

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS
CHAIR'S TABLING STATEMENT

Tuesday, 5 December 2017

I rise to speak to the tabling of two Parliamentary Joint Committee on Human Rights' scrutiny reports and two annual reports.

Scrutiny *Report 12 of 2017* tabled in the other place last week and an accompanying tabling statement was incorporated into *Hansard*.

The committee examines 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.

Members of scrutiny committees, including this committee, 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 this scrutiny function are not bound by the contents or conclusions of scrutiny committee reports.

Scrutiny Report 13 contains assessments of legislative instruments received between 13 October and 2 November, as well as bills and instruments previously deferred. The committee is seeking further information in relation to three bills and instruments, and has

provided an 'advice only' assessment of the Marriage Amendment (Definition and Religious Freedoms) Bill 2017, on which debate has commenced in this chamber this week.

The report also contains the committee's concluded examination of two bills:

- the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2017; and
- the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2017.

Annual Reports 2014-15 and 2015-16

I also speak to the tabling of the Parliamentary Joint Committee on Human Rights' Annual Reports for 2014-15 and 2015-16. These reports provide information about the work of the committee during the respective reporting periods, including the major themes and scrutiny issues arising from the legislation examined by the committee.

In the 2014-15 financial year, the committee tabled 16 scrutiny reports, assessing a total of 240 bills and Acts and 1,958 legislative instruments. Of the bills considered in this period, the majority — 161 — were assessed as either promoting human rights, permissibly limiting human rights or not engaging human rights.

In the 2015-16 financial year, the committee tabled 14 scrutiny reports, examining 192 bills and Acts and 1,948 legislative instruments. The committee also tabled one inquiry report during the

period — the *2016 Review of Stronger Futures measures* — which contained seven recommendations aimed at improving the human rights compatibility of the legislation considered as part of the inquiry.

I encourage my fellow Members and others to examine the committee's annual reports to better inform their consideration of the committee's work during the relevant periods.

End of year statement

Finally, I would like to provide an end of year snapshot of the committee's significant work since the 45th Parliament commenced in August 2016.

The committee has tabled 17 scrutiny reports in the 45th Parliament thus far, including 13 this year. The committee also tabled its *Freedom of Speech in Australia* inquiry report on 28 February 2017.

In this period, the committee examined a considerable volume of legislation – 405 bills and 2,942 instruments. Of these, 309 bills and 2,875 instruments were assessed as either promoting human rights, permissibly limiting human rights or not engaging human rights.

The committee requested further information from the relevant legislation proponent in relation to 89 bills and instruments. In a number of cases, following correspondence with the legislation proponent and the provision of further information, the committee was able to conclude that the legislation in question was likely to be compatible with human rights.

I would like to thank my fellow committee members who have actively engaged in the committee's work, in keeping with the longstanding conventions of scrutiny committees to undertake non-partisan, technical assessments of legislation. I commend committee colleagues for their service to the committee and these key functions. The committee has an important role to play in informing parliament about the human rights implications of legislation.

With these comments, I commend the committee's Report 12 of 2017; Report 13 of 2017; Annual Report 2014-15; and Annual Report 2015-16 to the House.