

Parliamentary Joint Committee on Human Rights - Inquiry into Australia's Human Rights Framework

Question on notice from Ms Kylea Tink MP, 25 August 2023

My understanding is that you're saying that, if we are building or reviewing the opportunity to create a federal human rights act here now, that federal human rights act should hold our nation to the highest possible standards and reflect our international obligations. How would you suggest that that federal act would then be able to exist alongside, say, the state based human rights acts, which may not go as far as the federal act?

In our view, a federal human rights act would complement state-based human rights acts, which do not in general address the key issues arising at the federal level in relation to rights owed to people seeking asylum, refugees and other migrants. A federal human rights act would fill a major gap in human rights compliance and accountability in areas under federal jurisdiction. While provision should be made to ensure coherence and the greatest level of human rights available in instances where state and federal functions overlap, this is unlikely to arise frequently in the area of immigration and refugee protection. However, further enquiries are necessary to examine the potential implications where services relevant to human rights are primarily delivered by the state.