

SPEECH

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Questioner	Responder
Speaker Webster, Anne, MP	Question No.

Dr WEBSTER (Mallee) (17:17): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report: Report 8 of 2021—Report, 23 June 2021*.

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

Dr WEBSTER: by leave—I am pleased to speak about the Parliamentary Joint Committee on Human Rights' eighth scrutiny report of 2021. As usual, this report contains a technical examination of legislation with regard to Australia's obligations under international human rights law.

In this report, the committee has considered eight new bills and 197 new legislative instruments. It has commented on 16 new legislative instruments and concluded its consideration of one legislative instrument. In particular, the committee has considered two legislative instruments that were made in response to the COVID-19 pandemic. The first instrument extends the human biosecurity emergency period for a further three months until 17 September 2021 and, consequently, extends existing emergency determinations, including the travel ban on Australian citizens and permanent residents leaving Australia.

The second instrument temporarily banned certain persons from entering Australia if they had been in India. To the extent that these instruments prevent the spread of COVID-19 in Australia, they would likely promote the rights to health and life for persons in Australia. However, these instruments also necessarily engage and limit other rights, such as the right to freedom of movement. While the instruments appear to pursue a legitimate objective and would likely be effective to achieve that objective, there are questions regarding proportionality. In relation to the instrument that extends the human biosecurity emergency period, the committee is seeking further information about how the emergency determinations and the relevant exemptions from the travel ban are applied in practice. In relation to the instrument that temporarily banned persons travelling from India to Australia, the committee concluded that questions remain as to whether the measure was proportionate, noting that there were extremely limited exceptions to the application of the direction and no exemption process was available.

The committee has reiterated that, given the potential impact on human rights of legislative instruments dealing with the COVID-19 pandemic, it would be appropriate for all such legislative instruments to be accompanied by a detailed statement of compatibility, even if it is not strictly required under law. The committee is also seeking further information about 12 legislative instruments made under the Charter of the United Nations Act 1945. These instruments list almost 300 individuals as subject to sanctions, having the effect of freezing their existing money and assets. The committee notes with some concern that, while the legislative instruments were made over the last 20 years, they were only recently registered on the Federal Register of Legislation. The committee notes that sanctions regimes are important mechanisms for applying pressure with a view to ending international human rights violations. However, sanctions regimes also operate independently of the criminal justice system and, to the extent that they affect individuals in Australia, may engage and limit the rights to a private life and fair hearing, and the committee is seeking further information in relation to this. I encourage all parliamentarians to carefully consider the committee's analysis, and with these comments I commend this report to the chamber.