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18 JUL 2010

Senator T Crossin
Senate Legal and Constitutional Committee
PO Box 6100
CANBERRA ACT 2600

Att: Committee Secretary
By email: legcon.sen@aph.gov.au

Dear Senator Crossin

I refer to your email to the Premier of 8 June 2010, inviting Tasmania to make a submission to the Inquiry into the Human Rights (Parliamentary Scrutiny) Bill 2010 ('the Bill').

The Tasmanian Government is supportive, in principle, of legislative measures to protect and promote human rights in Australia. In my role as the Tasmanian Attorney-General, I have recently outlined my priorities for law reform in Tasmania, which include progressing a Charter of Rights and Responsibilities for Tasmania.

I intend to develop a discussion paper, broadly based on the Victorian and ACT model of a Charter, before taking a proposal to State Cabinet. Given this, Tasmania has a keen interest in developments at the national level which implement legislative protection for human rights.

While the Tasmanian Government is broadly supportive, in principle, of the proposed approach outlined in the Bill, I would like to make a comment on one particular aspect, which is the ability of the proposed Joint Committee on Human Rights to inquire into 'any matter' relating to human rights which is referred to it by the Federal Attorney-General (clause 7(c)).

This function of the Committee is relatively broad, and could potentially include examination of a state or territory's compliance (or non-compliance) with human rights obligations. In this instance, it will be imperative that there is a mechanism for consultation with states and territories.

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I note that the Explanatory Memorandum to the Bill indicates that the Committee will be able to call for submissions, hold public hearings and examine witnesses, similar to the powers of the Joint Standing Committee on Treaties. While this offers some comfort, I would like to see a mechanism for compulsory consultation with states and territories where the Committee considers a matter of relevance to states and territories. This could be included in the resolution of both Houses of Parliament establishing the powers and proceedings of the Committee (clause 6).

Thank you for the opportunity to comment.

Yours sincerely

Lara Giddings MP
Acting Premier