

# **PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS**

## **CHAIR'S TABLING STATEMENT**

**Thursday 18 June 2015**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Twenty-third Report of the 44<sup>th</sup> Parliament.

This report provides the Parliamentary Joint Committee on Human Rights' view on the compatibility with human rights of bills introduced into the Parliament from 11 May to 4 June 2015, legislative instruments received from 10 April to 14 May 2015, and legislation previously deferred by the committee. The report also includes the committee's consideration of responses arising from previous reports.

This report outlines the committee's examination of the compatibility of these bills and instruments with our human rights obligations. The committee seeks to engage in dialogue with relevant ministers, both to help the committee better understand the intent of the legislation and to help relevant ministers and officials to identify and explore questions of human rights compatibility.

Of the 44 bills considered in this report, 42 are assessed as not raising human rights concerns, and two raise matters requiring further correspondence. The committee has deferred its consideration of three bills and a number of instruments, including those which had previously been deferred. The committee has concluded its examination of seven bills and three legislative instruments.

This report includes consideration of the response to the committee's initial inquiries in relation to the Fair Work Amendment (Bargaining Processes) Bill 2014. I note that in relation to this legislation, committee members expressed different views on its compatibility with human rights.

Assessments of the compatibility of legislation by the committee involve the application of its analytical framework to, first, identify if a measure engages a human right (that is, whether in the broadest sense the measure may interact with a right); second, identify if a measure limits any right that is engaged; and third, assess whether any limitation is legally justified (that is, pursues a legitimate objective, is rationally connected to that objective and is proportionate).

Since its inception, the committee's approach is to apply the above analytical framework in undertaking a routine and technical examination of legislation. However, it is important to recognise that there are areas in which committee members may legitimately come to different conclusions on the compatibility of legislation with Australia's human rights obligations.

The committee's consideration of the response to the aforementioned Fair Work Amendment (Bargaining Processes) Bill 2014 is one such example where legitimate differences of view are expressed by committee members on the question of the proportionality of the measures.

The ultimate purpose of the committee is to inform the debates of the Parliament on the merits of the legislation which we are asked to consider, and in that spirit I encourage my fellow Members and others to examine the committee's report to better inform their consideration of proposed legislation.

With these comments I commend the committee's Twenty-third Report of the 44th Parliament to the House.