

SPEECH

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Questioner		Responder	
Speaker	Perrett, Graham, MP	Question No.	

Mr PERRETT (Moreton) (11:51): On behalf of the Parliamentary Joint Committee on Human Rights I present the following reports: the *Human rights scrutiny report: r eport 13 of 2020* , incorporating a dissenting report, and the *Human r ights scrutiny report: r eport 14 of 2020* .

Reports made parliamentary papers in accordance with standing order 39(e).

Mr PERRETT: by leave—I am pleased to speak to the Parliamentary Joint Committee on Human Rights' 13th and 14th scrutiny reports for 2020, which were presented out of session on 13 and 26 November respectively. The 13th and 14th scrutiny reports set out the committee's consideration of 29 new bills introduced into the parliament in October and November 2020 and 225 legislative instruments registered on the Federal Register of Legislation between 21 September and 10 November 2020.

With respect to the 13th report the committee sought information in relation to two new bills and concluded its report into six bills and one legislative instrument. Unfortunately, yet again, half of this previously nonpartisan committee has had to issue a dissenting report where the majority report has failed to properly fulfil its mandate of informing parliament as to the compatibility of Australian legislation with international human rights. This time, it was in relation to the committee's conclusion on the Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020. This bill seeks to establish an extended supervision order scheme for high-risk terrorist offenders after they have completed their custodial sentence. It would enable a court to impose on a person any conditions, including potentially home detention, which it is satisfied on the balance of probabilities are reasonably necessary, appropriate and adapted for the purposes of protecting the community from the unacceptable risk of a person committing a terrorism offence.

The dissenting members consider that this scheme fundamentally inverts basic assumptions of the criminal justice system and that persons should not be punished for a crime they may commit in the future. The dissenting members consider that, if the conditions imposed by a court are extensive, noting the balance of proof that applies, there is a significant risk that the scheme could impermissibly limit multiple human rights. The dissenting members consider it is important that the committee endeavour to provide genuine concluding advice to the parliament as to the compatibility of proposed legislation. This is particularly important where the legal advice to the committee indicates there are significant human rights concerns with respect to a proposed measure.

In the committee's 14th report it sought further information in relation to three bills and five instruments, and made concluding comments in relation to four legislative instruments. For example, the committee sought further information about the Native Title Amendment (Infrastructure and Public Facilities) Bill 2020, which seeks to amend the Native Title Act 1993 to extend the operation of the future acts regime for another 10 years. This regime permits the construction of public housing and other infrastructure on Indigenous held land but without requiring the consent of native title holders and registered claimants. The committee considers that while the bill could promote the right to an adequate standard of living, education and health, facilitating the timely provision of public housing and other public infrastructure, it may also limit a number of other human rights—including the rights to self-determination, to culture, to equality and to nondiscrimination. As such, the committee is seeking further information regarding the proportionality of the measure.

I strongly encourage all parliamentarians to carefully consider the committee's analysis in these reports, including the dissenting report. With these comments I commend the committee's reports to the House.