

SPEECH

| | |
|---|---|
| <p>Date Wednesday, 16 June 2021</p> <p>Page 75</p> <p>Questioner</p> <p>Speaker Webster, Anne, MP</p> | <p>Source House</p> <p>Proof Yes</p> <p>Responder</p> <p>Question No.</p> |
|---|---|

Dr WEBSTER (Mallee) (16:20): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report: report 7 of 2021*.

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

Dr WEBSTER: by leave—I'm pleased to speak to the Parliamentary Joint Committee on Human Rights' seventh scrutiny report of 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 has considered 26 new bills and commented on six bills and one legislative instrument, and has concluded its consideration of two bills and two legislative instruments.

In particular, the committee welcomes the introduction of the Aged Care and Other Legislation Amendment (Royal Commission Response No. 1) Bill 2021, which strengthens protections around the use of restraints against vulnerable aged-care residents. The committee is particularly pleased that many of these changes reflect the recommendations it made in 2019 in the inquiry into the quality of care principles, particularly that restraints only be used as a last resort. The committee is seeking some further information as to how the amendments in the bill will operate in practice to ensure sufficient protection.

The committee is also seeking further information about the Social Security Legislation Amendment (Streamlined Participation Requirements and Other Measures) Bill 2021. This bill would enable social welfare recipients to enter into job plans entirely online and would give the Employment secretary the discretion to suspend a person's payments for noncompliance with their social welfare conditions. The committee is seeking further information to understand how these changes may operate in practice. This information will also be relevant to the committee's current inquiry into the legislative instrument which makes certain parenting payments subject to participation in the ParentsNext program. In this regard, I can advise that the committee will be holding a full-day public hearing on this issue in Canberra next Friday, 25 June.

The committee has also concluded its examination of two legislative instruments. The first caps the maximum number of parent and other family visas; and the second extends a requirement that certain visa types, including parent and child visas, require a sponsor and may require the payment of an upfront monetary bond. While states have a right to control their migration program, international human rights law requires Australia to create the conditions conducive to family formation and stability, and this includes family reunion where the family members form part of each other's core family.

In relation to the cap on the number of parent and other family visas, while there may be many cases where the family member is not part of the core family, for those who can demonstrate there is a family bond to protect, the measure limits the right to protection of the family; and, where children aged under 18 are not able to be reunited with the parent, this also limits the rights of the child. The committee considers the cap on these visas is contributing to the significant delay in processing such visas and considers a 30-year wait for a parent visa renders family reunion effectively impossible. The committee considers that there is a significant risk that the measure is incompatible with these rights because it is not clear that it pursues a legitimate objective and there is no flexibility to consider the individual merits of an application once the cap is reached.

Further, in relation to the instrument that extends the assurances of support determination, the committee is concerned that the right to protection of the family and the rights of the child are not considered when an assurance of support is imposed. As such, the committee considers there is a risk that requiring an assurance of support for certain family members who may not be able to meet the necessary income requirements may not be compatible with these rights. It has made three suggestions that may assist with the proportionality of the measure, such as ensuring the family circumstances of each case are assessed before an assurance of support is imposed.

I encourage all parliamentarians to carefully consider the committee's analysis and, with these comments, I commend this report to the chamber.