

SPEECH

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Page	1941	Proof	No
Questioner		Responder	
Speaker	Burns, Josh MP	Question No.	

Mr BURNS (Macnamara) (16:54): 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 5 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 fifth scrutiny report for 2022, which was tabled out of session last week. I note a substantial amount of work went into this report by the legal advisers and by the committee secretariat, and I want to acknowledge the expertise and hard work of the human rights committee staff. They are incredible public servants. I know I speak on behalf of all members of the committee when I say that we were extremely impressed by how much work they produced and how much effort they put in, which allowed us to have detailed and important considerations of parliamentary bills, especially the National Anti-Corruption Commission Bill.

The measures in the National Anti-Corruption Commission Bill and the National Anti-Corruption Commission (Consequential and Transitional Provisions) Bill engage a number of rights, particularly the right to privacy and reputation, a fair trial and freedom of expression. I am pleased to note these bills are accompanied by a lengthy and detailed statement of compatibility with human rights. The committee thanks the Attorney-General for his comprehensive and well-reasoned statement of compatibility, which has greatly assisted the committee in undertaking its scrutiny role. I am reliably told that this statement of compatibility was one of the best ever. Well done, Attorney-General. The committee considers that, in general, excepting those issues which were specifically discussed in the report, the limitations on human rights in the bills have been adequately explained in the statement of compatibility.

The committee does, however, make seven recommendations to amend some specific provisions and to include more information in the statement of compatibility. These recommendations will not alter the objectives the bills seek to achieve; rather, they will strengthen safeguards which have already been included, thereby improving their capability and compatibility with human rights. They will also ensure that the least rights restrictive approach to achieving those objectives is taken. The final recommendation is that a foundational human rights assessment of several pieces of existing covert surveillance legislation be undertaken so that this committee can fully assess the human rights implications of conferring these complex powers on the proposed commission.

As members know, these bills have been referred to the Joint Select Committee on National Anti-Corruption Commission Legislation for inquiry and report by 10 November. For this reason, it is not possible for the committee in the time frame available to seek a response from the Attorney-General in relation to the matters it has raised. Rather, the committee offered recommendations to improve the human rights compatibility of specific provisions in order that these recommendations be made available to the Attorney-General, the select committee and the parliament for consideration. I encourage all members to closely examine those recommendations.

Finally, I can advise the House that last week the committee met with the delegation of the United Nations subcommittee on prevention of torture, who were visiting Australia. Their role was to assess how authorities have implemented their obligations under the optional protocol to the convention against torture. A little has been made out about the visit to Australia, including some of the restrictions faced in some of the states, but I want to assure the House that the human rights committee happily met with the subcommittee on their trip. We had a robust and respectful conversation, and I thank all committee members for their participation in that. With these comments, I commend committee scrutiny report 5 of 2022 to the House.