



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

COMMITTEES

Human Rights Joint Committee

Report

SPEECH

Wednesday, 2 August 2023

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Wednesday, 2 August 2023	Source House
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Questioner	Responder
Speaker Burns, Josh MP	Question No.

Mr BURNS (Macnamara) (16:45): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report 8 of 2023* .

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

Mr BURNS: by leave—I am pleased to table the Parliamentary Joint Committee on Human Rights' eighth scrutiny report of 2023. In this large report, the committee has considered 24 new bills and 190 legislative instruments, and it has commented on six of these bills and one legislative instrument. The committee has also concluded its consideration of eight bills and four legislative instruments.

The committee is seeking information in relation to several bills, as per the normal practice of the committee. For example, the committee has considered the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023. This bill seeks to introduce new offences relating to the public display and trading of prohibited symbols, including the Islamic State flag and specified Nazi symbols. It would also introduce new offences relating to the use of a carriage service to access violent extremist material and expand the existing offence of advocating terrorism.

The committee has noted, with deep concern, the rising number of disturbing events involving the public display of Nazi symbols and emphasises that these displays of hate have no place in Australia. Indeed, Australia has obligations under international human rights law to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and to eliminate all incitement to or acts of racial discrimination.

The committee considers that, if criminalising the public display and trading of prohibited symbols deters and prevents the commission of violent offences and reduces the harm caused to others by the display of such symbols, this bill would promote a number of human rights, including the right to life and the prohibition against inciting national, racial or religious hatred. The committee also notes that the measures in this bill may limit some rights, including the right to freedom of expression, the right of the child and the right to equality and nondiscrimination. As such, the committee is seeking some further information from the Attorney-General in the usual practice in relation to the bill.

The committee has also concluded its assessment of a number of bills and legislative instruments. One of them is the Migration (Specification of evidentiary requirements—family violence) Instrument, and it specifies what constitutes acceptable evidence for a non-judicially determined claim of family violence for the purposes of migration regulations. The committee considers that there is a risk that applicants from non-English-speaking backgrounds or certain cultural backgrounds may face more difficulties obtaining official evidence of family violence, meaning the measure may permissibly limit the right to equality and nondiscrimination. The Minister for Immigration, Citizenship and Multicultural Affairs has advised that this measure will be reviewed in the next 12 months, and the committee has recommended that this review include consideration of the matter that the committee has raised.

Lastly, I will mention that the committee has concluded its consideration of a telecommunications interception and access declaration. This declares the New South Wales Department of Communities and Justice to be an enforcement agency, with each staff member of Corrective Services NSW to be authorised to access telecommunications data relating to inmates. This does limit the right to privacy. The committee acknowledges the importance of correctional facilities being able to investigate criminal activities or threats, but it considers that the necessity of this power has not been established, noting that all other state and territory corrective services agencies access such data via the police. Further, the declaration enables thousands of employees to access telecommunications data, and so it appears to be insufficiently defined. The committee considers that this

declaration is not compatible with the right to privacy and recommended some amendments to make sure that the measure is compatible with human rights.

I encourage all members to consider the report closely. I thank the committee secretariat, who, over the July period, have done an enormous amount of work to support the committee. I thank our committee members for this unanimous report, and I commend the committee's *Human rights scrutiny report 8 of 2023* to the House.