

House Rules

The human rights test

Nine months after its inception federal parliament's Human Rights Committee is having an impact.

WHEN the Joint Standing Committee on Human Rights was established earlier this year, its members knew they were facing a potentially epic task.

Under legislation passed in 2011, the role of the Human Rights Committee is to examine bills, acts and legislative instruments for compatibility with human rights and to report to both houses of parliament on their findings.

With around 200 bills and many more legislative instruments presented in a normal parliamentary year, giving adequate scrutiny to each is no mean feat.

Committee chair Harry Jenkins (Scullin, Vic) said the committee has been fortunate to have had the understanding and assistance of many people and organisations interested in human rights in Australia.

"We were very lucky from the outset when we sat down with stakeholders they acknowledged to us that the task that confronted us was, to use one of the words put to us, 'awesome' in the extent to which we could be confronted with a whole range of issues," Mr Jenkins said.

"We may have been concerned that people expected us to do things that we may not have been able to do in our first year of operation. What's been made clear to us is that people understand we have to develop the committee's work practices and credibility."

Already the committee has considered the human rights impacts of over 70 bills and 400 legislative instruments, as well as producing six reports to parliament on their activities.

In deciding on the nature and extent of any human rights impacts, the committee refers to seven specified international human rights instruments, including covenants covering civil, political, economic, social and cultural rights, as well as conventions on torture, discrimination and the rights of children and people with disabilities.

Mr Jenkins said the committee's role is to look at the practical application



PRACTICAL RIGHTS: *New committee considers legislation against human rights standards*

of those instruments in the Australian context.

"We then take as a basis what's been the interpretation of those international covenants. We also take on board the work of the international UN committees. We would explore if it's relevant to Australia's domestic situation and what may or may not have happened in other jurisdictions," he said.

"We're very conscious that this is an opportunity for us to develop an Australian viewpoint about the assessment of human rights issues."

While every bill and instrument is examined, to help manage its workload the committee quickly establishes which bills and legislative instruments do not have significant impacts on human rights and which need greater scrutiny.

Key to this process are the statements of compatibility which are now required to accompany the explanatory material to bills and legislative instruments. These statements provide an assessment of the human rights impacts of the changes proposed.

Mr Jenkins said the requirement to produce statements of compatibility means government agencies and ministries are getting better at thinking

about human rights impacts at the development stage of legislation, rather than as an afterthought.

"Now we're really into the cycle where we're trying to give the lead on our expectations, so that things like the statement of compatibility are not an add on at the end, it's very much a part of the whole process," Mr Jenkins said.

"It can eventually create a situation where the committee's scrutiny role that is set down in the legislation becomes a lot easier because these things will have been discussed well and truly before the point that the legislation goes into the parliament."

Ultimately he hopes the committee will be able to increase awareness of human rights impacts to the point where it will be a natural part of all policy and legislative processes.

"That's one of the outcomes that we'd want to see, is to ensure that right across policy areas that human rights issues are very much a point of reference in everything that's done."

For more information on the Joint Standing Committee on Human Rights, visit www.aph.gov.au/joint_humanrights or email human.rights@aph.gov.au or phone (02) 6277 3823.