

Witness	Hansard page No.	Senator	Question
AHRC	12	Barnett	<p>Senator BARNETT—Can I just make it clear to you the importance of having this matter clarified prior to the commencement—if it is to commence—of the bill. You would not want the committee to then be subject to having to ask these questions themselves and, of course, one of the places they would go to try and find an answer would be the Australian Human Rights Commission. So could I please, please, Madam President, ask you on notice to provide your advice to this committee as to whether an unborn child will be protected by this bill.</p> <p>Ms Branson—Senator, I would have to take advice on whether that is a legitimate request. I can advise you that should this joint committee on human rights have the issue before it and seek a submission from the Australian Human Rights Commission, we will do all we could to provide such help to the committee as we can. But formulating views on issues that do not at the moment have a practical application to our work is not something that we would normally do.</p> <p>Senator BARNETT—The previous witness was very strongly of the view that it did apply—</p> <p>Ms Raman—There are a range of views, Senator Barnett, as there are on most controversial issues.</p> <p>Senator BARNETT—Indeed, and that is why, obviously, you have a remit to express a view with respect to human rights and whom it should apply to. I think that it is a very fair question and I would like you to take it on notice, please.</p> <p>Ms Branson—I will take on notice your question, Senator Barnett.</p> <p>Senator BARNETT—Thank you.</p>

The Senator's question asks 'whether an unborn child will be protected by this bill'.

As the Commission stated in its evidence to the Committee, international treaties are silent on the rights of the unborn. Any more detailed advice from the Commission on this topic would need to be provided in relation to specific legislative proposals rather than in the abstract.

We note, however, that the bill will create a forum to assist the Parliament in its scrutiny of Bills with respect to their impact on human rights. This will ensure that Parliament is cognisant of the human rights implications of any legislation or regulations laid before it. While the Commission expects that this will have a protective impact on peoples' rights, the role of the parliamentary committee will not be determinative as it will operate to inform Parliament's decision making rather than constrain it in any way.