

SPEECH

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Questioner		Responder	
Speaker	Perrett, Graham, MP	Question No.	

Mr PERRETT (Moreton) (11:08): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report: report 7 of 2020*

Ordered that the report be made a parliamentary paper.

Mr PERRETT: by leave—I am pleased to table the Parliamentary Joint Committee on Human Rights's seventh scrutiny report of 2020. This report contains a technical examination of legislation with Australia's obligations under international human rights law. (*Quorum formed*) The report continues the committee's important work of scrutinising legislation developed in response to the COVID-19 pandemic, with the committee seeking information as to the human rights compatibility of such legislation; providing advice to the parliament; and concluding its examination of certain legislation after corresponding with relevant ministers. In particular, I note the committee's concluding remarks with respect to two Civil Aviation Safety Authority instruments, which exempt some pilots and other air traffic staff from certain regulatory requirements during the pandemic. The committee thanks the minister for explaining the human rights compatibility of these measures, and commends CASA for revising the statements of compatibility to reflect this, and for adopting the same course of action for two additional relevant instruments that it has identified. This is an excellent example of the way that the committee's dialogue model of engagement with ministers and departments can work in practice.

The committee has also continued to consider non-COVID related legislation. In this report, the committee seeks further information with respect to the Australian Security Intelligence Organisation Amendment Bill 2020, which seeks to replace ASIO's compulsory questioning framework and amend ASIO's powers with respect to the use of tracking devices. The committee considers that these powers engage a number of human rights, including the rights to liberty, privacy, fair trial, the rights of children and persons with disabilities, and the absolute prohibition against torture and degrading treatment. Consequently, the committee is seeking detailed information in relation to these concerns.

The committee is also seeking further information with respect to the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020. The committee notes that prohibiting things in detention, such as mobile phones, and the search and seizure powers engages and may limit the rights to privacy, the rights of the child, humane treatment in detention and the prohibition against degrading treatment. Consequently, the committee is seeking further information in relation to the proposed measures.

Finally, the committee has concluded its consideration of the Telecommunications Legislation Amendment (International Production Orders) Bill 2020. This bill seeks to establish a new framework for international production orders to provide Australian agencies access to overseas communications data for law enforcement and national security purposes, and to allow for reciprocal arrangements for certain countries. The committee considers that, as currently drafted, the bill may not be sufficiently circumscribed or contain sufficient safeguards to ensure the measures do not arbitrarily limit the right to privacy. Further, the bill does not appear to provide a person with access to an effective remedy where their right to privacy may have been breached, as they may never become aware that any interference took place. The committee has also expressed concern that the bill, as currently drafted, does not specifically prohibit mutual assistance where it may lead to the imposition of the death penalty, or to degrading treatment, in a foreign country. The committee has made a number of recommendations that consideration be given to amending the bill in a number of ways, in order to reduce the risk that information may be shared with a foreign country which could expose a person to the death penalty or to degrading treatment or punishment, and to improve the compatibility of the bill with the right to privacy.

I encourage all parliamentarians to carefully consider this report, and with these comments I commend the committee's *Report 7 of 2020* to the chamber.