

SPEECH

Date Wednesday, 7 September 2022	Source House
Page 74	Proof Yes
Questioner	Responder
Speaker Burns, Josh MP	Question No.

Mr BURNS (Macnamara) (16:04): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report, incorporating a dissenting report, entitled *Human rights scrutiny report: Report 3 of 2022*.

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

Mr BURNS: by leave—I am pleased to present the Parliamentary Joint Committee on Human Rights third scrutiny report of 2022. Before speaking to the substance of this report, I would like to start by saying that I am honoured to have been elected chair of this important committee, after having briefly served on it as a member in the last parliament. I also would like to congratulate the member for Banks, who has been elected deputy chair, and I'm looking forward to working with him and all of the other committee members in this important committee.

As members may be aware, the Parliamentary Joint Committee on Human Rights has been in operation for 10 years, having recently celebrated 10 years of human rights scrutiny in August this year. The committee has a unique statutory mandate. It examines all bills and legislative instruments that come before either house of parliament for compatibility with Australia's core human rights obligations and any human rights matter referred to it by the Attorney-General.

The committee's legislative scrutiny function is to inform both houses of parliament as to the compatibility of proposed and existing Australian legislation with international human rights law—it does not consider the broader policy merits of legislation when performing its scrutiny function. But it has been established to contribute meaningfully to the consideration of human rights by our parliament. The committee generally pursues its scrutiny through dialogue with the executive and, where legislation raises a human rights concern that is not adequately explained in the accompanying statement of compatibility, the committee often seeks further information from the minister, including whether a limitation on human rights is justifiable.

This model is evidenced in the committee's third scrutiny report. In this report, the committee has considered 39 new bills and 816 new legislative instruments and, of these, the committee is seeking further information in relation to one bill and three instruments.

In particular, the committee is seeking further information in relation to the Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022. This bill seeks to abolish the Cashless Debit Card program and transition certain individuals to the income management regime following the closure of this program.

For many years the human rights committee raised concerns regarding the compatibility of the Cashless Debit Card program with multiple human rights. In particular, the committee has previously considered that the CDC program impermissibly limits the rights to social security, a private life and equality and nondiscrimination. As such, abolishing the Cashless Debit Card program is a rights-enhancing measure that addresses the many human rights concerns raised by the committee in relation to the program—in particular, those removed from any welfare restrictions. Abolishing the CDC program ends the adverse impact of the program on people's human rights.

However, the committee also notes that by transitioning certain participants to the mandatory income management, the bill would limit a number of human rights. To better assess the human rights compatibility of this measure, the committee is seeking further information from the Minister for Social Services.

In this report the committee also made some short advisory comments regarding the Restoring Territory Rights Bill 2022. This committee considers this bill, by removing the prohibition on the territory governments legislating for voluntary assisted dying, promotes the rights of citizens to take part in public affairs. As the bill does not itself make voluntary assisted dying legal, the committee considers that it does not directly engage in any other human rights.

I thank the committee secretariat for their diligent work in preparing this report. We have outstanding human rights legal advisers and experts working for the committee. It's one of the great parts of this parliament to have such people of high calibre willing to serve it. And I look forward to working with all members as we work through other bits of legislation in the 47th Parliament. Thank you.