

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

CHAIR'S TABLING STATEMENT

WEDNESDAY 13 FEBRUARY 2013

In this second report of the Parliamentary Joint Committee on Human Rights for 2013 the committee sets out its comments on the Australian Sports Anti-Doping Authority Amendment Bill 2013.

In the normal course of events the committee would not table its comments on this bill until Wednesday, 13 March 2013, when it will publish its comments on bills introduced during the period 5 to 28 February. I would therefore like to take a few moments to outline to the House the committee's reason for expediting publication of its comments in this instance.

This bill has been referred to the Senate Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 12 March 2013. The PJCHR has identified a number of human rights matters in relation to this bill and has decided to seek further clarification from the minister in relation to some of them. These include matters relating to civil penalty orders, the right to privacy and the right to family life. The committee has raised similar concerns in relation to a number of bills considered in previous reports. I stress that the committee's sole intention in publishing its comments on this bill at this early opportunity is to ensure that the Senate Rural and Regional Affairs and Transport Legislation Committee has the benefit of these comments early in its own consideration of the bill. The committee hopes that this will result in the minister's response to the committee's comments on the bill being available to the Senate committee before it concludes its inquiry.

From its earliest days, the committee has recognised the desirability of placing information regarding the human rights implications of bills and instruments before the parliament at an early opportunity. The volume of bills and instruments, together with the realities of the sitting pattern and the committee's preference for tabling reports in a predictable cycle when both houses are sitting, can present challenges to achieving this.

In my statement to the House at the end of last year, I said that in 2013 the committee would focus on working more effectively with other parliamentary committees, particularly where they have been charged with examining particular bills and instruments. I said that it was the committee's aim to draw the attention of these committees to its reports where such comments are relevant to particular inquiries. I noted two important reasons for the committee approaching its work in this way. First, it makes effective use of resources both within and outside the parliament. Second, determining the human rights implications of legislation is frequently complex and contentious. It makes sense to examine legislation from a variety of angles and shed as much light as possible on how legislation works and how it relates to Australia's human rights obligations in practical terms.

Since the resumption of parliament in 2013, the committee has been focused on establishing clear and regular communication with other parliamentary committees to assist in the examination of human rights issues. It has addressed this in three ways. First, the committee has stepped up its practice of writing to House and Senate committees drawing attention to its work where it overlaps with specific inquiries being undertaken by these committees. Second, the committee has decided that it will endeavour to expedite its consideration of bills and instruments where it considers that this may assist inquiries being undertaken by other parliamentary committees or deliberation in either house. Finally, the committee has resolved to make a submission to the Senate Legal and Constitutional Affairs Committee's inquiry into the exposure draft of the Human Rights and Anti-Discrimination Bill 2012. The committee recognises that, while it will have an opportunity to comment on the bill when it is formally introduced into parliament, it is appropriate and timely to make some comments on human rights concerns now, while amendments to the exposure draft of the bill are under consideration. Without binding the committee, this is an approach the committee may consider adopting with regard to future parliamentary inquiries into exposure draft legislation.

I have noted before that consideration of the human rights implications of legislation is not solely the responsibility of the PJCHR. The committee hopes that by striving to complete its own work in a manner that is sensitive to the nature and timing of the work of other parliamentary committees, it can contribute more effectively to the consideration of human rights throughout the legislative process. I commend the report to the House.