

# PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

## CHAIR'S TABLING STATEMENT

**Tuesday, 10 September 2019**

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' *Scrutiny Report 4 of 2019*.

This report sets out the committee's consideration of 22 bills introduced into the Parliament, or restored to the notice paper, between 29 July and 1 August 2019, and 297 legislative instruments registered on the Federal Register of Legislation between 5 June and 1 August 2019. The committee is seeking further information in relation to one bill and has also made comments, or reiterated its previous comments, in relation to seven bills and one legislative instrument.

As members would be aware, the committee is a technical scrutiny committee which examines and reports to the Parliament on the compatibility of bills and legislative instruments with Australia's obligations under the seven core international human rights treaties ratified by Australia. This is in accordance with its legislative mandate under the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The committee's report provides Parliament with a credible technical examination of the human rights implications of legislation, rather than an assessment of the broader policy involved. Committee members performing a scrutiny function are not bound by the contents or conclusions of scrutiny committee reports and may have different views in relation to the policy merits of legislation.

The committee's purpose is to enhance understanding of, and respect for, human rights in Australia and to ensure appropriate consideration of human rights issues in legislative and policy development.

The committee seeks to achieve these outcomes through constructive engagement with proponents of legislation. The reports are intended to provide clear assessments of human rights issues that are accessible to members of Parliament and to the public more broadly.

In its relatively brief existence, the committee has established a generally non-partisan and consensus based approach to its work, and this is an appropriate foundation by which to fulfil the committee's mandate.

As part of its role, the committee seeks to explore questions of human rights compatibility through dialogue with relevant ministers and officials. To this end, in this report the committee is seeking further information in relation to

the Migration Amendment (Repairing Medical Transfers) Bill 2019. In particular, the committee is seeking advice as to whether the repeal of the medical transfer provisions will restrict access to healthcare for those held in regional processing centres and whether removing persons currently in Australia back to regional processing countries complies with Australia's international human rights obligations.

The committee has also welcomed changes made to the Crimes Legislation Amendment (Police Powers) Bill 2019. In 2018 the committee raised concerns in relation to a similar bill which provided a broad basis for the use of move-on powers at major airports. In response, this bill provides that the powers cannot be used in relation to people exercising their right to lawfully engage in advocacy, protest, dissent or industrial action. The committee welcomes these changes, which adequately address its previous concerns, and has recommended that the use of such powers be monitored to ensure human rights are protected in practice.

Finally, the committee is currently undertaking an inquiry into the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019, in response to a number of human rights concerns raised by submitters. I note that the disallowance procedure is the primary mechanism by which the Parliament may exercise control over delegated legislation. As the committee

has not yet finalised its inquiry into the instrument and as the disallowance period ends shortly, the committee has resolved to place protective notices of motion to disallow this instrument, to extend the disallowance period by a further 15 sitting days. This will protect parliamentary control over the instrument pending completion of the committee's inquiry.

With these comments, I commend the committee's *Report 4 of 2019* to the House.