
Textile, Clothing and Footwear Investment and Innovation Programs Amendment Bill 2014

Portfolio: Industry

Introduced: House of Representatives, 29 May 2014

Purpose

1.266 The Textile, Clothing, and Footwear Investment and Innovation Programs Amendment Bill 2014 (the bill) will amend the *Textile, Clothing and Footwear Investment and Innovation Programs Act 1999* to provide for the closure of the Clothing and Household Textile Building Innovative Capability Scheme (BIC Scheme) and the Textiles, Clothing and Footwear Small Business Program (TCF Small Business Program) on 30 June 2014.

Committee view on compatibility

Right to work and rights at work

1.267 The right to work and rights at work are guaranteed in articles 6(1), 7 and 8(1)(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

1.268 The UN Committee on Economic Social and Cultural Rights has stated that the right to work affirms the obligation of States parties to ICESCR to assure individuals their right to freely chosen or accepted work, including the right not to be deprived of work unfairly.

1.269 Under article 2(1) of ICESCR, countries must take steps, to the maximum of available resources, to progressively achieve the full realisation of the rights recognised in the covenant. A number of aspects of ICESCR rights, including the right to non-discrimination in the enjoyment of those rights, are subject to an obligation of immediate implementation.

1.270 The right to work and rights at work may be subject only to such limitations as are determined by law and compatible with the nature of the right, and solely for the purpose of promoting the general welfare in a democratic society.

Economic impact of measure

1.271 The bill is accompanied by a statement of compatibility which states that the bills 'is compatible with human rights as it does not raise any human rights issues'.¹

1 Explanatory memorandum, p. [4].

1.272 However, the committee notes that the purposes of the BIC scheme and TCF program are to, respectively, foster the development of a sustainable and internationally competitive clothing and household textile manufacturing and design industry in Australia; and to provide grants of up to \$50 000 for projects to improve the business enterprise culture of established TCF small businesses. The committee notes that the early closure of these schemes may limit the right to work and rights at work, to the extent that their closure may reduce the employment opportunities of those working in the industry.

1.273 The committee's usual expectation where a right may be limited is that the statement of compatibility set out the legitimate objective being pursued, the rational connection between the measure and that objective, and the proportionality of the measure.

1.274 The committee therefore seeks the Minister for Industry's advice as to the compatibility of the bill with the right to work and rights at work.