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Committee Secretary
House Standing Committee on Procedure
Parliament House
CANBERRA ACT 2600

Dear Secretary

Inquiry into the Effectiveness of House Committees

Thank you for the opportunity to make a submission to this inquiry. There are two areas where I believe the work of House of Representatives committees could be enhanced.

First, unlike many other parliaments, there are no current committee of the federal Parliament that provides for scrutiny of proposed laws against explicit human rights standards. The House of Commons of the United Kingdom Parliament, for example, has its deliberations informed and assisted by the work of the Joint Committee on Human Rights, which, amongst other things reports to that House on consistency between proposed laws and the *Human Rights Act 1998* (UK). Such a function could usefully be conferred upon a Joint Standing Committee of the Commonwealth Parliament by an equivalent Australian human rights act or charter of rights. Even in the absence of such a law, a committee could be given the function of assessing proposed laws against a clear statement of human rights as could be set out in the Standing Orders.

Senate Standing Order 24 charges the Senate Standing Committee for the Scrutiny of Bills to report on whether proposed laws 'trespass unduly on personal rights and liberties'. This Order is insufficient in that it fails to set out the 'personal rights and liberties' that proposed laws are to be assessed against. In any event, scrutiny of proposed laws against the fundamental human rights of the Australian people should not only be a function of the Senate. It should certainly

also be a function of the House of Representatives so as to ensure that debate in that chamber is informed by such issues and that its members are equally involved in the scrutiny process.

Second, in Chapter 5 of the book *No Country is an Island: Australia and International Law* (UNSW Press, 2006), I and my co-authors examine the engagement of parliamentary committees with the reception of international law principles in Australia. While we find that the reforms that produced the Joint Standing Committee on Treaties are an important step forward, we conclude that the mandate of this Committee is insufficient and that the role of Parliament generally through its committees should be improved so as to better remove the 'democratic deficit' that arises through the executive unilaterally committing Australia to treaty action.

The Joint Standing Committee on Treaties does not deal with the full range of international action in which Australia now engages, such as in regard to international instruments of less-than-treaty status like memoranda of understanding. More generally, the role of Parliament should be strengthened by giving the Joint Standing Committee a role in inquiring into treaty actions before instruments are signed by the executive and by giving it the power to report to Parliament on whether Parliament should exercise a new power to disallow a treaty action.

Yours sincerely

George Williams