

## COMMITTEES

### Human Rights Joint Committee

#### Report

**Mr BURNS** (Macnamara) (16:53): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report: Report 5 of 2023*.

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

**Mr BURNS:** by leave—I'm pleased to present the Parliamentary Joint Committee on Human Rights fifth scrutiny report of 2023. In this report, the committee has considered 29 new bills and 172 new legislative instruments and has commented on six of these bills and one legislative instrument.

Two of the bills the committee has commented on do not raise human rights concerns. Rather, the committee has chosen to comment on these bills to explain why they appear to be compatible with human rights. This is important, especially on the first bill that I am going to talk about.

As part of the Voice debate, there have been a lot of reasons and debating points put forward as to why the 'no' campaign should prevail, and one of those false points has been around the rights of those being activated by an institution such as the Voice. The committee has inquired, and, as per the excellent advice that we have received from human rights experts and lawyers, any claim that one group would be disadvantaged or discriminated against by the Voice is unfounded; it has no substance, and I'm going to talk about that right now.

The committee has commented on the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) Bill 2023. The committee considers this bill promotes the right to take part in public affairs by facilitating the holding of a referendum. The committee also considers that if a voice to parliament were established, this would promote the right of Aboriginal and Torres Strait Islander peoples to participate in public affairs, the right to self-determination and the right to equality and nondiscrimination and is therefore compatible with human rights.

In relation to the right to equality and nondiscrimination of non-Indigenous Australians, the committee notes that the bill is aimed at achieving the legitimate objective of realising the rights of Aboriginal and Torres Strait Islander peoples and would not negatively affect the ability of other people to enjoy or exercise their rights and freedoms. Let me say that again: the bill is aimed at achieving the legitimate objective of realising the rights of Aboriginal and Torres Strait Islander peoples and would not negatively affect the ability of other people to enjoy or exercise their rights and freedoms. The committee therefore considers the bill to be compatible with the right to equality and nondiscrimination.

The committee has also commented on the Family Law Amendment Bill, which seeks to make numerous amendments to the family law system. The committee notes that several measures contained in the bill would promote human rights, particularly the rights of the child, culture, and equality and nondiscrimination. There are, however, also some measures that would limit certain rights. The committee considers these limitations would be permissible as a matter of international human rights law.

In this report, the committee has also conducted its consideration of three matters raised previously. In particular, the committee has considered the Social Security (Administration) Amendment (Income Management Reform) Bill 2023 and two related legislative instruments, which seek to extend all measures relating to income management and to the enhanced income management regime. The committee considers that providing participants with access to a bank account and associated debit card that offers superior technology and improved banking functions would be a positive measure. However, for many years the committee has raised human rights concerns regarding mandatory income management. Noting the inadequate safeguards and insufficient flexibility to consider individual circumstances, the committee considers this legislation does risk limiting the rights to social security, privacy, equality and nondiscrimination, and the rights of the child. The committee also thanks the minister for her engagement with the committee on this matter.

Finally, the committee has concluded its consideration of the Social Security (Tables for the Assessment of Work-related Impairment for Disability Support Pension) Determination 2023. This instrument sets out the rules for assessing whether a person meets work-related impairment levels for assessing eligibility for the disability support pension. The committee has raised concerns about the compatibility of this tool with the rights to equality and nondiscrimination, social security and adequate standard of living for those who are not eligible for the DSP and draws these concerns to the attention of the parliament.

With these comments, I once again, on behalf of the committee members, thank the hardworking staff of our committee; they are first-class public servants. I commend the committee's *Human rights scrutiny report 5 of 2023* to the House.