

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

CHAIR'S TABLING STATEMENT

Tuesday 8 August 2017

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' *Human Rights Scrutiny Report 7 of 2017*.

In accordance with the committee's legislative mandate under section 7(a) of the *Human Rights (Parliamentary Scrutiny) Act 2011* the committee examines the compatibility of recent bills and legislative instruments with Australia's obligations under international human rights law.

A key purpose of the scrutiny report is to provide parliament with credible analysis about the human rights implications of legislation. The report is therefore a technical examination and does not assess the broader merits or policy objectives of particular measures.

The committee receives legal advice in relation to the human rights compatibility of legislation. It is served by an external legal adviser to the committee and secretariat staff.

Committee members performing a scrutiny function are not, and have never been, bound by the contents or conclusions of scrutiny committee reports. Like all parliamentarians, committee members are free to engage in debates over the policy merits of legislation according to the dictates of party, conscience, belief or outlook. Scrutiny committee members may, and often do, have different views in relation to the policy merits of legislation.

The majority of new bills considered in this report – fourteen – were assessed as promoting human rights, permissibly limiting human rights or not engaging human rights. These fourteen bills are therefore listed as raising no human rights concerns.

This report also concludes the committee's examination of the Australian Public Service Commissioner's Directions 2016. The committee's examination of these directions is testament to the constructive role that the committee is playing in identifying particular technical human rights issues and engaging in constructive dialogue. The committee previously raised concerns about the compatibility of the directions with the right to privacy and wrote to the Australian Public Service Commissioner about this issue. The Commissioner's response noted that the committee's report had raised valid questions about whether the limitation on the right to privacy imposed by the directions was a proportionate measure for upholding integrity in the Australian Public Service and undertook to conduct a review into these matters. The Commissioner has now informed the committee that, following that review, new arrangements will be adopted that address the compatibility of the directions with the right to privacy. Such action is to be applauded.

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

With these comments, I commend the committee's Report 7 of 2017 to the Chamber.