



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PROOF**

**COMMITTEES**

**Human Rights Joint Committee**

**Report**

**SPEECH**

**Wednesday, 7 February 2024**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

<b>Date</b> Wednesday, 7 February 2024	<b>Source</b> House
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<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Burns, Josh MP	<b>Question No.</b>

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**Mr BURNS** (Macnamara) (17:16): On behalf of Parliamentary Joint Committee on Human Rights, I present the following reports: *Human rights scrutiny report: report 14 of 2023* and *Human rights scrutiny report: report 1 of 2024*.

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

**Mr BURNS:** by leave—I'm pleased to present the Parliamentary Joint Committee on Human Rights 14th scrutiny report of 2023, which was tabled out of session on 19 December 2023, and to table the committee's first scrutiny report of 2024. In these reports, the committee has considered 258 new legislative instruments and 25 new bills, commenting on four new bills and two new instruments and concluding on two bills and one instrument. In particular the committee considered the Australian Citizenship Amendment (Citizenship Repudiation) Bill and the two migration amendment (bridging visa conditions) bills, which are now all acts. All of the bills raise significant human rights concerns, which are detailed in both these reports. The committee draws these human rights concerns to the attention of the parliament; however, as these bills have now passed into law, the committee makes no further comment in relation to them.

The committee has also considered the Administrative Review Tribunal Bill 2023 and its consequential bill. These bills seek to establish a new administrative review tribunal to replace the Administrative Appeals Tribunal. The committee has commented on some small aspects of these substantive bills. For example, the new tribunal would be empowered to appoint a litigation guardian for people considered to lack capacity. As such, the measure engages the right to equal recognition before the law for people of disability and the right to equality and nondiscrimination. The committee notes the clear position under international human rights law that substitute decision-making regimes are contrary to the rights of equal recognition and that parties should move towards the abolition of such regimes and instead develop supported decision-making. The committee considers the capability of this measure may be assisted were it amended to set out a model of supported rather than substitute decision-making and that recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability be fully implemented. The committee also recommends the statement of compatibility be updated and otherwise draws these human rights concerns to the attention of the Attorney-General and the parliament.

As always, I encourage all members to consider the committee's reports closely. Fourteen reports in one year isn't bad. It is a good effort by a very hardworking committee that I'm privileged to be the chair of, with the outstanding contributions, as always, from the very qualified and capable public servants and staff who make the committee tick. On that note, I commend the committee's scrutiny report 14 of 2023 and report 1 of 2024 to the House.