**PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS**

**CHAIR'S TABLING STATEMENT**

**Wednesday 30 November 2016**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights’ Report 10 of 2016.

The committee's report examines the compatibility of recent bills and legislative instruments with Australia's human rights obligations. Eight new bills are assessed as not raising human rights concerns and the committee has also concluded its consideration of a number of matters, two of which I will speak to today*.*

However, before I do so, I would like to take this opportunity to speak a little about the role of the committee and its statutory mandate.

The committee is one of three parliamentary committees established or administered by the Federal Parliament specifically tasked to scrutinise legislation against specified principles. Legislative scrutiny committees undertake technical assessments of bills and legislation against scrutiny criteria or, in the case of the committee, established human rights norms. It is a different role to other joint, House and Senate committees which focus on policy merits.

The human rights norms against which the committee assesses each piece of legislation are defined in the *Human Rights (Parliamentary Scrutiny) Act 2011* as the rights and freedoms contained in the seven core human rights treaties to which Australia is a party.

The role of committee members has been and is to ensure that committee reports are legally and technically credible, as well as consistent with past practice. However, scrutiny committee members are not and have never been bound by the contents or conclusions of scrutiny committee reports and, like all parliamentarians, are free to otherwise engage in debates over the policy merits of legislation according to the dictates of party, conscience, belief or outlook.

In performing their role, committee members therefore view bills and instruments through the committee's analytical framework which focuses on, first, identifying if a proposed measure might have the effect of limiting the enjoyment of a specific right and, second, whether any such limitations may be regarded as permissible or justified.

As we can see from two of the concluded entries in the report, there continues to be positive engagement with the committee, and its legislative scrutiny mandate.

In the committee's previous consideration of the Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016, the committee sought advice from the Minister for Social Services as to whether the 'continuity of support' arrangements for existing recipients of mobility allowance would provide the same level of support as that existing under the current allowance.

The information provided by the Minister indicated that there are a range of programs in place, including transitional arrangements, to assist in providing ongoing support to people aged over 65 even after the mobility allowance is discontinued. The committee has therefore concluded that the measure is likely to be compatible with the right to equality and non‑discrimination on the basis of age.

In respect of the Australian Public Service Commissioner's Directions 2016, which provide that decisions to terminate the employment of an ongoing APS employee for breach of the Code of Conduct must be published in the Gazette, the committee sought further advice from the Commissioner in relation to privacy implications of publishing employment decisions.

In his response, the Commissioner noted that the committee raised valid questions about whether the limitation on the right to privacy is a reasonable or proportionate measure, and has undertaken to review the publication of termination decisions in light of these concerns.

I encourage my fellow members and others to examine the committee's report to better inform their understanding of the committee's work.

With these comments, I commend the committee's Report 10 of 2016 to the chamber.