

Chapter 1

New and continuing matters

1.1 This report provides the Parliamentary Joint Committee on Human Rights' view on the compatibility with human rights of bills introduced into the Parliament from 14 to 17 September 2015, legislative instruments received from 28 August to 17 September 2015, and legislation previously deferred by the committee.

1.2 The report also includes the committee's consideration of responses arising from previous reports.

1.3 The committee generally takes an exceptions based approach to its examination of legislation. The committee therefore comments on legislation where it considers the legislation raises human rights concerns, having regard to the information provided by the legislation proponent in the explanatory memorandum and statement of compatibility.

1.4 In such cases, the committee usually seeks further information from the proponent of the legislation. In other cases, the committee may draw matters to the attention of the relevant legislation proponent on an advice-only basis. Such matters do not generally require a formal response from the legislation proponent.

1.5 This chapter includes the committee's examination of new legislation, and continuing matters in relation to which the committee has received a response to matters raised in previous reports.

Bills not raising human rights concerns

1.6 The committee has examined the following bills and concluded that they do not raise human rights concerns. The following categorisation is indicative of the committee's consideration of these bills.

1.7 The committee considers that the following bills do not require additional comment as they either do not engage human rights or engage rights (but do not promote or limit rights):

- Aviation Transport Security Amendment (Cargo) Bill 2015;
- Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015;
- Customs Amendment (Fees and Charges) Bill 2015;
- Customs Depot Licensing Charges Amendment Bill 2015;
- Customs Tariff Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015;
- Education Services for Overseas Students (Registration Charges) Amendment (Streamlining Regulation) Bill 2015;

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- Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015;
- Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015;
- Import Processing Charges Amendment Bill 2015; and
- Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015.

1.8 The committee considers that the following bills do not require additional comment as they promote human rights or contain justifiable limitations on human rights (and may include bills that contain both justifiable limitations on rights and promotion of human rights):

- Education Legislation Amendment (Overseas Debt Recovery) Bill 2015;
- Student Loans (Overseas Debtors Repayment Levy) Bill 2015;
- Fair Work Amendment (Gender Pay Gap) Bill 2015;
- Migration Amendment (Charging for a Migration Outcome) Bill 2015;
- Social Services Legislation Amendment (Cost of Living Concession) Bill 2015;
- Social Services Legislation Amendment (Low Income Supplement) Bill 2015;
- Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Bill 2015;
- Superannuation Legislation Amendment (Trustee Governance) Bill 2015; and
- Trade Marks Amendment (Iconic Symbols of National Identity) Bill 2015.

Instruments not raising human rights concerns

1.9 The committee has examined the legislative instruments received in the relevant period, as listed in the *Journals of the Senate*.¹ Instruments raising human rights concerns are identified in this chapter.

1.10 The committee has concluded that the remaining instruments do not raise human rights concerns, either because they do not engage human rights, they contain only justifiable (or marginal) limitations on human rights or because they promote human rights and do not require additional comment.

1 See Parliament of Australia website, 'Journals of the Senate', http://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/Journals_of_the_Senate.

Deferred bills and instruments

1.11 The committee has deferred its consideration of the following bill and instruments:

- Migration and Maritime Powers Amendment Bill (No. 1) 2015;
- Fair Work (State Declarations — employer not to be national system employer) Endorsement 2015 (No. 1) [F2015L01420]; and
- Radiocommunications (27 MHz Handphone Stations) Class Licence 2015 [F2015L01441].

1.12 The committee continues to defer its consideration of the Marriage Legislation Amendment Bill 2015 (deferred 8 September 2015) and the Migration Amendment (Protection and Other Measures) Regulation 2015 [F2015L00542] (deferred 23 June 2015).

1.13 As previously noted, the committee continues to defer one bill and a number of instruments in connection with the committee's current review of the *Stronger Futures in the Northern Territory Act 2012* and related legislation.²

2 See Parliamentary Joint Committee on Human Rights, *Twenty-first Report of the 44th Parliament* (24 March 2015); and Parliamentary Joint Committee on Human Rights, *Twenty-third Report of the 44th Parliament* (18 June 2015).