

SPEECH

Date	Thursday, 13 May 2021	Source	House
Page	4047	Proof	No
Questioner		Responder	
Speaker	Webster, Anne, MP	Question No.	

Dr WEBSTER (Mallee) (10:14): On behalf of the Parliamentary Joint Committee on Human Rights, I present the following reports: *Human rights scrutiny report : report 4 of 2021*, *Human rights scrutiny report: report 5 of 2021*, *Human rights scrutiny report: report 6 of 2021* and the annual report for 2020.

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

Dr WEBSTER: by leave—I'm pleased to present the Parliamentary Joint Committee on Human Rights' fourth and fifth scrutiny reports of 2021, which were tabled out of session on 31 March and 29 April, as well as report 6 and the committee's 2020 annual report. As usual, reports 4, 5 and 6 contain a technical examination of legislation with regard to Australia's obligations under international human rights law. In these reports, the committee has commented on three new bills and five new legislative instruments and has concluded its consideration of seven bills. Over the total period, the committee considered 18 new bills and 296 new legislative instruments.

Among other matters, in report 4 the committee concluded its consideration of the Data Availability and Transparency Bill 2020. This bill proposes a new framework for the sharing of public sector data and would override existing secrecy laws in specific contexts. While the committee considers that the bill seeks to achieve the important objectives of greater data sharing to support a tell-us-once approach to Public Service delivery, it has concluded that it is not clear that the proposed scheme is accompanied by sufficient safeguards to protect the right to privacy, and it has not been demonstrated that a less rights-restrictive option would not be equally as effective. The committee has therefore suggested a series of amendments that may assist with the proportionality of the proposed measure.

In report 5 the committee concluded its consideration of the Online Safety Bill 2021, which would establish a new legislative framework for online safety in Australia. Overall, the committee has found that this bill is likely to promote a range of important human rights, including the rights of women, the rights of the child and the right to privacy and reputation. However, the bill also limits a number of rights, particularly the right to freedom of expression. The committee has made several recommendations to amend aspects of the bill to assist with its compatibility with rights.

Also in report 5, the committee considered the Migration Amendment (Clarifying International Obligations for Removal) Bill 2021. The committee is seeking further information as to whether this bill, to the extent that it may result in prolonged or indefinite detention of unlawful noncitizens who cannot be removed because a protection finding has been made in relation to them, is compatible with the right to liberty, the rights of the child and the prohibition against torture and cruel, inhumane or degrading treatment or punishment.

I can also advise the House that, having requested and now received information from the minister about the Social Security (Parenting payment participation requirements—class of persons) Instrument 2021, the committee has resolved to undertake a short inquiry in relation to this instrument. This will consider in greater detail questions as to the human rights compatibility of making participation in the ParentsNext program compulsory for certain recipients of parenting payments. This inquiry is currently underway, and the committee intends to table its inquiry report in August.

Finally, in relation to report 6, the committee has considered the determination that makes it a temporary requirement for international air passengers not to enter Australia if they have been in India within 14 days. The committee considers that this determination likely promotes the rights to life and health for persons in Australia but notes that it may limit other human rights, including the right to freedom of movement and the rights to equality and non-discrimination, and is seeking further information in relation to this.

The committee has also tabled its 2020 annual report. This report details the significant volume of work the committee undertook during the 2020 calendar year. In 2020, despite the challenges posed by COVID-19, the committee examined over 2,000 pieces of legislation, reporting on 92 per cent of new bills prior to the passage

of the legislation and 100 per cent of legislative instruments within the disallowance timeframe. The report also provides an overview of the committee's continued impact during 2020—for example, in its consideration of the National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020. The committee suggested the bill be amended to make clear that native title cannot be extinguished in the process of developing the radioactive waste facility. The minister acknowledged the committee's feedback and, accordingly, proposed amendments to the bill. This is just one example of the impact of the committee's work in informing the parliament as to the potential human rights implications of the legislation it is considering.

I commend the secretariat for the immense amount of work that they have achieved and the committee for this bipartisan work. I encourage all parliamentarians to carefully consider the committee's analysis. With those comments, I commend these reports to the chamber.