

SPEECH

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Questioner	Responder
Speaker Henderson, Sen Sarah	Question No.

Senator HENDERSON (Victoria) (18:30): On behalf of the Chair of the Parliamentary Joint Committee on Human Rights, I present *Human rights scrutiny report 1 of 2021*, together with the minutes of proceedings of the committee and the transcript of evidence. I move:

That the Senate take note of the report.

I am very pleased to table the Parliamentary Joint Committee on Human Rights' first scrutiny report of 2021. As usual, this report contains a technical examination of legislation with Australia's obligations under international human rights law. In this report the committee considered 19 new bills and 191 new legislative instruments. The committee is seeking further information in relation to three new bills and has concluded its examination of three bills and six legislative instruments.

For example, the committee is seeking further information in relation to the Australian Immunisation Register Amendment (Reporting) Bill 2020. This bill seeks to introduce a requirement for vaccination providers to report information to the Australian Immunisation Register relating to vaccinations administered both inside and outside Australia. The committee notes that this is a very important measure to enable the government to track and trace every COVID-19 vaccine administered. By enhancing the government's ability to monitor COVID-19 and other vaccine-preventable diseases, the committee considers that this measure promotes the right to health.

The committee also notes that requiring vaccination providers to provide personal information about individuals who receive vaccinations would appear to limit the right to privacy. It is important to note that this right may be permissibly limited where it is shown to be reasonable, necessary and proportionate. In order to form a concluded view, the committee is seeking further information regarding the proportionality of this measure.

The committee is also seeking further information in relation to the Migration and Citizenship Legislation Amendment (Strengthening Information Provisions) Bill 2020. This bill seeks to introduce a framework to protect the disclosure of confidential information provided by intelligence and law enforcement agencies where the information is used for certain migration or citizenship decisions. By restricting a person's access to information relevant to the decision which affects them, the bill engages and limits the right to a fair hearing and the prohibition against expulsion of aliens without due process. The committee considers that the bill pursues the legitimate objective of upholding law enforcement and intelligence capabilities, but in order to form a concluded view is seeking further information about the proportionality of this measure.

Finally, I am pleased to highlight that this committee's analysis continues to have a demonstrable and positive impact in the use of the committee's reports in parliamentary debates, in other committee inquiries and in legislative development. This has recently been apparent with the passage of the Australian Security Intelligence Organisation Amendment Bill 2020, which proposed a range of amendments to ASIO's compulsory questioning powers. The committee undertook a comprehensive analysis of the proposed measure in its scrutiny reports 7 and 9 of 2020. While noting the powers sought to achieve the legitimate objective of protecting national security, the committee also made several recommendations that the bill be amended to assist the proportionality of specific measures with respect to human rights. I'm pleased to note that many of those recommendations are now reflected in the act and the revised statement of compatibility. For example, the bill sought to extend the compulsory questioning regime to children aged 14 years and over. The committee recommended that safeguards with respect to the conduct of any such questioning be strengthened, noting the special rights which apply to children under international human rights law. In particular, the committee recommended that in deciding whether to issue a questioning warrant in relation to a child the Attorney-General must consider their best interests as a primary consideration. I am therefore pleased to note that the bill was amended to this effect and that the statement of compatibility accompanying the bill was revised in line with the committee's comments.

This is a very good example of the work that this technical scrutiny committee can do in assessing legislation for compatibility with human rights. I encourage all parliamentarians to carefully consider the committee's analysis. With these comments, I commend the report to the chamber.

Question agreed to.