

SPEECH

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Page 73	Proof Yes
Questioner	Responder
Speaker Webster, Anne, MP	Question No.

Dr WEBSTER (Mallee) (16:16): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report: report 3 of 2021*.

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

Dr WEBSTER: by leave—I am pleased to table the Parliamentary Joint Committee on Human Rights' third scrutiny report of 2021. As usual, this report contains a technical examination of legislation with Australia's obligations under international human rights law. In this report the committee considered 11 new bills and 52 new legislative instruments. The committee is seeking further information in relation to two new bills, has commented on one new bill and has concluded its examination of two bills previously considered.

In particular, the committee is seeking further information in relation to the Online Safety Bill 2021, which would establish a new legislative framework for online safety in Australia, helping to regulate online content that's harmful against children and adults. Overall, the committee has found that this bill is likely to promote a range of important human rights, including the rights of women, the rights of the child and the rights to privacy and reputation. Regulating and disabling access to certain harmful online content also necessarily limits the right to freedom of expression. In the main, these appear to be reasonable and permissible limits on this right; however, the committee is seeking further information in relation to the potential scope of specific powers to regulate certain content and the eSafety Commissioner's information-sharing powers.

The committee has also concluded its consideration of the Migration and Citizenship Legislation Amendment (Strengthening Information Provisions) Bill 2020. The bill seeks to introduce a framework to protect the disclosure of confidential information provided by intelligence and law-enforcement agencies where it is used for certain migration and citizenship decisions. By restricting a person's access to information relevant to the decision which affects them, the bill limits the right to a fair hearing and the prohibition against expulsion of aliens without due process. The committee considers that the bill pursues the legitimate objective of upholding law-enforcement and intelligence capabilities; however, the committee is concerned that the bill does not contain sufficient safeguards to protect these rights. For example, the court is prohibited from considering procedural fairness in deciding whether to disclose information to the applicant and their lawyer. I think it's important that, where a bill has significant human rights implications, the committee draw these to the attention of parliament but also, where it is possible to do so, make constructive suggestions as to how the bill might be amended to be more compatible with human rights. In this case, the committee has suggested a number of amendments that it considers would assist with the proportionality of the measure.

Likewise, in its concluding comments on the Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020, the committee has suggested amendments to improve the bill's compatibility with human rights. This bill seeks to introduce new online warrant powers to disrupt crime and gather intelligence and evidence of criminal activity. The committee notes that, to the extent that the measures would facilitate the investigation, disruption and prevention of serious crime, the bill would promote several human rights. However, it also limits rights, particularly the right to privacy. The committee considers that the bill contains some important safeguards but considers that, without amendment, these safeguards may not be sufficient in all circumstances.

I encourage all parliamentarians to carefully consider the committee's analysis. With these comments, I commend the report to the chamber.