

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 25 February to 3 March 2016, legislative instruments received from 5 February to 3 March 2016, 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 (EM) 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 either do not raise human rights concerns; or they 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):

- Biological Control Amendment Bill 2016;
- Broadcasting Legislation Amendment (Media Reform) Bill 2016;
- Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2016;
- Ethical Cosmetics Bill 2016;
- Law and Justice Legislation Amendment (Northern Territory Local Court) Bill 2016;
- Migration Amendment (Free the Children) Bill 2016;
- Primary Industries Levies and Charges Collection Amendment Bill 2016;
- Registration of Deaths Abroad Amendment Bill 2016;

- Regulatory Powers (Standardisation Reform) Bill 2016;
- Restoring Territory Rights (Dying with Dignity) Bill 2016;
- Social Security Amendment (Diabetes Support) Bill 2016;
- Social Services Legislation Amendment (Interest Charge) Bill 2016; and
- Tax Laws Amendment (Tougher Penalties for Country-by-Country Reporting) Bill 2016.

Instruments not raising human rights concerns

1.7 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.

1.8 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.

Previously considered measures

1.9 The following instruments implement measures which the committee has previously considered and the committee refers to its previous comments:

- Migration Amendment (Protection and Other Measures) Regulation 2015 [F2015L00542];²
- My Health Records (Opt-out Trials) Rule 2016 [F2016L00094];³ and
- My Health Records Rule 2016 [F2016L00095].⁴

Deferred bills and instruments

1.10 The committee has deferred its consideration of the Autonomous Sanctions (Designated Persons and Entities and Declared Persons - Iran) Amendment List 2016 (No. 2) [F2016L00117], pending a response from the Minister for Foreign Affairs

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.

2 For more information regarding the committee's previous comments see Parliamentary Joint Committee on Human Rights, *Thirty-fourth Report of the 44th Parliament* (23 February 2016) 29.

3 For more information regarding the committee's previous comments see Parliamentary Joint Committee on Human Rights, *Thirty-second Report of the 44th Parliament* (1 December 2015) 64.

4 For more information regarding the committee's previous comments see Parliamentary Joint Committee on Human Rights, *Thirty-second Report of the 44th Parliament* (1 December 2015) 64.

regarding instruments made under the *Autonomous Sanctions Act 2011* and the *Charter of the United Nations Act 1945*.

1.11 The committee continues to defer its consideration of the following legislation:

- Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Iran) Amendment List 2016 (No. 1) [F2016L00047] (deferred 23 February 2016, pending a response from the Minister for Foreign Affairs regarding instruments made under the *Autonomous Sanctions Act 2011* and the *Charter of the United Nations Act 1945*);⁵ and
- Child Care Benefit (Vaccination Schedules) (Education) Determination 2015 [F2015L02101] (deferred 23 February 2016, pending a response from the Minister for Social Services regarding the Social Services Legislation Amendment (No Jab, No Pay) Bill 2015).⁶

5 See Parliamentary Joint Committee on Human Rights, *Thirty-fourth Report of the 44th Parliament* (23 February 2016) 4.

6 See Parliamentary Joint Committee on Human Rights, *Thirty-fourth Report of the 44th Parliament* (23 February 2016) 3.