

SPEECH

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Questioner	Responder
Speaker Webster, Anne MP	Question No.

Dr WEBSTER (Mallee) (12:05): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report, entitled *Human rights scrutiny report 11 of 2021*.

Report made a parliamentary paper in accordance with standing order 39(e).

Dr WEBSTER: by leave—I am pleased to speak to the Parliamentary Joint Committee on Human Rights 11th scrutiny report of 2021, which was tabled out of session on 16 September 2021. As usual, this report contains a technical examination of legislation with regard to Australia's obligations under international human rights law. In this report, the committee considered 26 new bills and 162 new legislative instruments and commented on five bills and one legislative instrument. During this difficult time of lockdowns and restrictions, I would like to note that this committee has continued its important scrutiny work, including by regularly meeting remotely, via teleconference; tabling scrutiny reports out of session, as was done with this report; and continuing to scrutinise the many legislative measures which have been introduced to address this unprecedented health crisis.

In this report, for example, the committee considered the Biosecurity Amendment (Enhanced Risk Management) Bill 2021, which seeks to introduce a new power for the making of a human biosecurity group direction. The committee notes that, as this measure is intended to prevent the spread of serious communicable disease like COVID-19, it likely promotes the rights to health and life. The bill also necessarily limits other human rights, and in this report the committee is seeking further information as to the proportionality of these limitations.

Also in this report, the committee has commented on the Social Security Legislation Amendment (Remote Engagement Program) Bill 2021. This bill would establish a new supplementary payment for people in remote areas receiving certain social security payments. The committee considered that, while the measure may promote the rights to work, social security and an adequate standard of living, depending on how it operates in practice, it may also limit these rights as well as the right to equality and nondiscrimination. The committee considered that, while the measure likely pursues a legitimate objective, it is difficult to assess whether it is proportionate and rationally connected to these objectives. This is because key aspects of the measure are to be set out in legislative instruments, including the circumstances in which the payment may be suspended or withdrawn. Without knowing the detail that would be contained in such instruments, it is not possible to conclude that the measure would permissibly limit these rights.

Additionally, the committee commented on the Foreign Intelligence Legislation Amendment Bill 2021. The committee noted with some concern from a scrutiny perspective that this bill passed both houses of parliament one sitting day after its introduction, before the committee had an opportunity to scrutinise this legislation. This bill expands the application of Australia's foreign intelligence warrant framework and information-sharing arrangements. While these measures may promote the rights to life and security of a person, they also engage and limit a number of other rights, including the right to privacy. The committee considered that, while the measures pursue legitimate objectives, there is a risk that they may constitute an arbitrary limitation on the right to privacy, and affected individuals may not have access to an effective remedy. The committee has suggested some amendments to the act that may assist with the proportionality of this measure. I encourage all parliamentarians to carefully consider the committee's analysis. With these comments, I commend this report to the chamber.