

Sent by email on 19 October 2010

SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEE
CONCERNING THE *HUMAN RIGHTS (PARLIAMENTARY SCRUTINY) BILL 2010*
FROM THE MORNINGTON PENINSULA HUMAN RIGHTS GROUP

While the Mornington Peninsula Human Rights Group would prefer that the Government had introduced a Bill for a Human Rights Act as recommended by the Brennan Committee, it nevertheless strongly supports the *Human Rights (Parliamentary Scrutiny) Bill 2010* for the following reasons.

(1) A Statement of Compatibility

The Bill provides for all new legislation to be accompanied by a Statement of Compatibility with those human rights defined in seven United Nations human rights instruments which Australia has signed and ratified. This would not diminish the sovereignty of Parliament, nor hand new powers to the judiciary, as Parliament would always remain in control of legislation. It would, however, focus the attention of law-makers on the human rights implications of the laws they enact. It would thus contribute significantly to the development of a "human rights culture" among parliamentarians, departmental and government agency administrators, the judiciary and the police.

When the Bill was first announced there was some talk of an amendment, namely, to replace the seven United Nations instruments with Australia's anti-discrimination legislation as the standard by which compatibility with human rights should be determined. We wish to register our opposition to such an amendment. We consider it would negate the intention and effect of the Bill. Our existing anti-discrimination legislation is already a factor for law-makers to reckon with and so such amended legislation would add little to the existing situation. The United Nations instruments cover a range of human rights issues not dealt with in Australian domestic laws. To remove this feature of the Bill would, therefore, significantly weaken its intended impact.

(2) A Joint Parliamentary Committee on Human Rights

The Bill also provides for the establishment of a Joint Parliamentary Committee on Human Rights which could examine Bills and existing Acts for compatibility with human rights, and enquire into human rights matters referred to it by the Attorney-General. The possibility of greater joint parliamentary action appeals to us as we believe that human rights should be a bi-partisan matter. The outcome of the recent election and the discussions that followed it suggest that many in the general public feel the same.

We, therefore, consider that the Bill, if enacted, would strengthen the protection of human rights in Australia, and we urge the Senate Legal and Constitutional Affairs Committee to facilitate its expeditious passage.

Helen Howells, Chair
on behalf of the Mornington Peninsula Human Rights Group