

# **PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS**

## **SENATE TABLING STATEMENT**

**Tuesday, 28 November 2017**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' *Human Rights Scrutiny Report 12 of 2017*.

The role of the committee is to examine bills and legislative instruments for compatibility with Australia's obligations under international human rights law. In doing so, the committee aims to enhance understanding of, and respect for, human rights in Australia and ensure that human rights issues are appropriately considered in legislative and policy development.

Like all parliamentarians, scrutiny committee members may, and often do, have different views in relation to the policy merits of legislation. The report does not assess the broader merits or policy objectives of particular measures but rather seeks to provide parliament with a credible technical examination of the human rights implications of legislation. Committee members performing a scrutiny function are not, and have never been, bound by the contents or conclusions of scrutiny committee reports.

This report contains assessments of bills introduced into the Parliament between 16 October and 16 November, and legislative instruments received between 15 September and 12 October. In order to ensure the committee's examination of this legislation is presented in a timely manner, this report is being tabled in the Senate today, and is scheduled to table in the other place next week.

Of the new bills considered in this report, the majority — 17 — were assessed as either promoting human rights, permissibly limiting human rights or not engaging human rights. The committee is seeking further information in relation to eleven bills and legislative instruments, and has provided a further four 'advice only' comments to legislation proponents.

The report also contains the committee's concluded examination of a number of bills and instruments. Following correspondence with the relevant minister, the committee has concluded that three of these bills and instruments are likely to be compatible with international human rights law. These are:

- the Electoral and Referendum Amendment (ASADA) Regulations 2017;
- the Treasury Laws Amendment (Housing Tax Integrity) Bill 2017; and
- the Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017.

In relation to the Electoral and Referendum Amendment (ASADA) Regulations 2017, the committee initially raised concerns about the compatibility of the measure with the right to privacy. However, following correspondence from the minister and the provision of further information, the committee has concluded that the regulations are likely to be compatible with human rights. This was partly on the basis of a range of safeguards in place to protect individuals' right to privacy.

This process of liaising with the legislation proponent to identify relevant information is another example of the benefit of the scrutiny dialogue model. I encourage all legislation proponents when drafting statements of compatibility to draw upon any previous dialogue to ensure that the information that accompanies proposed legislation is comprehensive.

Finally, I note that the UN Human Rights Committee, in its recent concluding observations on the sixth periodic report of Australia, cited the establishment of the Parliamentary Joint Committee on Human Rights and its scrutiny function as one of several positive measures undertaken by Australia as a party to the International Covenant on Civil and Political Rights.

I encourage my fellow Senators and others to examine the committee's report to better inform their consideration of proposed legislation.

With these comments, I commend the committee's Report 12 of 2017 to the Senate.