

## SPEECH

<b>Date</b> Wednesday, 26 August 2020	<b>Source</b> Senate
<b>Page</b> 4166	<b>Proof</b> No
<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Henderson, Sen Sarah	<b>Question No.</b>

---

**Senator HENDERSON** (Victoria) (17:26): I present the annual report of 2019 of the Parliamentary Joint Committee on Human Rights, and I move:

That the Senate take note of the report.

I'm pleased to present the Parliamentary Joint Committee on Human Rights 2019 annual report. This committee was formed in 2012 after the passage of the Human Rights (Parliamentary Scrutiny) Act. For the past eight years, it has operated to locate the scrutiny of legislation from a human rights point of view at the heart of the parliamentary process. In that vein, the committee's purpose is to enhance understanding of, and respect for, human rights in Australia and to ensure appropriate recognition of human rights issues in legislative and policy development. The establishment of the committee builds on the parliament's established traditions of legislative scrutiny. Accordingly, the committee undertakes its scrutiny function as a technical inquiry relating to Australia's international human rights obligations. The committee does not consider the broader policy merits of legislation when performing its technical scrutiny function.

This report covering the period from 1 January to 31 December 2019 details the significant volume of work the committee has undertaken during the reporting period. During 2019, the committee tabled six scrutiny reports examining a total of 213 bills and 1,385 legislative instruments. The committee commented on 86 of these bills and instruments, including requesting additional information in relation to 26 bills and nine legislative instruments. As this report notes, the committee's human rights analysis continues to be available in a timely manner to inform parliamentary deliberations. Pleasingly, during 2019, a human rights analysis of 96 per cent of new bills was available to inform members of parliament prior to the passage of legislation.

The report also provides information about the work of the committee, including the major themes and scrutiny issues arising from the legislation which the committee examined. For example, the report notes that the right to privacy continues to be the most commonly engaged right with respect to the legislation considered. It also outlined several significant areas which attracted substantive comment from the committee, including national security and foreign interference; immigration and citizenship; equality and nondiscrimination; and privacy and information sharing. In addition, the report provides an overview of the committee's continued impact during the report period. For example, in presenting a revised version of the Crimes Legislation Amendment (Police Powers at Airports) Bill 2019, the minister noted that this committee's comments informed the revisions which had been made to better protect the right to peaceful protest.

The report also notes the committee's 2019 inquiry into the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019 which considered whether the regulation of the use of restraints in aged-care facilities was consistent with a number of human rights. The committee held a one-day public hearing, taking evidence from 29 witnesses including departmental officials, state and territory public guardians, and medical experts. In addition, the committee received 17 written submissions. While the committee concluded that other laws continue to apply to regulate the use of restraint without informed consent, it considered the amending principles appeared to have created widespread confusion around the legal obligations of approved providers in relation to the use of restraint in residential aged-care facilities, and it recommended that the principles be amended to address these concerns. Following the completion of this inquiry, the government amended these principles in the manner which addressed the community's concerns, I'm very pleased to say. This inquiry is an excellent example of the committee's capacity to engage directly with the non-government sector and the public, and with ministers and departments, in order to inform legislative developments. I extend my thanks to the many witnesses and submitters for their contributions to this inquiry and commend the minister on the timely and responsive amendments to these principles.

Finally, as senators will be aware, the committee undertakes legislative scrutiny through a dialogue with legislation proponents, most obviously ministers, and often seeks further information to inform its consideration

of proposed measures. I thank the ministers, departments and others for their continued engagement with the committee, noting that responses may often be sought under considerable time pressure and may involve significant research and coordination. I want to particularly thank ministers for assisting the committee during the last six months when, of course, they have been under so much pressure. The provision of timely and fulsome information to the committee is crucial to it completing its work. I also would like to thank the previous chair, Mr Ian Goodenough MP, who was the chair of the committee for part of this reporting period, and my fellow committee members, for all of their hard work. I also wish to acknowledge the work of the committee's legal adviser, Associate Professor Jacqueline Mowbray, and the very hardworking members of the committee's secretariat. I encourage my fellow senators and others to examine the committee's annual report to inform their consideration of the committee's work during the relevant period. With these comments, I commend the committee's 2019 annual report to the chamber.