

**PARLIAMENTARY JOINT COMMITTEE ON HUMAN  
RIGHTS**

**CHAIR'S TABLING STATEMENT**

**WEDNESDAY 4 JUNE 2013**

The Parliamentary Joint Committee on Human Rights' Seventh Report of 2013 sets out the committee's consideration of 29 bills introduced during the period 14 to 16 May 2013, 122 legislative instruments registered with the Federal Register of Legislative Instruments (FRLI) during the period 20 April to 17 May 2013 and eight responses to the committee's comments in various previous reports.

The committee has identified 15 bills that it considers require further examination and for which it will seek further information. The remaining 14 bills do not appear to give rise to human rights concerns.

The committee has identified six legislative instruments for which it will seek further information before forming a view about their compatibility with human rights. The committee has decided to consider one instrument as part of its examination of the Migration (Regional Processing) package of legislation.

The remaining 115 instruments considered do not appear to raise human rights concerns and are accompanied by statements of compatibility that meet the committee's expectations. The committee

notes that the general standard of statements of compatibility for legislative instruments has improved significantly in recent months.

In this report the committee has continued its consideration of the human rights implications of appropriation bills. I drew the attention of the House to the committee's initial views in this regard when I tabled the committee's Third Report of 2013.

Appropriation bills, like all other bills, are subject to the requirements of the *Human Rights (Parliamentary Scrutiny) Act 2011*. In its Third Report of 2013 the committee noted that it does not anticipate it will generally be necessary for it to make substantive comments on appropriation bills. However, the committee stated that it would find it helpful if the statements of compatibility that accompany appropriation bills identify any proposed cuts in expenditure which may amount to retrogression or limitations on human rights.

In its consideration of appropriation bills in this Seventh Report of 2013, the committee recognises the technical and particular nature of appropriation bills and the fact that they frequently include appropriations for a wide range of programs and activities. The committee notes the Minister's advice that the Explanatory Memoranda to appropriation bills address technical aspects of the operative clauses of the bills, not the policy aspects of proposed Government expenditure.

The committee accepts the Minister's explanation that the detail about specific appropriations is mainly contained in the individual agency's portfolio budget statement, rather than in the appropriation bill itself.

The committee considers that while appropriation bills may not create any statutory rights or duties, they may nevertheless have an impact on the implementation of international human rights obligations, including the obligation to progressively realise economic, social and cultural rights using the maximum of resources available.

The committee therefore considers that statements that routinely conclude that appropriation bills do not engage any human rights may not be accurate in a strict sense, particularly where specific appropriations may involve reductions in expenditure which could amount to retrogression or limitations on rights.

The committee recognises that in many cases relevant questions of human rights compatibility are likely to have been taken up under the legislation to which appropriations relate, although this may not be the case where the legislative framework predates the commencement of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The committee considers that the most practical way to address the compatibility of appropriation bills is to ensure that human rights are appropriately incorporated in the underlying budget processes. The committee encourages the government to consider this proposition, not least as it would be consistent with the government's policy objectives in implementing Australia's Human Rights Framework to

ensure appropriate recognition of human rights issues in policy and legislative development.

On behalf of the committee I would like to thank the Minister for Finance and Deregulation for her response to the committee's comments in its Third Report of 2013. I would also like to acknowledge the constructive discussions on this issue between her Department and the committee's secretariat and I thank the Minister for her offer for Departmental officials to brief the committee. While the committee's commitments may not permit it to take up this offer during this parliament, it considers that there would be benefit in continuing this dialogue in the next parliament.

I commend the committee's Seventh Report of 2013 to the House.