

SPEECH

Date Monday, 28 November 2022	Source House
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Questioner	Responder
Speaker Burns, Josh MP	Question No.

Mr BURNS (Macnamara) (15:28): 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 6 of 2022*.

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

Mr BURNS: by leave—I'm pleased to present the Parliamentary Joint Committee on Human Rights *Human rights scrutiny report: report 6 of 2022*, which was tabled in the Senate on Friday 25 November. In this report, the committee has considered 23 new bills, one previously deferred bill and 188 new legislative instruments. The committee has commented on eight of these bills and one legislative instrument. The committee has also commented on a response it received from the Attorney-General in relation to the National Anti-Corruption Commission bills.

In its last scrutiny report, the committee made a series of recommendations to improve the human rights capability of this bill, and I'm very pleased to advise that the majority of these recommendations have been agreed to by the Attorney-General. In particular, the Attorney-General agreed to the committee's recommendation to modify the proposed non-disclosure notation power, to ensure that a person needing additional professional support to comply with a notice to produce or a summons can obtain this. This helps better protect the rights of persons with a disability. The Attorney-General also agreed to further strengthen journalistic safeguards in the case of search warrants (which better protects the right to free speech), and to remove a contempt provision for creating a disturbance near a commission hearing (which better protects the right to protest). I thank the Attorney-General for his careful consideration of the committee's advice. This is a clear example of how the human rights committee's analysis of legislation can ensure better protection of fundamental human rights in Commonwealth legislation.

In this report the committee also considered the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022. The majority of the committee considered this bill would promote human rights, including the rights to work, just and favourable conditions of work, and equality and nondiscrimination. However, in relation to the prohibition on industrial action relating to cooperative workplace agreements and mandatory conciliation or mediation before industrial action is protected, the committee has drawn to the parliament's attention the restrictions on the right to strike, and recommends that the statement of compatibility be updated.

In addition, the committee provides its advice to the parliament as to the human rights compatibility of the Crimes Amendment (Penalty Unit) Bill 2022. This bill seeks to increase by 24 per cent the maximum available penalty for every Commonwealth criminal and civil penalty provision expressed in terms of penalty units across the Commonwealth statute book. In relation to civil penalties, the committee considers that this increase may mean some of these penalties engage criminal process rights, because civil penalties may be considered criminal in nature under international human rights law in certain circumstances, including based on how severe the penalty is.

Finally, the committee has considered the Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022. This bill would permit the disclosure of personal information to facilitate assistance provided by the telecommunications industry to law enforcement agencies and emergency services organisations. While the bill seeks to achieve the legitimate objective of protecting life and health, it also limits the right to privacy and further information is required to determine precisely how these measures would operate in practice. The committee is therefore seeking further information in relation to this.

With these comments, I commend the committee's scrutiny report No. 6 of 2022 to the House. I wish all staff and the secretariat a very merry Christmas and offer them a very big thank you. They have done an extremely good job this year with the huge amount of work advising the committee. They are some of the very best public

servants we have. I also thank committee members for the collaborative way in which they have gone about the important work of the human rights committee this year.