

SPEECH

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Questioner	Responder
Speaker Perrett, Graham, MP	Question No.

Mr PERRETT (Moreton) (16:06): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report: Report 12 of 2020*.

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

Mr PERRETT: by leave—I'm pleased to present the Parliamentary Joint Committee on Human Rights 12th scrutiny report of 2020, which was presented out of session on 15 October 2020. This report contains a technical examination of legislation with Australia's obligations under international human rights law. It sets out the committee's consideration of 11 bills introduced into the parliament between 6 and 9 October and 187 legislative instruments registered on the Federal Register of Legislation between 12 August and 20 September. The committee is seeking further information in relation to four instruments and has concluded its consideration of two instruments.

The report continues the committee's important work of scrutinising legislation developed in response to the COVID-19 pandemic. For example, the committee is seeking further information with respect to two human biosecurity emergency instruments which extend the human biosecurity emergency period for a further three months until 17 December this year. The effect of these instruments is to extend a range of determinations, including restrictions on cruise ships and a ban on Australian citizens or permanent residents leaving Australia. The committee notes that these instruments are designed to prevent the spread of COVID-19, and thus likely promote the rights to life and health, but they also limit rights such as the right to freedom of movement. As there has been no statement of compatibility provided, the committee is seeking further information as to the specific objective behind each measure and if they remain proportionate.

The committee is also seeking further information in relation to a legislative instrument which effectively extends for six months ASIO's powers to issue compulsory questioning warrants and compulsory questioning and detention warrants. These powers engage and limit numerous human rights, including the right to liberty, as it allows ASIO to detain a person for up to seven days. The committee notes that these powers have been extended in order to give the parliament more time to consider the Australian Security Intelligence Organisation Amendment Bill 2020, which seeks to replace the current questioning framework and remove the current powers to detain a person. The committee has recently provided extensive commentary on this bill, and I encourage members to consider that advice, including the dissenting report provided by the Australian Labor Party and the Australian Greens members.

While the committee appreciates that the COVID-19 pandemic has resulted in delays to the parliamentary schedule, it still needs to be demonstrated that the extensions of ASIO's questioning and detention powers are compatible with human rights and any limitations are reasonable, necessary and proportionate. I also note that it's a particular concern that these powers, which enable the security services to secretly detain a person without charge, were extended not by this parliament but by the minister via delegated legislation, despite parliament sitting on the very day that this instrument was made.

I encourage all parliamentarians to carefully consider this report. With these comments, I commend the committee's *Report 12 of 2020* to the chamber.