



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

COMMITTEES

Human Rights Joint Committee

Report

SPEECH

Wednesday, 29 November 2023

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Wednesday, 29 November 2023	Source House
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Questioner	Responder
Speaker Burns, Josh MP	Question No.

Mr BURNS (Macnamara) (16:48): 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 13 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' 13th scrutiny report of 2023. In this report the committee has considered 59 new legislative instruments and 16 new bills, commenting on four bills and concluding its consideration of one instrument.

In particular, in this report the committee is seeking further information about the two recently introduced migration amendment (bridging visa conditions) bills. The committee notes these bills respond to the High Court decision requiring the release into the community of certain noncitizens, including individuals with serious criminal histories. It is intended to complement and strengthen existing safeguards to appropriately manage these individuals to meet the objective of community safety. However, imposing mandatory visa conditions, noncompliance with which is a criminal offence carrying a mandatory minimum sentence of imprisonment, limits multiple human rights, including the rights to privacy, liberty, work and a fair trial and the rights to freedom of movement, expression and association. There are also a number of other mandatory conditions that do not appear to engage the offence provisions in the bill, and depending on the consequences of noncompliance this may engage and limit a number of human rights. Further questions also arise regarding the proposal to give authorised officers wide-ranging powers relating to monitoring devices and the collection, use and disclosure of information.

The committee is therefore seeking further information from the Minister for Home Affairs to assess the human rights compatibility of these bills.

The committee has also concluded its consideration of the Migration Amendment (Resolution of Status Visa) Regulations 2023. These regulations require that an application for a permanent resolution of status visa must be refused where the person does not satisfy identity requirements. This applies to people who claimed asylum in Australia after travelling by boat without a valid visa before July 2013 and who are currently on a temporary protection visa. The committee notes that this measure may limit multiple human rights in practice and, based on the information provided by the minister, considers that it is not clear that this measure is directed towards a legitimate objective for the purposes of international human rights law. The committee has made a number of recommendations that may assist with the proportionality of this measure, and draws its human rights concerns to the attention of the minister and the parliament. I encourage all members to consider the report closely. I thank the committee secretariat for all of their work throughout 2023. They have done an incredibly big task making the committee happen. I thank the committee members, and I commend the report to the House.