

SPEECH

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Speaker	Perrett, Graham, MP	Question No.	

Mr PERRETT (Moreton) (10:20): by leave—I am pleased to speak to reports 4, 5 and 6 of the Parliamentary Joint Committee on Human Rights and the annual report of the committee. I thank the new chair, the member for Mallee, for her leadership of this committee. I enjoy working with her, the secretariat and the rest of the committee. I've always been very proud of the work of this important parliamentary committee. I've been particularly proud of the important scrutiny that has occurred over the last year in the wake of the COVID-19 pandemic. Much legislation and delegated legislation brought in by the government was rushed and was sometimes confronting when it comes to human rights. Obviously we need an appropriate response to a pandemic, but it's also important for the human rights committee to make sure all responses are necessary and proportionate. I don't want to sound like Karen from Bunnings or the frustrated Karen from Brighton, but this is important work the committee does. The annual report details some of that work.

I'd also like to mention a couple of matters contained in report 6 of 2021. The determination made by the health minister close to midnight to ban Australians from coming home if they'd been in India is an example of why scrutiny committees like this are essential. I note that the determination is not disallowable. As such, the Parliamentary Joint Committee on Human Rights is the only scrutiny committee that can examine the health minister's determination.

The committee has not concluded its examination of this determination in light of Australia's human rights obligations and has sought the health minister's advice on some matters, including whether banning travellers from India is reasonable and proportionate to the objectives sought, whether persons of Indian descent will be disproportionately affected by the ban, whether there are any less-rights-restrictive ways to achieve the stated aims of preventing and controlling the entry, emergence, establishment or spread of COVID-19 in Australia—in particular whether there are Commonwealth quarantine facilities available, like the Commonwealth government has for horses, that could effectively manage any risk posed by travellers returning from high-risk countries—and why there does not appear to be any procedure whereby an individual can apply for an exemption from the direction—for example, if they had a pre-existing medical condition that would mean they would die if they stayed in India. The committee looks forward to the minister's response to these questions.

I also refer to the Telecommunications Regulations 2021, which were also examined by the committee in report 6. These regulations set out the matters in relation to which a service provider determination may be made with respect to a prepaid mobile carriage service, including verifying the customer's identity; obtaining, recording and keeping a customer's personal information; and preventing a customer using a prepaid mobile carriage service in certain circumstances, including failing to verify their identity. The committee has noted that this measure may limit the rights to privacy, freedom of expression, equality and nondiscrimination.

I have particular concerns about the requirement of customers to provide documentary evidence to verify their identity. This may indirectly discriminate against customers with certain protected attributes, particularly the homeless, and significantly interfere with their right to freedom of expression if they do not have access to a mobile phone service. In the current digital age, having a mobile phone is a necessity, particularly if access to computers is also not available. Access to welfare payments, communication for job interviews and housing options all rely on the ability to be contacted or on access to the internet. Also mobile phones are used for tracing purposes and for entering buildings nowadays. The committee has noted concerns with these regulations. I draw these human rights concerns to the attention of the minister and the parliament. I commend the committee's reports to the House. I once again thank the member for Mallee.