

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS
CHAIR'S TABLING STATEMENT

Wednesday 9 November 2016

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Report 8 of 2016.

The committee's report examines the compatibility of bills and legislative instruments with Australia's human rights obligations. This report considers bills introduced into the Parliament from 10 to 20 October 2016 and legislative instruments received from 19 August 2016 and 13 October 2016. The report also includes the committee's consideration of eight responses to matters raised in previous reports.

Twenty-one new bills are assessed as not raising human rights concerns. The committee has also concluded its examination of three bills, three regulations and two other legislative instruments.

The report includes entries which demonstrate that Commonwealth agencies are positively engaging with the human rights scrutiny process.

For example, the statement of compatibility for the Regulatory Powers (Standardisation Reform) Bill 2016, which proposes to amend a number of Acts to replace current provisions providing for regulatory regimes with the standard provisions of the *Regulatory Powers (Standard Provisions) Act 2014*, discusses in detail the application of the relevant provisions of that Act to the specific context of each of the 15 Commonwealth Acts amended by the bill. The committee

welcomed the detailed human rights assessment contained in the statement of compatibility and, based on the information contained in that assessment, considered that the bill is likely to be compatible with human rights.

Another example is the response received from the Treasurer in respect of the Federal Financial Relations (National Partnership payments) Determination No. 104—8 (March 2016)—(July 2016). The Treasurer's response to the committee's request for further information regarding that instrument, which specifies the amounts to be paid to the states and territories to support the delivery of specified outputs or projects, facilitate reforms by the states or reward the states for nationally significant reforms, helpfully provides useful information in relation to the operation and impact of the National Partnership payments (NPPs).

The response demonstrates that while it is possible that there may be fluctuations from month to month in the funding amounts distributed to states and territories under the NPPs, generally trends show an increase in funding over time. Further, the provision of such funding would assist the progressive realisation of a number of economic, social and cultural rights.

Such engagement with the human rights scrutiny process demonstrates the important role that the committee plays in ensuring a better understanding of human rights more broadly.

The report contains consideration of a number of other bills and instruments, including those that may be the subject of differing

personal views. As always, each bill and instrument is assessed against our human rights obligations. This is in accordance with the committee's mandate under the *Human Rights (Parliamentary Scrutiny) Act* 2011, and together with other members of the committee, I am required to ensure that this legislative mandate is fulfilled. The report therefore represents a technical assessment of these the bills which does not look to the broader policy merits of legislation.

I do, however, wish to acknowledge that some of these bills relate to important matters of individual conscience and policy, including for me personally. These matters are not enlivened by human rights law analysis due to the important function of the committee in relation to legislative scrutiny, but this is not to say that they are not deeply held beliefs by members of the committee.

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

With these comments, I commend the committee's Report 8 of 2016 to the chamber.