

# **PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS**

## **CHAIR'S TABLING STATEMENT**

**Tuesday 5 September 2017**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' *Human Rights Scrutiny Report 9 of 2017*.

The scrutiny report seeks to provide parliament with a credible technical examination of the human rights implications of legislation. This is pursuant to the committee's mandate under section 7(a) of the *Human Rights (Parliamentary Scrutiny) Act 2011* to examine the compatibility of recent bills and legislative instruments with Australia's obligations under international human rights law. In undertaking this examination, the committee receives legal advice in relation to the human rights compatibility of legislation, in which it is supported by an external legal adviser and secretariat staff.

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. Committee members performing a scrutiny function are not, and have never been, bound by the contents or conclusions of scrutiny committee reports.

The majority of new bills considered in this report – fourteen – were assessed as either promoting human rights, permissibly limiting human rights or not engaging human rights.

As outlined in chapter one of the report, the committee is also seeking further information in relation to nine bills and instruments. The committee requests additional information where a statement of compatibility has not adequately addressed human rights matters or the committee otherwise requires further information to complete its examination. The committee has also provided one advice only comment to a legislation proponent.

As set out in chapter two of the report, the committee has also concluded its examination of a number of Federal Financial Relations (National Partnership payments) Determinations following correspondence with the relevant minister. The examination provides a positive example of constructive engagement with the committee's dialogue process. The response received from the assistant minister to the committee's initial requests allowed the committee to conclude that payments to the states and territories through these determinations were likely to promote a range of economic, social and cultural rights. The committee has requested inclusion of this additional information in statements of compatibility accompanying such determinations going forward. In this respect, I welcome the assistant minister's commitment to include this kind of information in statements of compatibility from September 2017 onwards.

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 9 of 2017 to the Chamber.