



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PROOF**

**COMMITTEES**

**Human Rights Joint Committee**

**Report**

**SPEECH**

**Thursday, 10 October 2024**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Thursday, 10 October 2024  
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**Questioner**  
**Speaker** Burns, Josh MP

**Source** House  
**Proof** Yes  
**Responder**  
**Question No.**

**Mr BURNS** (Macnamara) (12:01): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report, incorporating a dissenting report: *Human Rights Scrutiny Report 9 of 2024*.

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

**Mr BURNS:** by leave—I'm pleased to table the Parliamentary Joint Committee on Human Rights' ninth scrutiny report of 2024. In this report, the committee has considered 14 new bills and 82 new legislative instruments and has substantively commented on five bills and concluded its examination of two bills and four legislative instruments.

In this report, the committee commented on the Aged Care Bill 2024. This large bill seeks to establish a legislative framework for the Commonwealth aged care system. The committee considers that multiple measures in the bill would promote human rights. By providing the legislative authority for the delivery of funded age care services to individuals, which may include access to subsidised accommodation, food and other services, the bill would promote the rights to an adequate standard of living and health and the rights of people with a disability. However, the committee also notes that there are several other measures in the bill that would engage various human rights. These relate to the statement of rights allowing substitute decision-makers to consent to the use of restrictive practices, giving decision-making authority to suppliers and guardians, publishing banning orders and authorising the use of sharing personal information.

The committee would ordinarily write to the minister, seeking a response to any questions it has about the human rights compatibility of these measures. However, the bill is currently subject to a short committee inquiry with several upcoming public hearings, and, as such, the committee has instead offered recommendations that may improve the human rights compatibility of specified measures. The committee intends that these recommendations are available to the minister, the Senate Standing Committee on Community Affairs and the parliament for a timely consideration.

The committee has also commented on the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024, which has also been referred to a committee inquiry. This bill would empower the Australian Communications and Media Authority to establish a regulatory framework that would require digital communication platforms and providers to manage the risk of content constituting misinformation or disinformation on their platforms. The committee notes that the statement of compatibility accompanying this bill is very comprehensive, and it considerably assisted the committee in the consideration of the compatibility of the bill. The committee considers that regulating the dissemination of certain content on digital platforms may promote numerous human rights where that content may cause or contribute to serious harm but would also necessarily limit freedom of expression and privacy. The committee considers that, while the scheme pursues a legitimate objective, some questions remain as to the proportionality in practice, noting that much of the operational detail will be provided for in delegated legislation. Again, as this bill is currently subject to an inquiry, the committee has recommended some amendments to the bill to assist with proportionality, and it draws its concerns and recommendations to the attention of the minister and the parliament.

The committee also concluded its examination of 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 school students by enabling the assignment of a schools identifier to each student. The bill would authorise the verification, collection, use and disclosure of a child's schools identifier and their school identity management information. In doing so, the bill would engage and limit the right to privacy and the rights of the child. The committee received a response from the minister and considers that it has not yet been demonstrated that the measures pursue legitimate objectives for the purposes of international human rights law or that the proposed limitations on rights would be proportionate in their current form. The committee considers there to be an impact

on the right to privacy and the rights of the child and recommended some amendments to the bill to assist with proportionality.

On that note I want to thank the secretariat and the committee members for their work on scrutiny report 9. As always, a huge amount of work goes into the human rights committee. I encourage all members to consider the committee's report closely. With these comments I commend the committee's *Human rights scrutiny report: report 9 of 2024* to the House.