

Clause 9 of the Human Rights (Parliamentary Scrutiny) Bill provides that a legislative instrument that is subject to section 42 of the *Legislative Instruments Act* – that is, a disallowable instrument – shall be accompanied by a statement of compatibility with human rights. Section 26 of the *Legislative Instruments Act* already requires an explanatory statement to be lodged for such instruments. It is our understanding that Item 4 in Schedule 1 of the Human Rights (Parliamentary Scrutiny) (Consequential Amendments) Bill, which inserts a new paragraph (ea) into the definition of “explanatory statement” in the *Legislative Instruments Act*, simply stipulates that the statement of compatibility is to be incorporated as one of the components of the existing explanatory statement process for legislative instruments.

As far as legislative instruments are concerned, it is our understanding that statements of compatibility would therefore become part of the register of legislative instruments and would have legal force equivalent to present explanatory statements.