

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

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

### Bills

#### Chapter 1: New and continuing matters

Bills introduced 12 August to 22 August 2024	18
Bills commented on in report <sup>2</sup>	3
Private members or senators' bills that may engage and limit human rights	4

#### Chapter 2: Concluded

Bills committee has concluded its examination of following receipt of ministerial response	0
--	---

#### Aboriginal Land Rights (Northern Territory) Amendment (Scheduling) Bill 2024

No comment

#### Administrative Review Tribunal (Miscellaneous Measures) Bill 2024

No comment

#### Better and Fairer Schools (Information Management) Bill 2024

*Seeking Information*

**Expanding the unique student identifier scheme**

*Rights of the child and rights to privacy and education*

This bill seeks to extend the Unique Student Identifier scheme to all Australian primary and secondary school students by enabling the assignment of a schools identifier to each student. A schools

<sup>1</sup> This section can be cited as Parliamentary Joint Committee on Human Rights, Report snapshot, *Report 8 of 2024*; [2024] AUPJCHR 56.

<sup>2</sup> The committee makes no comment on the remaining bills 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 bill and relevant information provided in the statement of compatibility accompanying the bill. The committee may have determined not to comment on a bill notwithstanding that the statement of compatibility accompanying the bill may be inadequate.

identifier would be a unique education number that may later be used as a 'student identifier' for the purposes of higher education. By authorising the verification, collection, use and disclosure of schools identifiers and school identity management information (which would include personal information), the measures would engage and limit the right to privacy. As the measures would apply to primary and secondary school children, the rights of the child would also be engaged and limited, including the rights of children to have their best interests taken into account as a primary consideration in all actions concerning them and to freely express their views in all matters affecting them. If the measures had the effect of restricting access to primary or secondary education for students without a schools identifier, the right to education may also be engaged and limited.

The committee notes that it is not clear whether the stated objectives of the measures would constitute legitimate objectives for the purposes of international human rights law or whether the proposed limitations on rights would be proportionate. As such, the committee considers further information is required to assess the compatibility of these measures with the right to privacy, the rights of the child and the right to education, and is seeking the minister's advice in regard to these matters.

---

#### **Broadcasting Services Amendment (Prohibition of Gambling Advertisements) Bill 2024**

---

No comment

---

#### **Building and Construction Industry (Restoring Integrity and Reducing Building Costs) Bill 2024**

---

The committee notes that this non-government bill appears to engage and may limit human rights. Should this bill 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.

---

#### **Building and Construction Industry (Restoring Integrity and Reducing Building Costs) Bill 2024 (No. 2)**

---

The committee notes that this non-government bill appears to engage and may limit human rights. Should this bill 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.

---

#### **Fair Work (Registered Organisations) Amendment (Administration) Bill 2024**

---

The committee has deferred consideration of this bill.

---

---

### **Fair Work (Registered Organisations) Amendment (Removing Criminals from Worksites) Bill 2024**

---

The committee notes that this non-government bill appears to engage and may limit human rights. Should this bill 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.

---

### **Fair Work (Registered Organisations) Amendment (Removing Criminals from Worksites) Bill 2024 (No. 2)**

---

The committee notes that this non-government bill appears to engage and may limit human rights. Should this bill 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.

---

### **Family Law Amendment Bill 2024**

---

#### *Seeking Information*

#### **Use and disclosure of safety-related information by Children's Contact Services**

##### *Right to privacy*

Schedule 2 to the bill seeks to amend Part II of the *Family Law Act 1975* to provide for the accreditation and regulation of existing services referred to as 'Children's Contact Services', which facilitate contact between a child and a member of the child's family with whom the child is not living, and where members of the family may not be able to safely manage such contact. The bill would regulate the use and disclosure of certain 'safety-related information' by such services. This engages and limits the right to privacy. The committee is seeking further information from the Attorney-General in order to assess the compatibility of the measure with the right to privacy.

#### **Immunity from civil and criminal liability**

##### *Right to effective remedy*

Schedule 2 of the bill would extend an existing power in the *Family Law Act 1975*, to enable accreditation rules to be made in relation to Child Contact Services. It also seeks to insert an immunity to exclude the Commonwealth from all civil and criminal liability in relation to any act done, or omitted to be done, in good faith in the performance or exercise, or the purported performance or exercise, of a function, power or authority conferred by the accreditation rules. This engages the right to an effective remedy, which the statement of compatibility does not identify. The committee is seeking further information from the Attorney-General in order to assess the compatibility of this measure.

---

### **Housing Investment Probity Bill 2024**

---

No comment

---

---

**Migration Amendment (Limits on Immigration Detention) Bill 2024**

---

No comment

---

**Migration Amendment (Overseas Organ Transplant Disclosure and Other Measures) Bill 2024**

---

*Advice to Parliament*

**Requiring provision of information about overseas organ transplants***Right to privacy*

This private Senator's bill was introduced into the Senate on 22 June 2023 and passed the Senate on 21 August 2024. It seeks to amend the *Migration Act 1958* to require a person entering Australia to answer questions on their passenger card about whether they have received an organ transplant outside Australia in the five years prior, and if so to provide further information.

This engages and limits the right to privacy, which the statement of compatibility does not identify. The committee considers that it is unclear whether and how the bill would be effective to achieve its stated objective, or a proportionate means of achieving it, and as such considers that it is not clear that the bill would constitute a permissible limit on the right to privacy. The committee draws these human rights concerns to the attention of the legislation proponent and the Parliament, and makes no further comment.

---

**National Health Amendment (Technical Changes to Averaging Price Disclosure Threshold and Other Matters) Bill 2024**

---

No comment

---

**Paid Parental Leave Amendment (Adding Superannuation for a More Secure Retirement) Bill 2024**

---

No comment

---

**Parliamentary Workplace Support Service Amendment (Independent Parliamentary Standards Commission) Bill 2024**

---

No comment

---

**Public Service Amendment Bill (No. 2) 2024**

---

The committee notes that this bill (now Act), in providing for the collection, use and generation of information that may include personal information, engages and appears to limit the right to privacy, which was not identified in the statement of compatibility accompanying this bill. The committee also notes that the statement of compatibility incorrectly states that the bill engages the right to equality before the law. The committee has authorised its secretariat to notify departments

---

---

where statements of compatibility appear to be inadequate. As such, the committee's secretariat has written to the department in relation to this matter.

---

**Universities Accord (Student Support and Other Measures) Bill 2024**

---

No comment

---

## Legislative instruments

### Chapter 1: New and continuing matters

Legislative instruments registered on the <a href="#">Federal Register of Legislation</a> between 6 July to 19 August 2024 <sup>3</sup>	141
Legislative instruments commented on in report <sup>4</sup>	0

### Chapter 2: Concluded

Legislative instruments committee has concluded its examination of following receipt of ministerial response	1
--	---

### National Disability Insurance Scheme (NDIS Worker Screening Law) Amendment Determination 2024

The committee notes that this legislative instrument, which prescribes a Queensland state law for the purposes of sharing private information, engages and limits the right to privacy. The statement of compatibility did not provide a detailed outline of the privacy framework provided for in the Queensland law. While this privacy framework would provide for the protection of private information, without the full detail of the content of the Queensland law set out in the statement of compatibility, the extent of that protection is not clear. The committee has authorised its secretariat to notify departments where statements of compatibility appear to be inadequate. As such, the committee's secretariat has written to the department in relation to this matter.

### Defence (Afghanistan Inquiry Compensation Scheme) Regulations 2024

The committee notes that this legislative instrument provides a mechanism to pay compensation to (or take other action in relation to) family members of victims of unlawful killing, and individuals who have suffered an unlawful assault or property damage, as established by the Afghanistan Inquiry. The committee notes that this engages the right to an effective remedy in relation to violations of the right to life and the right not to be subjected to torture or to cruel, inhuman or

<sup>3</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, use the advanced search function on the [Federal Register of Legislation](#), and select 'Collections' to be 'legislative instruments'; 'type' to be 'as made'; and date to be 'registered' and 'between' the date range listed above.

<sup>4</sup> Unless otherwise indicated, 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.

---

degrading treatment or punishment. The committee's secretariat wrote to the department to seek more information about the right to an effective remedy, the availability of other compensation and redress mechanisms, and has suggested that the statement of compatibility be updated.

---

### **National Health (Privacy) Rules 2025**

---

This instrument remakes the National Health (Privacy) Rules 2021 concerning the handling by agencies of an individual's claims information under the Medicare Benefits Program and the Pharmaceutical Benefits Program. By providing for the linking and disclosure of sensitive personal health information in specified circumstances, the instrument engages and limits the right to privacy. The committee commented on a previous iteration of this instrument, the National Health (Privacy) Rules 2018, in [Report 13 of 2018](#) and [Report 1 of 2019](#). The committee concluded that the measure may be compatible with the right to privacy but that further information would be of assistance. In relation to this instrument, the committee notes that additional privacy safeguards have been introduced, and that further information has been provided in the statement of compatibility.

---

### **Work Health and Safety (Operation Sovereign Borders) Declaration 2024**

---

#### *Advice to Parliament*

#### **Disapplication of work health and safety provisions**

##### *Just and favourable conditions of work, life and security of the person*

This legislative instrument declares that certain provisions of the *Work Health and Safety Act 2011* do not apply to specified activities undertaken under Operation Sovereign Borders (boat interceptions and turn-backs). This engages and may limit the right to just and favourable conditions of work for those employed to carry out Operation Sovereign Borders, and as the activities specified would involve circumstances in which people on boats who are suspected of not having a valid Australian visa may be intercepted and turned back, it may also engage the right to life and security of the person, if the turn-back of boats occurs in circumstances that are unsafe.

The committee considers that it remains unclear why it is necessary to disapply these specified duties, and whether the other legal and regulatory frameworks identified by the minister serve as sufficient safeguards. The committee considers that there is a risk that this legislative instrument does not constitute a permissible limit on the rights to life, security of the person, and to just and favourable conditions of work in practice. The committee has recommended that the statement of compatibility be updated to reflected the engagement of the rights to life and security of the person, and draws its concerns to the attention of the minister and the Parliament.

---

---

### Instruments imposing sanctions on individuals<sup>5</sup>

---

A legislative instrument imposes 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>6</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.

---

---

<sup>5</sup> See Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Thematic Sanctions) Amendment (No. 4) Instrument 2024 [F2024L00922].

<sup>6</sup> See, most recently, Parliamentary Joint Committee on Human Rights, [Report 2 of 2024](#) (20 March 2024) pp. 14–20 and [Report 15 of 2021](#) (8 December 2021), pp. 2–11.