

# PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

## CHAIR'S TABLING STATEMENT

**Tuesday 2 December 2014**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Seventeenth Report of the 44<sup>th</sup> Parliament – the committee's last report for 2014.

This report provides the committee's view on the compatibility with human rights as defined in the *Human Rights (Parliamentary Scrutiny) Act 2011* of bills introduced during the period 24 to 27 November 2014 and legislative instruments received during the period 24 to 30 October 2014. The committee has also considered responses to the committee's comments in previous reports.

Of the 17 bills introduced in the period covered by the report, eight are assessed as not raising significant human rights concerns. The committee has deferred its consideration of the remaining bills.

A number of the bills considered are scheduled for debate during the sitting week commencing 1 December 2014, including:

- the Acts and Instruments (Framework Reform) Bill 2014;
- the ACT Government Loan Bill 2014; and
- the Parliamentary Service Amendment Bill 2014.

As always, the report outlines the committee's examination of the compatibility of these bills with our human rights obligations, and I encourage my fellow Senators and others to examine the committee's report to better inform their consideration of proposed legislation.

In this report, in addition to the usual analysis on bills and instruments, the committee has published two revised guidance notes. Having been in operation for over two years, it is timely for the committee to reflect on its practices and how it communicates its approach and expectations to legislation proponents.

The first guidance note, which replaces practice note 1, sets out the committee's general approach to its scrutiny task and its expectations regarding the information provided in statements of compatibility. Importantly, the committee confirms in this guidance note that its reports seek to largely focus on significant human rights issues and not matters of marginal or academic interest only.

The second guidance note, which replaces interim practice note 2, provides guidance to legislation proponents on the human rights assessment of offence provisions, and particularly the characterisation of offence provisions and civil penalty provisions for human rights purposes.

My expectation is that these guidance notes will provide useful instruction to departments and legislation proponents on the committee's approach to the interpretation and application of international human rights law. The committee has sought to harmonise its guidance with the approach and guidance of the Office of International Law in the Attorney-General's Department, and the committee is grateful for the productive engagement of the officers who have assisted in these efforts.

As this is the committee's last report for the year, I provide the following brief snapshot of the committee's work in 2014.

The committee has considered 250 bills and 1717 instruments. Of those, 213 bills and 1707 instruments were found to be compatible with human rights. It is interesting to note that, while much of the attention on the committee's work focuses on of legislation that is or may be incompatible with human rights, in the vast majority of cases proposed legislation is in fact compatible, or indeed may even promote, human rights.

Looking back at the committee's achievements this year, I would draw attention to the committee's examination of four national security bills, introduced with the aim of ensuring Australia is best placed to combat terrorism and that law enforcement and intelligence agencies are sufficiently equipped to keep the nation safe. National security legislation necessarily strongly engages with human rights, and these bills have raised complex issues around balancing the protection of

human rights with national security objectives. I believe that the committee has not, since its establishment, considered any legislation as challenging in this regard, and I particularly want to thank my fellow committee members for their work on these bills.

More generally, I would also like to thank my committee colleagues who have engaged with the committee's work, and have done so in keeping with the scrutiny tradition of undertaking technical and bipartisan inquiry into the merits of proposed legislation and, in the case of this committee's particular task, the compatibility of proposed legislation with the human rights conventions signed up to by previous Australian governments.

To put aside personal opinions on the policy merits of legislation is not always an easy thing to do, and for doing so in the interests of providing credible reports to inform the debates of the Parliament, I recognise and commend committee members for their service to this institution and to the legislators within it.

I would also like to take this opportunity to thank Ivan Powell, the Committee Secretary, Professor Simon Rice the Committee's current legal adviser, Professor Andrew Byrnes, the former legal adviser, and all the staff in the Secretariat for their professionalism and hard work over the past year.

With these comments, I commend the committee's Seventeenth Report of the 44<sup>th</sup> Parliament to the Senate.