



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

COMMITTEES

Human Rights Joint Committee

Report

SPEECH

Wednesday, 15 November 2023

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Wednesday, 15 November 2023	Source House
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Questioner	Responder
Speaker Burns, Josh MP	Question No.

Mr BURNS (Macnamara) (16:08): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report : report 12 of 2023*.

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

Mr BURNS: by leave—I'm pleased to table the Parliamentary Joint Committee on Human Rights' 12th scrutiny report of 2023. In this report, the committee has considered 123 new legislative instruments, commented on two and concluded its consideration of two. The committee has also considered 14 new bills, making no comment in relation to them, and has concluded its consideration of two bills previously introduced.

In particular in this report, the committee is seeking further information about the Migration Amendment (Resolution of Status Visa) Regulations 2023, a measure which largely applies to people who arrived in Australia by boat without a valid visa before July 2013. This regulation requires that, where a person on a specified temporary protection visa applies for a permanent resolution of status visa, the application must be refused if the person does not satisfy identity requirements. The refusal of such a visa may have significant consequences for the individual, and therefore the committee is seeking further information from the Minister for Home Affairs to assess its compatibility with these rights.

The committee has also concluded its consideration of two bills relating to identity verification services. These bills seek to establish a federal legislative framework with respect to existing identity verification facilities and services. The bills would authorise the Attorney-General's Department to develop, operate and maintain these facilities and to collect, use and disclose personal identification information. The committee is concerned that these measures may not represent a proportionate limit on the right to privacy and has recommended that a comprehensive review of the broader legislative framework be undertaken. The committee also considers that it's not clear that an individual would have access to an effective remedy for any violation of rights or that there are sufficient safeguards to mitigate the risk of data verification errors that may disproportionately impact on certain groups.

The committee has also concluded its consideration of the Social Security (Remote Engagement Program Payment) Determination 2023, which determines the arrangements between the Commonwealth and two Aboriginal corporations as remote engagement programs under a trial. Under this program, social welfare recipients may undertake a remote engagement placement, working at least 30 hours per fortnight, and receive \$190 payment per fortnight on top of their existing payments. The committee considers the measures could promote a number of rights but has some concerns that, as there are no legislative constraints on when a remote engagement placement may be ended, this could risk impermissibly limiting the rights to social security and an adequate standard of living.

Further, if the placement were to constitute a form of employment under international human rights law, the rate of pay for a minimum 15 hours per week being \$6.33 per hour is insufficient to amount to fair and equal remuneration. If the measure impermissibly limits these rights, it would also likely constitute unlawful discrimination, particularly with respect to Aboriginal and Torres Strait Islander peoples. The committee has made recommendations to assist with the proportionality of this measure and otherwise draws these human rights concerns to the attention of the Minister for Indigenous Australians and the parliament.

I encourage all members to consider the committee's report closely. I thank the secretariat for their work for this committee, not only for today's report but also for the fact that there have been 12 reports and a significant amount of work that goes into what doesn't go into the report as well. The secretariat of the Joint Committee on Human Rights is an outstanding group of people, and I thank them. I also acknowledge the member for North

Sydney, who sits on the committee with me, along with many others. I thank all of the committee members for their collaboration. I commend the committee's *Human rights Scrutiny report 12 of 2023* to the House.