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Committee Secretary
Senate Legal and Constitutional Committee
Parliament House
Canberra ACT 2600

By Email: legcon.sen@aph.gov.au

8 July 2010

Dear Committee Secretary,

Senate Legal and Constitutional Affairs Committee's Inquiry into the Human Rights (Parliamentary Scrutiny) Bill 2010

The National Association of Community Legal Centres ('NACLC') welcomes the opportunity to make this submission to the Senate Legal and Constitutional Affairs Committee's inquiry into the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 ('the Bills'). This submission is made with the support of the NACLC National Human Rights Network and LGBTI Network.

NACLC remains disappointed that the Government's new 'Human Rights Framework' does not immediately implement one of the key recommendations of the Brennan Committee's Report – namely, a federal Human Rights Act. We welcome the Government's commitment to enhancing human rights education and parliamentary engagement with human rights. In that regard, we support the introduction of the Bills which, as part of the Human Rights Framework, propose to:

- establish a Joint Parliamentary Committee on Human Rights to both examine the compatibility of new legislation with Australia's human rights obligations, and to receive referrals from the Attorney-General for inquiries and reports to Parliament on matters relating to human rights; and
- require each new Federal Bill to be assessed for its compliance with human rights by way of a Statement of Compatibility.¹

NACLC has read, and fully endorses, the submission of the Human Rights Law Resource Centre ('HRLRC'), entitled *Parliamentary Scrutiny and the Promotion and Protection of Human Rights: Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Human Rights (Parliamentary Scrutiny Bill) 2010* (June 2010).

¹ Human Rights (Parliamentary Scrutiny) Bill 2010, ss7(a)-(c), 8 and 9.



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In particular, NACLC recommends that the Committee give particular attention to the following recommendations:

- that section 3 be amended to expand the definition of human rights beyond the seven core international instruments to which Australia is a party to include customary international law and, in determining the scope of human rights, explicitly provide that consideration can include both international and domestic human rights jurisprudence;
- in section 7, providing the Joint Parliamentary Committee with a mandate to consider, monitor and report on Australia's implementation of the recommendations and views of UN human rights treaty bodies or the Human Rights Council (including the Special Procedures);
- enhancing the political independence of Committee by allowing section 7 referrals to be made by Parliament, in addition to the Attorney-General;
- expanding the powers and proceedings of the Committee set out in part 3.2 of the HRLRC submission – with particular consideration given to ensuring that the Committee has the power, and is afforded sufficient time, to conduct public hearings and receive both oral and written submissions from the community; and
- providing a clear framework for the content of Statement of Compatibilities, including the nature, scope and detail of the required assessment.

If you have any questions or require further information, please contact NACLC Policy & Projects Officer, Louise Edwards on _____ or _____

Yours sincerely

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