



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

COMMITTEES

Human Rights Joint Committee

Report

SPEECH

Wednesday, 11 September 2024

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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Questioner		Responder	
Speaker	Burns, Josh MP	Question No.	

Mr BURNS (Macnamara) (16:29): On behalf of the Parliamentary Joint Committee on Human Rights, I present the following reports: *Inquiry into Compulsory Income Management Report* incorporating dissenting reports; and the Human Rights Joint committee's *Scrutiny Report 8 of 2024* incorporating a dissenting report.

Reports made parliamentary papers in accordance with standing order 39(e).

Mr BURNS: by leave—I rise to table the Parliamentary Joint Committee on Human Rights *Inquiry into compulsory income management* report, which was tabled out of session on 3 September 2024, and to table the committee's eighth scrutiny report of 2024.

In September 2023, the committee was given a statutory function to examine part 3AA and part 3B of the Social Security (Administration) Act 1999 so far as they relate to the compulsory enhanced income management scheme, or compulsory income management, for compatibility with human rights and report to the parliament. The first review was required to be completed by 4 September 2024.

The committee received 30 submissions and held two public hearings, during which it heard evidence from a range of community groups, peak bodies, academics and the Department of Social Services. The committee heard substantial evidence challenging the extent to which compulsory income management has been effective to achieve its stated objectives and its proportionality in practice. The committee considers that there is a considerable risk that the compulsory income management constitutes an impermissible limitation on the rights to social security, privacy, equality and nondiscrimination. There also appears to be a risk that, in relation to some cohorts of participants, compulsory participation may not constitute a permissible limitation on the right to an adequate standard of living, the right to health and the rights of the child. In particular, the committee noted that compulsory income management continues to apply overwhelmingly to Aboriginal and Torres Strait Islander people and that these groups have been far less likely than non-Indigenous people to secure a temporary exemption from the scheme.

The committee has made seven detailed recommendations, including that the government amend the Social Security (Administration) Act 1999 to make income management voluntary, including transitional provisions to facilitate a transition to voluntary income management over a period of time and to immediately establish more pathways out of compulsory income management. The committee welcomes the department's advice that it is consulting with affected communities with a view to making income management voluntary. Such an amendment would address the human rights concerns identified in the committee's report. The committee expects the government's response to this report should include information regarding the specific timeframes and implementation of plans to transition impacted persons off compulsory income management. The committee considers that this transition should be completed in no greater than 12 months.

In relation to the committee's eighth scrutiny report, the committee considered 18 new bills and 141 new legislative instruments and substantively commented on three bills and concluded its consideration of one legislative instrument. In this report, the committee is seeking further information from the Minister for Education in relation to the Better and Fairer Schools (Information Management) Bill 2024. This bill seeks to extend the Unique Student Identifier scheme to all Australian primary and secondary students by enabling the assignment of a school identifier to each student. The bill would authorise the verification, collection and use of disclosure of a child's school identifier and their school identity management information. In doing so, the bill would engage and limit the right to privacy and the rights of a child. If the bill were to have the effect of restricting access to primary or secondary education for students without a school identifier, the right to education may also be engaged. The committee considers further information is required to assess the compatibility of these measures with these rights and is therefore seeking the minister's advice in regard to these matters.

I encourage all members to consider the committee's reports closely. I thank the secretariat for the significant work that they have done over this inquiry and over this latest scrutiny report. I want to thank the deputy chair for the way in which he has conducted himself in the inquiry—always in a respectful and professional way. I want to thank the other committee members for their participation in this inquiry, and I commend the inquiry report and the *Human Rights Scrutiny Report: Report 8 of 2024* to the House.