

SPEECH

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Speaker	Perrett, Graham, MP	Question No.	

Mr PERRETT (Moreton) (16:16): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report: Report 6 of 2020*.

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

Mr PERRETT: by leave—I'm pleased to speak to the tabling of the Parliamentary Joint Committee on Human Rights report *Human rights scrutiny report: Report 6 of 2020*, tabled in the Senate on 20 May 2020. This report contains a technical examination of legislation with Australia's obligations under international human rights law, including a special focus on legislation developed in response to COVID-19. During these challenging times, the committee has continued to meet regularly via teleconference in order to scrutinise legislation. The committee has written to ministers, advising them of the committee's ongoing work, and has reached out to a range of non-government organisations inviting correspondence as to the human rights impact of federal COVID-19 related legislation.

As I've said before, the role of the human rights committee during this unprecedented crisis is even more important. When governments all around the world, including the Australian government, are restricting the freedoms of their citizens, it is crucial that laws designed to restrict those freedoms are thoroughly scrutinised in a bipartisan manner. It is also important that the freedoms and human rights of Australians are returned when these restrictions are no longer necessary. While many of the measures taken to control the entry, establishment or spread of COVID-19 are likely to promote and protect the rights to life and health, they can also limit a number of rights, including freedom of movement, privacy, equality and non-discrimination.

The provision of information as to the proportionality of those limitations is crucial to the committee's work. As such, the committee has advised ministers and heads of departments that it would be appropriate for all legislation related to the COVID-19 pandemic to be accompanied by a detailed statement of compatibility with human rights, even where such a statement is not required under the Human Rights (Parliamentary Scrutiny) Act 2011. It is deeply regrettable, therefore, that, despite this request, instruments dealing with the COVID-19 pandemic, which are exempt from disallowance, continue to be tabled without any statement of compatibility with human rights. Given the potential impact of such instruments on human rights, I would urge all ministers to ensure that all further legislation developed in response to COVID-19 includes a detailed statement of compatibility with human rights.

In report 6, the committee sought further information in relation to the privacy protections around the COVIDSafe app as set out in the Privacy Amendment (Public Health Contact Information) Bill 2020. The committee noted this measure, designed to help prevent the spread of COVID-19, may promote the right to health and, by legislating privacy protections, may promote the right to privacy. However, it also appears to limit the right to privacy, as the app provides for the collection, use and disclosure of COVIDSafe app data. As such, the committee has sought information from the minister as to the proportionality of this measure.

In addition, the committee has continued its regular work of scrutinising all legislation unrelated to COVID-19. For example, in this report, the committee has made concluding comments in relation to the Census and Statistics Amendment (Statistical Information) Regulations 2020. This instrument provides for a new question in the census which asks respondents to disclose on the census if they have a diagnosed health condition such as cancer, dementia or a mental health condition. Requiring the provision of sensitive health information limits the right to privacy, particularly noting it is a criminal offence not to provide such information. The committee has drawn its privacy concerns to the attention of the Assistant Treasurer and of the parliament. I commend the committee's report 6 of 2020 to the House.