

## SPEECH

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<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Webster, Anne, MP	<b>Question No.</b>

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**Dr WEBSTER** (Mallee) (16:27): I am pleased to table the Parliamentary Joint Committee on Human Rights second scrutiny report of 2021.

Report made a parliamentary paper in accordance with standing order 39(e).

**Dr WEBSTER:** by leave—I was honoured last week to be elected chair of this important committee, after having served as a member since the start of this parliament. As members are no doubt aware, this joint committee has a unique statutory mandate. It examines all bills and legislative instruments that come before either house of the parliament for compatibility with Australia's human rights obligations under the seven international human rights treaties ratified by Australia. The committee's scrutiny reports provide a technical examination of legislation assessed against Australia's human rights treaty obligations. They do not consider the policy merits of the legislation, which is best left to other parliamentary committees and the parliament itself to consider.

In undertaking this technical scrutiny work, the committee considers the advice of an external legal adviser who is a specialist in international human rights law. Each committee member brings their own unique experiences to the table when considering this advice. In my case, while I am not a lawyer, my background as a social worker and non-profit executive informs my consideration of these important issues. The question of compatibility with human rights generally turns on the extent to which a proposed limitation on rights is permissible—that is, whether it addresses some compelling social purpose and whether the limitation is effective to achieve this objective and is reasonable, necessary and proportionate. I believe that, having been provided with the international human rights law advice, these are judgements that we as parliamentarians are very well equipped to make.

The Parliamentary Joint Committee on Human Rights has existed now for nine years and its evolving impact is broad reaching and often unseen. The committee's reports educate the parliament, public servants and the community on the importance of human rights. In addition, committee members themselves gain a greater understanding of human rights law and can use that knowledge to inform debate and educate others. In particular, the committee's scrutiny work seeks to embed a culture of human rights in the development of legislation.

The committee considers every bill and legislative instrument, nearly all of which must be accompanied by a statement of compatibility with human rights. These statements are the starting point for the committee to assess the human rights compatibility of a bill or legislative instrument. The committee will always look beyond the statement of compatibility and consider the likely effect of legislation. But a statement of compatibility itself must identify and justify any limitation on a human right, according to the committee's framework for determining whether a limitation is permissible.

Statements of compatibility have the potential to instil a culture of human rights in the public sector at the policy development stage. However, while there are some excellent examples of this, unfortunately far too many statements of compatibility are insufficient, indicating there is still considerable scope to integrate human rights considerations at the early stages of policy development. Where statements of compatibility are insufficient, the committee will seek more information from ministers in order to inform its assessment of the legislation. As such, in this report the committee is seeking further information with respect to three bills and one legislative instrument, and has made some comments in relation to two other instruments.

As the chair, I look forward to working with all members of this important committee. With these comments, I commend the report to the chamber.