# Path to Treaty Bill 2023

# Statement of Compatibility

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Annastacia Palaszczuk, Premier and Minister for the Olympic and Paralympic Games, make this statement of compatibility with respect to the Path to Treaty Bill 2023.

In my opinion, the Path to Treaty Bill 2023 is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Bill

The Path to Treaty Bill:

- establishes the First Nations Treaty Institute in order to assist in the preparation of a treaty with Aboriginal peoples and Torres Strait Islander peoples;

- provides for the establishment of the Truth Telling and Healing Inquiry to inquire into the continuing impacts of colonisation on Aboriginal peoples and Torres Strait Islander peoples; and,

- amends other legislation, particularly the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* to remove outdated provisions that do not support the achievement of the Queensland Government's policy objectives, in particular, the commitment to a reframed relationship and compatibility with human rights.

## Human Rights Issues

**Embedding respect for human rights (Part 1)**

The Path to Treaty Bill embeds respect for human rights.

Clause 6(1) provides that the main principle for administering the Bill is to ensure that, in partnership and good faith, the rights and history of Aboriginal peoples and Torres Strait Islander peoples are acknowledged and respected in accordance with the *Human Rights Act 2019* and the principles of the United Nations Declaration on the Rights of Indigenous Peoples. Among other things, this recognises 'the importance of self-determination for Aboriginal peoples and Torres Strait Islander peoples' (clause 6(2)(a)) and 'the value of equality and non-discrimination' (clause 6(2)(d)).

It is intended that the entities created by the Bill will be public entities under the *Human Rights Act*. It is considered that the entities will be created for a public or State purpose, even though the Treaty Institute does not represent the State (clause 11), the Treaty Institute Council and its members are to act independently (clauses 18 and 24), and the members of the Truth Telling

and Healing Inquiry are also to act independently (clause 71). This means that the entities created by the Bill will be subject to the human rights obligations of public entities under the *Human Rights Act*. This serves as an important protection of human rights.

Clause 32(b) of the Bill requires the Treaty Institute Council to establish an advisory committee to consider, and provide advice to the Council about, matters relating to human rights, among other things. This will ensure that the Treaty Institute Council is informed about human rights matters relating to the treaty negotiation process.

**Path to treaty (Part 2) and self-determination**

Clause 9 of the Bill establishes the First Nations Treaty Institute. The purpose of doing so is to develop a framework for Aboriginal peoples and Torres Strait Islander peoples to enter into treaty negotiations with the State (see clauses 5(a) and 13). By laying the groundwork for the negotiation of a treaty or treaties, Part 2 of the Bill recognises the importance of self-determination for Aboriginal peoples and Torres Strait Islander peoples.

The right to self-determination is not specifically protected in the *Human Rights Act*. However, the preamble to the *Human Rights Act* recognises that '[o]f particular significance to Aboriginal peoples and Torres Strait Islander peoples of Queensland is the right to self-determination'. The cultural rights of Indigenous peoples in s 28 of the *Human Rights Act* is based on article 27 of the ICCPR and articles 8, 25, 29 and 31 of the UNDRIP. Those rights have 'close ties' to the right to self-determination.[1] For example, the right of Indigenous peoples to control and protect their identity, cultural heritage, language, kinship ties and their connection to country may be seen as 'self-determination-enhancing'.[2]

Accordingly, the Bill recognises and promotes the importance of self-determination. While self-determination is not specifically protected by the *Human Rights Act*, it is closely related to other rights that are protected.

**Truth telling (Part 3) and freedom of expression**

Part 3 of the Bill provides for a Truth Telling and Healing Inquiry to inquire into the continuing impacts of colonisation on Aboriginal peoples and Torres Strait Islander peoples. This will take place through truth telling sessions (clause 78) and truth telling hearings (clause 84).

Facilitating a truth telling process means facilitating the right to take part in public life in s 23(1) of the *Human Rights Act* as well as freedom of expression under s 21 of the *Human Rights Act*, including 'the freedom to seek, receive and impart information and ideas of all kinds'. While the truth about colonisation may be difficult to hear, freedom of expression[3] is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such

[1] Tobias Stoll, 'Intellectual Property and Technologies: Article 31' in Jessie Hohmann and Marc Weller (eds), *The UN Declaration on the Rights of Indigenous Peoples: A Commentary* (Oxford University Press, 2018) 299, 307 [3.3].
[2] Claire Charters, 'Indigenous Peoples' Rights to Lands, Territories, and Resources in the UNDRIP: Articles 10, 25, 26, and 27' in Jessie Hohmann and Marc Weller (eds), *The UN Declaration on the Rights of Indigenous Peoples: A Commentary* (Oxford University Press, 2018) 395, 397.
[3] *Matalas v Greece* [2021] ECHR 247; (2021) 73 EHRR 26, 975 [38].

are the demands of pluralism, tolerance and broadmindedness without which there is no 'democratic society'.

The right to seek and receive information may also include a right to seek information held by the government.[4] Clauses 80 to 81 of the Bill will facilitate this by allowing the Inquiry to request documents and information from government entities. In particular, clause 82(b) provides that government entities are to consider production notices keeping in mind that 'wherever possible, access to government information is a fundamental principle of transparent and accountable government'.

In these important ways, the Bill protects and promotes freedom of expression.

**Truth telling processes (Part 3, division 3)**

It is considered that the Truth Telling and Healing Inquiry will not be subject to the right to a fair hearing in s 31 of the *Human Rights Act*. That is because it does not involve the determination of a criminal charge and it does not involve parties to a civil proceeding.[5] In any event, the Bill requires the Inquiry to be conducted in a way that accords with the right to a fair hearing. Clause 72(1)(a) provides that the Inquiry must observe natural justice. Clause 74 provides that truth telling sessions and hearings are to be conducted in public unless it is appropriate that it be held in private.

The Inquiry is also required by clause 72(1)(c) to conduct truth telling sessions and hearings in a culturally appropriate manner. This is consistent with cultural rights under ss 27 and 28 of the *Human Rights Act*. For example, a 'decision about arrangements for taking evidence from First Nations witnesses engages the right protected by s 28(2)(a) of the' *Human Rights Act*.[6] In some situations, refusing a request to take evidence on country may 'limit [the] ability [of First Nations witnesses] to enjoy and maintain their cultural heritage, specifically about how traditional knowledge is imparted.'[7] Clause 72(1)(c) of the Bill will ensure the Inquiry is conducted in a way that respects cultural rights under ss 27 and 28 of the *Human Rights Act*.

**Attendance notices**

Generally, people may attend and give documents or information voluntarily (clause 78(3)). However, for government entities, the Inquiry will be able to issue a production notice requiring the entity to provide documents or information (clause 81). The government entity will be entitled to decline to provide the document or information in certain circumstances under clause 83, including where the document or information contains personal information or commercial in confidence information. This serves to protect the right to privacy under s 25(a) of the *Human Rights Act*.

In certain circumstances, the Inquiry may issue an attendance notice under clause 85, requiring a chief executive officer of a government entity to attend the truth telling hearing and answer any question they are required to answer by a member of the Inquiry.

[4] *XYZ v Victoria Police* [2010] VCAT 255; (2010) 33 VAR 1, 86-95 [515]-[559]; *Horrocks v Department of Justice* [2012] VCAT 241, [110]; *Hajiyev v Azerbaijan* [2021] ECHR 1051; (2022) 75 EHRR 4, 108 [44].
[5] *Re Kracke and Mental Health Review Board* [2009] VCAT 646; (2009) 29 VAR 1, 95 [417]-[418]; *Coonan v Registrar of Births, Deaths and Marriages* [2020] QCAT 434, [76].
[6] *Waratah Coal Pty Ltd v Youth Verdict Ltd [No 5]* [2022] QLC 4, [18].
[7] *Waratah Coal Pty Ltd v Youth Verdict Ltd [No 5]* [2022] QLC 4, [22].

Attendance notices under clause 85 will engage or limit:

- freedom of movement in s 19 of the *Human Rights Act* by requiring a person to be at a certain place;

- freedom of expression in s 21 of the *Human Rights Act*, which may include 'the right to say nothing or the right not to say certain things';[8] and

- the right to privacy in s 25(a) of the *Human Rights Act*, which is a right 'to be let alone'.[9]

The limits on these human rights are reasonable and justified under s 13 of the *Human Rights Act* for the following reasons:

(a) Nature of the right

What is at stake in human rights terms is the ability to move freely without constraint, the ability not to answer questions and to keep private matters private.

(b) The nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose is to ensure that the Inquiry has access to relevant information for the purposes of truth telling, which in turn serves to promote the dignity of Indigenous peoples and social cohesion.

(c) The relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Requiring people to attend and answer questions will help to achieve that purpose.

(d) Whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

The limit on human rights is already narrowly tailored. When an attendance notice is issued, the obligations to attend, take and oath or affirmation, and answer questions will be subject to a 'reasonable excuse' exception (clause 82(4) to (6)). Clause 82(7) specifies that '[i]t is a reasonable excuse for a chief executive officer to refuse to answer a question or produce a document or thing on the ground that the answer or production of the document or thing might tend to incriminate the officer or make the officer liable to a penalty'. This safeguard ensures that the right not to incriminate oneself in s 32(2)(k) of the *Human Rights Act* is not limited. That right applies when giving evidence to a commission of inquiry.[10]

[8] *Slaight Communications Inc v Davidson* [1989] 1 SCR 1038, 1080.
[9] *C v Holland* [2012] NZHC 2155; [2012] 3 NZLR 672, 678 [11].
[10] *SQH v Smith* [2022] QSC 16, [324]-[325].

(e) The balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The need to have access to government-held information for truth telling outweighs minor and tailored impacts on freedom of movement, the freedom not to express oneself and privacy.

**Knowingly providing false or misleading information**

Clause 86 of the Bill makes it an offence to knowingly give false or misleading information to the Inquiry. This may impose a minor limit on freedom of expression in s 21 of the *Human Rights Act*. However, statements denying historical truths 'deserve little, if any, protection if their content is at odds with the democratic values of the' *Human Rights Act*.[11] Ultimately, the importance of expressing oneself in a false or misleading way is at the lower end of the spectrum, and is outweighed by the need to ensure the integrity of the truth telling process and outcome. The objective is for the truth to be told – not false or misleading information – in order to heal.

**Eligibility criteria based on race and substantive equality**

One of the eligibility criteria for a number of positions created by the Bill is that the person must be an Aboriginal person or a Torres Strait Islands person. This eligibility criterion applies for:

- members of the Treaty Institute Council (clause 19(3)(a));
- the Treaty Institute CEO (clause 36(2)(a));
- a majority of the council members of the Truth Telling and Healing Inquiry (clause 67(3)(b), (c) and (d)); and,
- the chairperson of the Truth Telling and Healing Inquiry (clause 70(1)).

In addition, the Bill encourages cultural diversity and gender diversity for these appointments (clauses 19(4), 22(2) and 67(3)(a)).

These eligibility criteria prevent access to these roles for anyone of a different race. Accordingly, they engage the right to equality and non-discrimination under s 15(3) and (4) of the *Human Rights Act*, as well as the right of access to the public service on general terms of equality under s 23(2)(b) of the *Human Rights Act*.

However, s 15 of the *Human Rights Act* protects substantive equality, not just formal equality. For that reason, s 15(5) recognises that sometimes people must be treated differently in order to progress towards equality: 'Where differentiation is a measure for redressing disadvantage, it is not discrimination because it furthers equality.'[12] 'Special measures are not an exception

[11] *Pastörs v Germany* [2019] ECHR 673, [47].
[12] *Re Lifestyle Communities Ltd [No 3]* [2009] VCAT 1869; (2009) 31 VAR 286, 311 [107]

to the principle of non-discrimination but are integral to its meaning and essential to the … project of eliminating … discrimination and advancing human dignity and effective equality.'[13]

The right of equal access to the public service and to public office in s 23(2)(b) of the *Human Rights Act* is concerned with ensuring a diverse and professional public service appointed on merit. Many of the new roles created by the Bill will not form part of the 'public service' as defined in the *Acts Interpretation Act 1954*. However, for the purposes of s 23(2)(b), 'public offices' likely 'consist of all government appointed positions',[14] which would include the new roles created by the Bill. This right will generally be fulfilled by making sure that people are appointed on merit. However, once again, to ensure a truly diverse public service, there may need to be special measures or affirmative action as envisaged by s 15(5) of the *Human Rights Act*.[15]

A measure must satisfy three criteria to be a special measure under s 15(5) of the *Human Rights Act*:[16]

- the purpose of the measure must be to assist or advance particular people or groups of people;
- those people or groups of people must be disadvantaged; and
- their disadvantage must be caused by discrimination.

The purpose of restricting access to these positions to Aboriginal or Torres Strait Islander people is to ensure that the truth-telling and treaty negotiation processes are controlled by Indigenous people. Empowering Indigenous people in this way serves to assist or advance Indigenous Queenslanders as a whole. There can be no doubt that Indigenous Queenslanders are disadvantaged by the historic and ongoing process of colonisation. Finally, their disadvantage arises from that long history of systemic discrimination.

Accordingly, the eligibility criteria in clauses 19, 36, 66 and 69 satisfy the requirements of a special measure under s 15(5) of the *Human Rights Act*. That means that the eligibility criteria engage but do not limit the rights to non-discrimination and equal access to the public service in ss 15(3), (4) and 23(2)(b) of the *Human Rights Act*.

**Other eligibility criteria**

The Bill also sets other eligibility criteria, for example clause 55 makes insolvency a ground for disqualification as a member of the Treaty Institute Council, the Treaty Institute CEO or the Treaty Institute Secretary. In addition, clause 52 allows for a Treaty Institute Council member to be suspended from office in certain circumstances, and clause 53 allows for their

[13] Committee on the Elimination of Racial Discrimination, *General recommendation No. 32: The meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination*, 75th sess, UN Doc CERD/C/GC/32 (24 September 2009) 6 [20].
[14] William A Schabas, *UN International Covenant on Civil and Political Rights: Nowak's CCPR Commentary* (NP Engel, 3rd ed, 2019) 726 [59].
[15] Human Rights Committee, *General Comment No 25*, 57th sess, UN Doc CCPR/C/21/Rev.1/Add.7 (27 August 1996) 7 [23].
[16] *Re Ipswich City Council* [2020] QIRC 194; (2020) 305 IR 289, 303-4 [54]; *Re Mackay Regional Council* [2022] QIRC 64, [30]-[33].

removal where they have engaged in certain inappropriate or improper conduct. Clause 54 also allows for the removal of the Treaty Institute CEO or the Treaty Institute Secretary in certain circumstances.

These provisions may limit the right of access to public service and public office in s 23(2)(b) of the *Human Rights Act* (and possibly other rights related to employment such as the rights to property and privacy in ss 24 and 25 of the *Human Rights Act*). However, any limit on those rights is reasonable and justified by reference to the need to ensure the integrity of the bodies established by the Bill and the people who comprise them. These provisions are the least restrictive way of ensuring integrity, taking into account the safeguards included, such as the requirement for natural justice when suspending a Treaty Institute Council member under clause 52. Ultimately, the need for integrity outweighs the impact on the right of access to the public service and to public office (and any other human rights related to employment).

The obligation in clause 55(2) to give written notice of insolvency or disqualification may also engage the right to privacy. However, it is an ancillary measure justified by the same need for integrity.

Eligibility criteria related to criminal histories raise particular issues and are considered separately.

**Criminal history checks (Part 2, division 10) and the right to privacy**

Clause 55(1)(d) of the Bill makes conviction of an indictable offence (other than a spent conviction) a ground of disqualification from becoming or continuing as a member of the Treaty Institute Council, the Treaty Institute CEO or the Treaty Institute Secretary. Under clause 55(1)(e), a person is also disqualified if they refuse to give consent to the Minister receiving the person's criminal history. In addition, under clause 60, there is an ongoing obligation to disclose any new convictions for an indictable offence.

These grounds of disqualification engage the right to privacy in s 25 of the *Human Rights Act*. In the United Kingdom, the position is that police cautions take place in private and are therefore an aspect of the right to a private life. Convictions, which take place in public, become part of a person's private life 'as [they] recede[] into the past'. Ordinarily, a conviction recedes into the past at the point that it becomes spent under the spent convictions regime.[17] There is also authority that ordinarily employers are to be trusted to only take into account convictions which are relevant.[18]

Critically, under clause 55(1)(d), spent convictions under the *Criminal Law (Rehabilitation of Offenders) Act 1986* are not a ground for disqualification. Further, criminal history reports under clause 60 are not to include spent convictions (due to the definition of 'criminal history' in schedule 1). This likely means that the convictions do not form part of the person's private life, such that the obligation to disclose those convictions does not limit the right to privacy. Even if the convictions are private matters, any interference with privacy would not be arbitrary. By only requiring the disclosure of convictions that are not spent, these provisions of the Bill 'balanc[e] the risk of blighting the prospects of ex-offenders and the risk of appointing

[17] *R (T) v Chief Constable of Greater Manchester Police* [2014] UKSC 35; [2015] AC 49, 65-6 [18]; *R (L) v Commissioner of Police of the Metropolis* [2009] UKSC 3; [2010] 1 AC 410, [27].
[18] *R (P) v Secretary of State for Justice* [2019] UKSC 3; [2020] AC 185, , 242-3 [51]-[52].

unsuitable people to sensitive positions'.[19] It should also be noted that clause 62 includes important safeguards to maintain confidentiality of criminal history information, including an obligation not to disclose criminal history information and an obligation to destroy a criminal history report as soon as practicable after it is no longer needed.

Accordingly, these provisions relating to criminal histories engage, but do not limit, the right to privacy in s 25(a) of the *Human Rights Act*.

**Reasonable excuse defences and right to be presumed innocent**

The Bill contains a number of reasonable excuse exceptions. The obligation in clause 55(2) to give written notice of insolvency or disqualification applies unless a person has a 'reasonable excuse'. The obligation in clause 61(2) to give written notice of a new conviction also applies unless the person has a 'reasonable excuse'. Finally, the obligations in s 86(2)(a) to (c) to attend a truth telling hearing, to swear an oath or take an affirmation, and to answer questions are also subject to a 'reasonable excuse'.

These reasonable excuse exceptions are intended to impose only an evidential burden on the person to adduce or identify evidence of a reasonable excuse, rather than a legal burden to prove a reasonable excuse on the balance of probabilities. This means that the right to be presumed innocent in s 32(1) of the *Human Rights Act* is not limited.[20]

Even if the reasonable excuse defences do limit the right to be presumed innocent, that limit is reasonable and justified under s 13 of the *Human Rights Act* for the following reasons:

(a) Nature of the right

The principle underlying the right to be presumed innocent is that it is for the prosecution to prove guilt without assistance from the accused.

(b) The nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the various obligations is to ensure compliance with the Bill. The reason why the defendant is required to identify evidence of a reasonable excuse is that that information is likely to be peculiarly within their knowledge.

(c) The relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Relationship between limitation and its purpose – Imposing an evidential burden will help to ensure that those with a peculiar knowledge of the relevant information are required to put that information forward.

[19] *MC v United Kingdom* (2022) 74 EHRR 24, 861 [54].
[20] *R v DA* [2016] VSCA 325; (2016) 263 A Crim R 429, 444 [48].

(d) Whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

By imposing an evidential burden rather than a legal burden, the reasonable excuse provisions impose the least restrictive burden on the right to be presumed innocent consistent with the purpose of the reasonable excuse provisions.

(e) The balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Ultimately, the right to be presumed innocent is outweighed by the need to ensure compliance with the Bill without placing an impossible burden on the prosecution to adduce evidence of matters peculiarly within the knowledge of the person claiming a reasonable excuse.

**Disclosure of conflicts of interest and privacy**

Clauses 30 and 57 require members of the Treaty Institute Council, the Treaty Institute CEO and the Treaty Institute Secretary to disclose a conflict of interest. Those requirements may potentially limit the right to privacy in s 25(a) of the *Human Rights Act*. Depending on the nature of the conflict, it may also engage other rights such as the right to enjoy kinship ties under s 28(2)(c) of the *Human Rights Act*. However, any limit is readily justified by reference to the need to ensure integrity and transparency in the administration of the Treaty Institute Council, which is to operate in an independent and impartial way.

**Protections for confidential and private information**

The Bill contains a number of protections for confidential and private information, including:

- clause 48(4), which requires the Treaty Institute Council to ensure that information included in the annual report does not include confidential information that is personal information without the consent of the person to whom it relates;

- clause 62, which includes safeguards to maintain confidentiality of criminal history information, including an obligation not to disclose criminal history information and an obligation to destroy a criminal history report as soon as practicable after it is no longer needed;

- clauses 63 and 91, which impose obligations not to disclose confidential information acquired or accessed in a person's capacity under the Bill, subject to certain exceptions.

These provisions limit freedom of expression in s 21 of the *Human Rights Act*. However, the limit on freedom of expression is reasonable and justified under s 13 of the *Human Rights Act*. The above safeguards pursue the legitimate purpose of protecting privacy under s 25(a) of the *Human Rights Act*. The limit on freedom of expression is narrowly tailored to that objective. Ultimately, the need to respect the privacy of individuals outweighs the freedom to freely express that confidential information.

**Amendments to remove redundant provisions that may not be compatible with human rights or do not support the Government's policy objectives (Part 5)**

Clauses 105 of the Bill omits ss 57 to 59 of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

Section 57 of the Act provides the chief executive and Community Enterprise Queensland with a power to accept money deposited by Aborigines and Torres Strait Islanders by way of their savings and to deposit the money in a trust fund. The reason for singling out Indigenous people to make special provision for their banking is not clear. The provision engages the right to equal protection of the law without discrimination under s 15(3) of the *Human Rights Act*.

Section 58 of the Act authorises the chief executive to continue managing the money of Aboriginal people, where their money was being managed under the *Aborigines Act 1971* as at the commencement of the Act. Under s 37(1) of the *Aborigines Act 1971*, the power to manage the money of Aboriginal people only applied '[u]pon application made … by an Aborigine'. On its face, s 58 of the Act only applies to people who requested that their money be managed. However, s 58 does not allow for the discharge of management, whereas s 45 of the *Aborigines Act* allowed for the termination of management of property upon application. Accordingly, it is possible that property is being managed under s 58 which was consensual at some point prior to 1984, but is no longer consensual. A power to manage a person's money against their wishes because they are Aboriginal engage their right to equality (s 15), property (s 24), and privacy (s 25 of the *Human Rights Act*).

Section 59 of the Act provides that the banker, with whom savings are deposited under s 57, is a statutory body. The provision has no work to do if ss 57 and 58 are omitted.

The purpose of the limits imposed on human rights by ss 57 and 58 of the Act is not clear. If the purpose reflects outdated and paternalistic views about the capacity of Indigenous people, that purpose is not legitimate and cannot justify limits on human rights under s 13 of the *Human Rights Act*.

To the extent ss 57 and 58 of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act* are not compatible with human rights, by removing them, clause 105 of the Bill enhances human rights to that extent.

# Conclusion

In my opinion, the Path to Treaty Bill 2023 is compatible with human rights under the *Human Rights Act 2019*. The Bill embeds respect for human rights, and it protects and promotes key human rights such as cultural rights and freedom of expression through truth telling. While the Bill does impose minor limits on some human rights such as the right to privacy, safeguards built into the Bill ensure that those limits are reasonable and demonstrably justifiable in accordance with s 13 of the *Human Rights Act*.

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