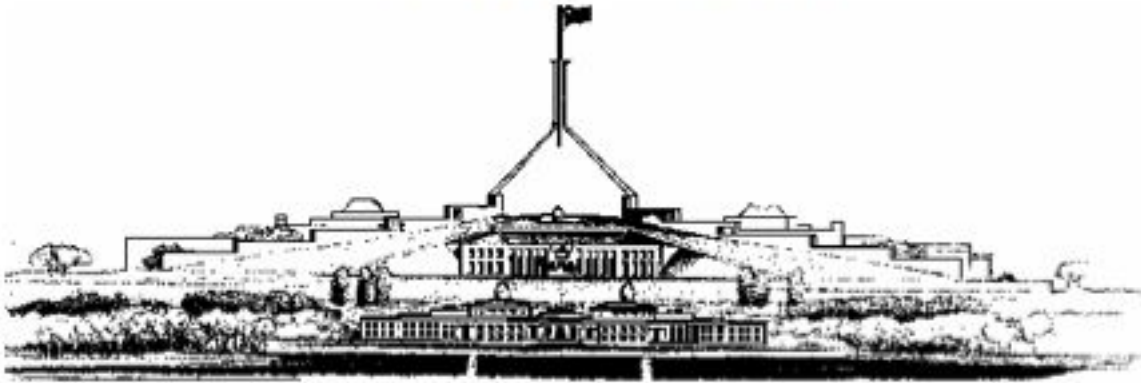




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

COMMITTEES

Human Rights Joint Committee

Report

SPEECH

Wednesday, 13 September 2023

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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Questioner		Responder	
Speaker	Burns, Josh MP	Question No.	

Mr BURNS (Macnamara) (17:02): On behalf of the parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report 10 of 2023*.

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

Mr BURNS: by leave—At the end of the year, I'll buy the member for Wannon a beer for all of his leave granting. I am pleased to be able to table the Parliamentary Joint Committee on Human Rights 10th scrutiny report of 2023.

In this report, the committee has considered 284 new legislative instruments and has commented on one. The committee has also concluded its consideration of one bill. This report is deceptively short, consisting of only two substantive write-ups. But it is worth reminding the parliament that in order to get to this place, the committee has considered nearly 300 legislative instruments registered on the Federal Register of Legislation, over a nine week period.

The Parliamentary Joint Committee on Human Rights examines every bill and every legislative instrument for compatibility with Australia's international human rights law obligations, and it is the only committee with such far-reaching oversight of all new federal legislation.

Our secretariat are extremely capable and hardworking people and I personally thank them for all their efforts as part of this, and their ongoing efforts performing an important duty as part of our democratic institutions as well as our country's commitment to human rights.

As part of its review of legislation, the committee has authorised the secretariat to liaise directly with departments and agencies in order to address minor questions about how a measure is intended to operate or to provide feedback on whether a statement of compatibility adequately explains the human rights engaged by the legislation.

This is an important part of the committee's educative role. It also means that, where the committee comments on a bill or legislative instrument in its scrutiny report, it is because there appear to be some not insignificant human rights questions to be addressed.

In this report, the committee is seeking further information about one instrument, the Social Security (Remote Engagement Program Payment) Determination 2023. This legislative instrument determines the arrangements between the Commonwealth and the two Aboriginal corporations as remote engagement programs. This means that social welfare recipients may undertake a remote engagement placement with these organisations and be eligible for a remote engagement program payment of \$190 per fortnight.

This is a trial program, as the government has indicated its commitment to replace the Community Development Program, or CDP, in remote areas. To the extent that the measure provides opportunities for jobseekers to develop employment skills and facilities and the payment of a supplementary social security payment, it promotes the right to work, social security and an adequate standard of living, and the right to equality and nondiscrimination. However, these rights may also be limited by the measure, depending on how it will operate in practice. The statement of compatibility does not acknowledge that the measure may limit human rights and so provides no assessment as to the permissibility of such limitations. The committee is therefore seeking further information to be able to assess the compatibility of the measures with these rights.

The report also concludes the committee's consideration of the Intelligence Services Legislation Amendment Bill 2023. The committee has drawn to the attention of the parliament some potential human rights concerns with the bill, providing an immunity from civil and criminal liability provided to Defence officials. I, as always, encourage members to consider the committee's reports closely. With these comments, I thank the deputy chair,

the committee members and the secretariat, and I commend the committee's *Human rights scrutiny report: Report 10 of 2023* to the House.