

# **PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS**

## **CHAIR'S TABLING STATEMENT**

**TUESDAY 18 MARCH 2014**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Fourth Report of the 44<sup>th</sup> Parliament.

This report examines 17 bills introduced in the period 3 to 6 March, and 49 legislative instruments received in the period 22 to 28 February. The report also includes the committee's comments on 12 responses to matters raised in previous committee reports.

As senators would be aware, the committee's function is to assess legislation for compatibility with the seven international human rights treaties to which Australia is a party. In broad terms, these treaties cover the range of civil, political, economic, social and cultural rights expressed in the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

In its relatively brief existence, the committee has established a non-partisan and consensus based approach to its work, and this approach is an appropriate foundation for the committee's mandate to report to both Houses of the Parliament on the compatibility of legislation with human rights.

To do that, where legislation engages and would appear to limit human rights, the committee's assessment of its compatibility with relevant rights is based on three core questions. These are: whether the limitation is aimed at achieving a legitimate objective, whether

there is a rational connection between the limitation and that objective, and whether the limitation is proportionate to that objective.

I know that members of this place will recognise that these core questions are — although perhaps not in the same terms — the same questions we are asked to consider when we come to this Chamber to consider the necessity and merits of any legislation proposed or already in operation.

The value of the committee's assessment of the compatibility of legislation with human rights is therefore its capacity to inform our consideration of both proposed and operating laws, and in that spirit I draw senators' attention to the contents of the current report.

Of the bills considered in this report, I note the following are scheduled for debate during this sitting period commencing 17 March 2014:

- the Farm Household Support Bill 2014 and a related consequential bill
- the Quarantine Charges (Collection) Bill 2014 and three related bills
- the Export Market Development Grants Bill 2014
- and the Civil Aviation Amendment (CASA Board) Bill 2014

The committee also considered the Qantas Sale Amendment Bill 2014, which is currently before the Senate, and was introduced to and passed by the House on 6 March 2014.

Of the 49 instruments considered by the committee for this report, I am pleased to advise that none appear to raise any human rights concerns, and all of them are accompanied by adequate statements of compatibility.

However, the committee notes that a number of instruments exempt from disallowance under the *Legislative Instruments Act 2003* were not accompanied by a statement of compatibility. While such instruments are not required to be accompanied by a statement of compatibility under the *Human Rights (Parliamentary Scrutiny) Act 2011*, the committee is required to assess all legislative instruments for compatibility with human rights. The committee therefore regards the preparation of a statement of compatibility for exempt instruments as a best-practice approach in support of the work of the committee.

In relation to responses to matters previously raised by the committee, the report contains consideration of 12 such responses. Of these, responses relating to one bill and one instrument have adequately addressed the committee's concerns, and the committee has concluded its interest in these matters.

However, the committee retains concerns and has sought further information or the inclusion of safeguards in relation to three bills and seven instruments. This includes a package of amendments to various pieces of migration legislation.

I note for the benefit of senators that the committee will write again to the relevant Ministers in relation to these matters.

With these comments, I commend the committee's Fourth Report of the 44<sup>th</sup> Parliament to the Senate.

**Senator Dean Smith**

**Chair**

**Parliamentary Joint Committee on Human Rights**