> The committee makes no comment on the remaining legislative instruments on the basis that they do not engage, or only marginally engage, human rights; promote human rights; and/permissibly limit human rights. This is based on an assessment of the instrument and relevant information provided in the statement of compatibility (where applicable). The committee may have determined not to comment on an instrument notwithstanding that the statement of compatibility accompanying the instrument may be inadequate.

measure may also engage and limit the rights to social security and an adequate standard of living if the remote engagement program placement is ended or cancelled and consequently the payment removed.

The statement of compatibility does not acknowledge that the measure may limit human rights and so provides no assessment as to the permissibility of such limitations. The committee is therefore seeking further information from the Minister for Indigenous Australians to assess the compatibility of the measure with these rights.

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### **Instruments imposing sanctions on individuals<sup>4</sup>**

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A number of legislative instruments impose sanctions on individuals. The committee has considered the human rights compatibility of similar instruments on a number of occasions, and retains scrutiny concerns about the compatibility of the sanctions regime with human rights.<sup>5</sup> However, as these legislative instruments do not appear to designate or declare any individuals who are currently within Australia's jurisdiction, the committee makes no comment in relation to these instruments at this stage.

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<sup>4</sup> See Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Syria and Proliferation of Weapons of Mass Destruction) Amendment (No. 1) Instrument 2023 [F2023L01058]; Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Russia and Ukraine) Amendment (No. 5) Instrument 2023 [F2023L00851]; Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Russia and Ukraine) Amendment (No. 8) Instrument 2023 [F2023L01016].

<sup>5</sup> See, most recently, Parliamentary Joint Committee on Human Rights, [Report 15 of 2021](#) (8 December 2021), pp. 2–11.

