

# PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

## CHAIR'S TABLING STATEMENT

**Tuesday 13 February 2018**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' *Human Rights Scrutiny Report 2 of 2018*.

The role of the committee is to examine bills and legislative instruments for compatibility with Australia's obligations under international human rights law.

The committee's report provides parliament with a credible technical examination of the human rights implications of legislation rather than an assessment of the broader policy involved. Committee members performing a scrutiny function are not bound by the contents or conclusions of scrutiny committee reports and may have different views in relation to the policy merits of legislation.

Of the new bills in the current report, 9 were assessed as either promoting human rights, permissibly limiting human rights or not engaging human rights. The committee is seeking further information in relation to one bill — the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017 — and has provided an advice only comment in relation to one legislative instrument.

The report also contains the committee's concluded examination of six bills and instruments. In relation to the ASIC Credit (Flexible Credit Cost Arrangements) Instrument, the initial assessment identified concerns as to whether the civil penalty provisions in the instrument may be considered to be 'criminal' in nature for the purposes of

international human rights law. However, following the provision of further information from the assistant minister, it was established that the penalty applied in a specific regulatory context and not to the public in general. The committee was therefore able to conclude that the penalty was unlikely to be considered 'criminal' for the purposes of international human rights law.

Finally, on behalf of the committee, I would like to welcome Senator Lucy Gichuhi as a new committee member, replacing Senator Linda Reynolds. I would also like to thank Senator Reynolds for her service to the committee and its key functions of undertaking non-partisan, technical assessments of legislation against Australia's international human rights obligations.

I encourage my fellow Members and others to examine the committee's report to better inform their consideration of proposed legislation.

With these comments, I commend the committee's Report 2 of 2018 to the House.