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Mr Laurie Ferguson MP, Deputy Chair	Werriwa, New South Wales, ALP
Senator Carol Brown	Tasmania, ALP
Dr David Gillespie MP	Lyne, New South Wales, NAT
Ms Cathy McGowan AO MP	Indi, Victoria, IND
Senator Nick McKim	Tasmania, AG
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Functions of the committee

The committee has the following functions under the *Human Rights (Parliamentary Scrutiny) Act 2011*:

- to examine bills for Acts, and legislative instruments, that come before either House of the Parliament for compatibility with human rights, and to report to both Houses of the Parliament on that issue;
- to examine Acts for compatibility with human rights, and to report to both Houses of the Parliament on that issue; and
- to inquire into any matter relating to human rights which is referred to it by the Attorney-General, and to report to both Houses of the Parliament on that matter.

Human rights are defined in the *Human Rights (Parliamentary Scrutiny) Act 2011* as those contained in following seven human rights treaties to which Australia is a party:

- International Covenant on Civil and Political Rights (ICCPR);
- International Covenant on Economic, Social and Cultural Rights (ICESCR);
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- Convention on the Elimination of Discrimination against Women (CEDAW);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- Convention on the Rights of the Child (CRC); and
- Convention on the Rights of Persons with Disabilities (CRPD).

The establishment of the committee builds on the Parliament's established traditions of legislative scrutiny. Accordingly, the committee undertakes its scrutiny function as a technical inquiry relating to Australia's international human rights obligations. The committee does not consider the broader policy merits of legislation.

The committee's purpose is to enhance understanding of and respect for human rights in Australia and to ensure appropriate recognition of human rights issues in legislative and policy development.

The committee's engagement with proponents of legislation emphasises the importance of maintaining an effective dialogue that contributes to this broader respect for and recognition of human rights in Australia.

Committee's analytical framework

Australia has voluntarily accepted obligations under the seven core United Nations (UN) human rights treaties. It is a general principle of international human rights law that the rights protected by the human rights treaties are to be interpreted generously and limitations narrowly. Accordingly, the primary focus of the committee's reports is determining whether any identified limitation of a human right is justifiable.

International human rights law recognises that reasonable limits may be placed on most rights and freedoms—there are very few absolute rights which can never be legitimately limited.¹ All other rights may be limited as long as the limitation meets certain standards. In general, any measure that limits a human right must comply with the following criteria (the limitation criteria):

- be prescribed by law;
- be in pursuit of a legitimate objective;
- be rationally connected to its stated objective; and
- be a proportionate way to achieve that objective.

Where a bill or instrument limits a human right, the committee requires that the statement of compatibility provide a detailed and evidence-based assessment of the measures against these limitation criteria.

1 Absolute rights are: the right not to be subjected to torture, cruel, inhuman or degrading treatment; the right not to be subjected to slavery; the right not to be imprisoned for inability to fulfil a contract; the right not to be subject to retrospective criminal laws; the right to recognition as a person before the law.

Abbreviations

Abbreviation	Definition
2013 report	Parliamentary Joint Committee on Human Rights, <i>Eleventh Report of 2013: Stronger Futures in the Northern Territory Act 2012 and related legislation</i> (27 June 2013)
AMP	Alcohol management plan
ANAO report	Australian National Audit Office, <i>The Improving School Enrolment and Attendance through Welfare Reform Measure: Department of the Prime Minister and Cabinet, Department of Human Services</i> , Audit Report No. 51 2013-14, Performance Audit (2014)
APA	Alcohol protected area
Current minister	Senator the Hon Nigel Scullion, Minister for Indigenous Affairs
Declaration	Declaration on the Rights of Indigenous Peoples
Final Evaluation Report	J Rob Bray et al, Social Policy Research Centre, UNSW, Australian National University and Australian Institute of Family Studies, <i>Evaluating New Income Management in the Northern Territory: First Evaluation Report</i> (July 2012)
Former minister	The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs
NT	Northern Territory
NTNER	Northern Territory National Emergency Response

NTNER Act	<i>Northern Territory National Emergency Response Act 2007</i>
PM&C report	Department of the Prime Minister and Cabinet, <i>Improving School Enrolment and Attendance through Welfare Reform Measures (SEAM) Trial (2009-2012): Final Evaluation Report</i> (May 2014)
SEAM	Improving School Enrolment and Attendance through welfare reform Measure
Stronger Futures Act	<i>Stronger Futures in the Northern Territory Act 2012</i>
Stronger Futures bill	Stronger Futures in the Northern Territory Bill 2012
Stronger Futures regulation	Stronger Futures in the Northern Territory Regulation 2013 [F2013L01442]
Stronger Futures rule	Stronger Futures in the Northern Territory (Alcohol Management Plans) Rule 2013