

## **Amnesty International Australia – Answer to question taken on notice**

Please find below our response to Senator Lidia Thorpe's question.

**Senator THORPE:** I'm in Alice Springs, and I saw human rights injustices all day yesterday at Yuendumu. It's very timely that this conversation and this inquiry is happening. My first question is around your suggestion that no bill should be passed until the PJCHR has given a final report. To follow up your suggestion that in urgent matters where a review can be delivered after the bill has already passed, history has shown us that bills rushed through the quickest are often the most harmful, especially when it comes to human rights. We saw this happen in the Northern Territory intervention. So, what amendments could be introduced into the parliamentary scrutiny act to resolve the tension between urgency of law-making and proper human rights scrutiny?

### **Amnesty International:**

"With regard to the recommendation that House and Senate Standing Orders be amended to require Bills not be passed until a final report of the PJCHR has been tabled with limited exceptions for urgent matters. Such a change would bring Australia in line with the recommendation from the UN Human Rights Committee recommendation on the sixth Universal Periodic Review that Australia "strengthen its legislative scrutiny processes with a view to ensuring that no Bills are adopted before the conclusion of a meaningful and well-informed review of their compatibility with the ICCPR." A similar Standing Order can be found in Standing Order 182A of the ACT Legislative Assembly, which stipulates: "An amendment to be proposed by any Member to any bill must be considered and reported on by the Scrutiny Committee before it can be moved. By leave of the Assembly, this standing order may be dispensed with on the grounds that an amendment is:

- (a) urgent; or
- (b) minor or technical in nature; or
- (c) in response to comment made by the Scrutiny Committee."

In the federal Parliament, a similar Standing Order could be introduced. Urgent matters could be considered those Bills that a Minister declares urgent under current Standing Order 85. It is crucial that such Bills that are passed before a final report of the PJCHR has been tabled are subject to scrutiny at a later date, defined in the Bill, and that the laws are still subject to judicial review for its compliance with the Human Rights Act, and to ensure any restrictions on human rights are lawful, and in compliance with human rights standards."