

SPEECH

<p>Date Wednesday, 28 September 2022</p> <p>Page 88</p> <p>Questioner</p> <p>Speaker Burns, Josh MP</p>	<p>Source House</p> <p>Proof Yes</p> <p>Responder</p> <p>Question No.</p>
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Mr BURNS (Macnamara) (16:12): On behalf of the Parliamentary Joint Committee on Human Rights, I present the following reports: *Human rights scrutiny report 4 of 2022* and the annual report 2021.

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

Mr BURNS: by leave—I'm very pleased to present the Parliamentary Joint Committee on Human Rights' fourth scrutiny report of 2022 and its 2021 annual report. In the committee's fourth scrutiny report, the committee has considered 17 new bills and 48 legislative instruments and commented on two bills.

This includes the consideration of the Counter-Terrorism Legislation Amendment (AFP Powers and Other Matters) Bill 2022. This bill seeks to extend by a further 12 months the operation of a number of counterterrorism related provisions which are due to sunset on 7 December 2022. These include the operation of the control order regime, the preventative detention order regime, and stop, search and seizure powers relating to counterterrorism.

In this report, the committee notes that these powers are intended to protect Australia's national security interests and protect against the possibility of terrorist acts in Australia, and so extending these powers could promote the rights to life and security of the person.

However, the committee has previously considered the human rights compatibility of these provisions and found that while all of the measures seek to achieve the legitimate objective of trying to prevent terrorist acts, there were questions whether the measures would be effective to achieve this objective, and the measures did not appear to be proportionate. As a result, the committee previously found the measures were likely to be incompatible with a range of human rights.

I note that the Parliamentary Joint Committee on Intelligence and Security conducted a review of the provisions being extended by this bill and reported in October 2021. The Attorney-General has stated that extending the operation of these provisions by a further 12 months will give the government time to consult on, and then implement, the government's response to that report.

The committee supports the Attorney-General in using the extension to consider the recommendations of the PJCIS and undertake appropriate consultations with stakeholders. However, noting the committee's previous comments, the committee draws its human rights concerns around extending these provisions to the attention of the Attorney-General and our parliament.

Turning to the committee's 2021 annual report, this report covers the period of 1 January to 31 December 2021—a period that I was not the chair of the committee, but I'm pleased to present the report nonetheless—and details the substantial amount of work of the committee.

In 2021 the committee tabled 15 scrutiny reports examining 223 bills and 1,679 legislative instruments, commenting on 84 of these. I'm pleased to note that during 2021 in 96 per cent of cases the human rights analysis of new bills was available to inform members of parliament prior to the passage of the legislation. The report also provides information about the work of the committee, including the major themes and scrutiny issues arising from the legislation which the committee examined.

For example, the committee reports details of the committee's August 2021 inquiry examining a legislative instrument relating to Parents Next. This is a program that some parents must participate in to remain eligible for the parenting payment. The committee considered there to be a considerable risk that the Parents Next program would impermissibly limit the right to social security and an adequate standard of living. Following the tabling of the committee's report, a motion to disallow parts of the legislative instrument that rendered participation compulsory was narrowly defeated. So Parents Next remains compulsory for some parents receiving parenting

payment. No formal response to this inquiry was received in the last parliament, but I'm pleased to advise the House that the committee has now resolved to write to the new Minister for Employment and Workplace Relations inviting him to respond to the committee's findings. I encourage my fellow members and others to examine these reports, and I commend the committee's scrutiny report 4 and the annual report to the chamber.

Finally, on indulgence, I pay tribute to Ingrid Zappe. Tomorrow will be her final day of 33 years of serving the Senate, including the human rights committee. I'm reliably told that on Friday Ingrid will be hitting the road to spend time with her growing family. On behalf of the committee and the House, I thank Ingrid for her outstanding contribution and wish her well for the next chapter in her life.