

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Australian Human Rights Commission

Question No. BE17-073

Senator Siewert asked the following question on 25 May 2017:

Senator Brandis: As I said to you a moment ago, ordinarily, the government does not seek advice from the Human Rights Commission. It may be that, if a particular human rights related issue arises, I might, in an informal way, as I have done on occasions, or other members of the government are at liberty to, have a conversation with the Human Rights Commission. The Human Rights Commission is not, basically, an advisory body. It is a complaints handling body and a body that writes reports, usually at its own motion, but sometimes at the request of the Attorney-General.

Senator SIEWERT: You have just outlined yourself—and I do not want to get into an argument with you, because you are using up my valuable time—

Senator Brandis: I am just pointing out your question is based on an incorrect understanding of the—

Senator SIEWERT: You just said that you sought informal advice. You just said, yourself, that you seek informal advice. So can I ask again, Mr McEwen: are you aware of any informal advice or formal advice that has been requested or sought?

Mr McEwen: On what matter are you referring to?

Senator SIEWERT: On any matter.

Mr McEwen: As you are aware, if I have any concerns about any potential breaches under the Disability Discrimination Act, my role is to engage with the department and the Attorney's office. I can give you a number of examples, but that is my role—to provide advice.

Senator SIEWERT: Could you take that on notice then, please?

The response to the honourable Senator's question is as follows:

The Commissioner meets regularly with ministers across a range of portfolios. Occasionally, they will bring to our attention proposed reforms that may be relevant to the operation of discrimination laws. The Commission will also scrutinise proposed laws and contact either the Joint Parliamentary Committee on Human Rights or a committee conducting an inquiry into a bill if we have concerns about discrimination or adverse human rights impacts.