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PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

COMMITTEES

Human Rights Committee

Report

SPEECH

Monday, 22 November 2021

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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| Speaker Webster, Anne MP | Question No. |

Dr WEBSTER (Mallee) (16:01): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report: report 13 of 2021*.

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

Dr WEBSTER: by leave—I am pleased to speak to the Parliamentary Joint Committee on Human Rights' 13th scrutiny report of 2021, which was tabled out of session on 10 November. As usual, this report contains a technical examination of legislation with Australia's obligations under international human rights law. In this report the committee has considered 37 new bills and 79 new legislative instruments, and commented on two bills and two legislative instruments. As I've previously noted, this committee has continued its important scrutiny work through the COVID-19 pandemic, including by regularly meeting remotely via teleconference, tabling scrutiny reports out of session—as was done with this report—and continuing to scrutinise the many legislative measures which have been introduced to address the unprecedented health crisis.

In this report, for example, the committee considered the Biosecurity (Human Coronavirus with Pandemic Potential) Amendment (No. 2) Determination 2021, which provides an exemption from the overseas travel ban for persons who have completed a course of COVID-19 vaccination at least seven days prior to travelling and can provide evidence of this. By adding an automatic exemption from the travel ban for vaccinated travellers, the committee considers the measure promotes the right to freedom of movement and the right to a private life. However, as there are those who are currently ineligible to receive a COVID-19 vaccination, namely children aged under 12 and a small number of people with recognised medical contraindications to the vaccines, not providing an automatic exemption from the travel ban for these groups may constitute indirect discrimination on the basis of age or disability. As such, the committee is seeking further information as to the compatibility of the measure with the right to equality and non-discrimination.

The committee also commented on the Electoral Legislation Amendment (Voter Integrity) Bill 2021. This bill imposes additional requirements before a person can cast their vote, including presenting identification documents. The committee notes that, as a matter of law, no voter will be denied a vote for not having appropriate identification. However, these additional requirements engage and may limit the right to take part in public affairs and the right to equality and nondiscrimination. I note that the bill introduces some important safeguards—for example, a number of identity documents are accepted and no voter is denied a vote for not having an acceptable form of identification. However, while this measure seeks to protect against voter fraud, reduce inadvertent mistakes and ensure public confidence in the federal electoral system, the committee considers it is unclear whether it addresses a pressing and substantial concern, such that it amounts to a legitimate objective for the purposes of international human rights law, and whether it is proportionate. The committee has not yet concluded its assessment of this bill and is seeking further information regarding these questions. I encourage all parliamentarians to carefully consider the committee's analysis. With these comments, I commend this report to the chambers.