

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

CHAIR'S TABLING STATEMENT

Tuesday 15 August 2017

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' *Human Rights Scrutiny Report 8 of 2017*.

The committee's legislative mandate under section 7(a) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires it to examine the compatibility of recent bills and legislative instruments with Australia's obligations under international human rights law.

The resulting scrutiny report seeks to provide parliament with a credible technical examination of the human rights implications of legislation. In undertaking this examination, the committee receives legal advice in relation to the human rights compatibility of legislation, in which it is supported by an external legal adviser and secretariat staff.

The report does not assess the broader merits or policy objectives of particular measures. Like all parliamentarians, scrutiny committee members may, and often do, have different views in relation to the policy merits of legislation. Committee members performing a scrutiny function are not, and have never been, bound by the contents or conclusions of scrutiny committee reports.

Nine bills in this report were assessed as either promoting human rights, permissibly limiting human rights or not engaging human rights and are therefore listed as raising no human rights concerns.

As outlined in chapter one of the report, the committee is also seeking further information in relation to four bills. The committee requests additional information where a statement of compatibility has not adequately addressed human rights matters.

The committee has also concluded its examination of four pieces of legislation following correspondence with the relevant minister. The committee's comments for concluding matters are outlined in chapter two of the committee's report.

I have noted previously that a key role of the committee is to inform the deliberations of parliament by providing a credible technical assessment of the human rights compatibility of legislation.

In this respect, I would like to highlight that there has been recent commentary about the work of the committee as a mechanism to protect and promote human rights from United Nations processes. The UN Committee on Economic Social and Cultural Rights, in its recent Concluding Observations on Australia, noted the role of the Parliamentary Joint Committee on Human Rights in reporting on human rights scrutiny issues. Further, in relation to broader policy matters, the UN Special Rapporteur on contemporary forms of racism, in his recent report on his mission to Australia, referred to the committee's work on its Inquiry into Freedom of Speech in Australia and Part IIA of the Racial Discrimination Act.

I encourage my fellow members and others to examine the report to enhance their understanding of the committee's work.

With these comments, I commend the committee's Report 8 of 2017 to the Chamber.