



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

COMMITTEES

Human Rights Joint Committee

Report

SPEECH

Wednesday, 6 September 2023

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Wednesday, 6 September 2023	Source House
Page 6539	Proof No
Questioner	Responder
Speaker Burns, Josh MP	Question No.

Mr BURNS (Macnamara) (16:37): 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 9 of 2023*.

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

Mr BURNS: by leave—I'm pleased to table the ninth scrutiny report of 2023 of the Parliamentary Joint Committee on Human Rights. In this large report, the committee has considered 17 new bills and 30 new legislative instruments and has commented on three of these bills. The committee has also concluded its consideration of five bills and one legislative instrument. The report considered two bills relating to counter-terrorism powers—the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023 and the Counter-Terrorism and Other Legislation Amendment Bill 2023.

In general terms, these bills seek to protect Australia's national security interests and protect against the possibility of terrorist acts in Australia. The committee emphasises that preventing terrorism and mitigating risks of violence and discrimination against members of the community are important objectives. However, it is not clear in all circumstances whether the measures sought to be introduced or extended by these bills would be proportionate in practice. Given the breadth and coercive nature of many counterterrorism powers, the committee considers that it is vitally important that such powers are accompanied by strong safeguards to ensure that any limitation to human rights is reasonable, necessary and proportionate.

For example, the committee has concluded its consideration of the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023. Schedule 1 of 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. The committee reiterates deep concern about 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. The committee does, however, also note that these proposed offences may limit rights, including the right to freedom of expression, the rights of the child and the right to equality and non-discrimination. The committee has recommended several amendments to the bill to assist with its human rights capability and draws these recommendations to the attention of the Attorney-General and the parliament.

In addition, the committee has also considered a number of bills and legislative instruments that deal with a range of matters, including biosecurity, migration, the National Occupational Respiratory Disease Registry and the sharing of foreign intelligence information. The legislation engages and limits multiple rights, and where relevant the committee has made suggestions in the form of amendments to assist with the human rights capability and compatibility of the legislation.

I invite the parliament to carefully consider these actions. I encourage all members to consider the committee's report. I thank the secretariat for their ongoing support of the committee. I thank the deputy chair. I commend the committee's *Human rights scrutiny report: Report 9 of 2023* to the House.