



Australian Government

Australian Law Reform Commission

Professor Rosalind Croucher  
President

27 October 2010

Mr Hamish Hansford  
Committee Secretary  
Standing Committee on Legal and Constitutional Affairs  
PO Box 6100  
CANBERRA ACT 2600

Dear Mr Hansford,

The Australian Law Reform Commission (ALRC) welcomes the opportunity to contribute to the Standing Committee on Legal and Constitutional Affairs' review of the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 (the Bills). This submission draws on recommendations made in the course of ALRC inquiries into:

- women's equality before the law, which concluded with the release of *Equality Before the Law: Women's Equality* (1994) (ALRC Report 69 Part 2); and
- multiculturalism and the law, which resulted in the release of *Multiculturalism and the Law* (1992) (ALRC Report 57).

In both these reports the ALRC recommended an increased role for the Senate Scrutiny of Bills Committee to ensure that Bills introduced into Parliament were scrutinised for issues related to women's equality before the law [ALRC Report 69 Part 2, Rec 5–4] and access and equity aims and objectives taking into account the ethnic diversity of Australian society [ALRC Report 57, Rec 16]. These recommendations were intended to ensure that Members of Parliament were alerted to human rights issues related to gender and ethnic diversity at an early stage in the legislative process, and were in a stronger position to make conscious and informed decisions about proposed legislation.

For these reasons, the ALRC supports the establishment of the Parliamentary Joint Committee on Human Rights, which will, among other functions, examine proposed legislation for compatibility with Australia's human rights obligations and report to both Houses of Parliament. The ALRC notes that human rights will be defined for the purposes of the Committee's work as those rights set out in seven core United Nations instruments, including most relevantly for the recommendations set out above, the *International Convention on the Elimination of All Forms of Racial Discrimination*; the *International Covenant on Civil and Political Rights*; and the *Convention on the Elimination of All Forms of Discrimination against Women*.

I trust that this material is of assistance in the review. Both reports discussed above are available on the ALRC's website at [www.alrc.gov.au](http://www.alrc.gov.au), if further background information on the relevant recommendations would be of interest to the Committee.

Yours sincerely,

**Professor Rosalind Croucher**

Australian Law Reform Commission  
Level 25, 135 King Street  
Sydney NSW 2000

Postal Address:  
GPO Box 3708  
Sydney NSW 2001

Tel (02) 8238 6333  
Fax (02) 8238 6363

Web [www.alrc.gov.au](http://www.alrc.gov.au)  
Email [rosalind.croucher@alrc.gov.au](mailto:rosalind.croucher@alrc.gov.au)