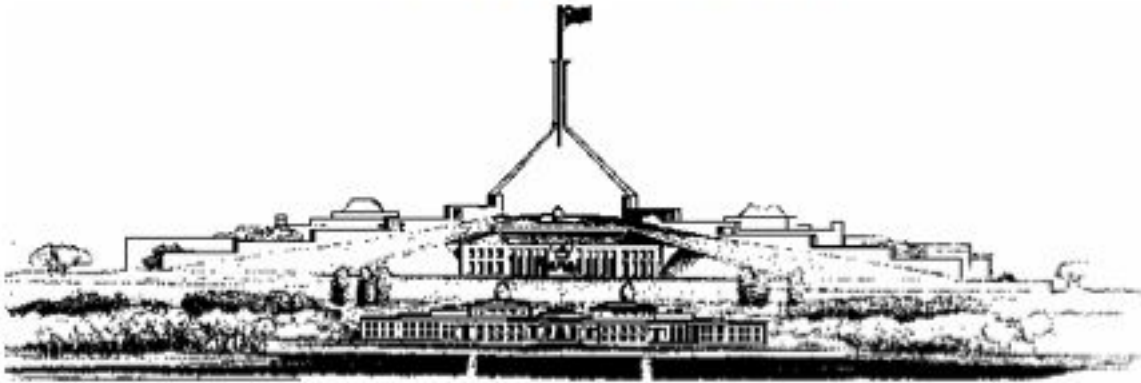




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

COMMITTEES

Human Rights Joint Committee

Report

SPEECH

Tuesday, 13 August 2024

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Tuesday, 13 August 2024
Page 42
Questioner
Speaker Burns, Josh MP

Source House
Proof Yes
Responder
Question No.

Mr BURNS (Macnamara) (16:13): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report: report 6 of 2024*.

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

Mr BURNS: by leave—I am pleased to present the Parliamentary Joint Committee on Human Rights's sixth scrutiny report of 2024, which was tabled out of session on 24 July 2024. In this report, the committee has considered 22 new bills and 143 new legislative instruments and has substantively commented on one new bill and one new instrument and concluded examination of one instrument.

In particular, the committee has considered the Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Bill 2024. This provides that a person commits an offence if they engage in certain conduct with respect to the Veterans' Review Board, including if they interrupt proceedings or create a disturbance near where the board is sitting. The committee considers that, while it's important to ensure the effective operation of the board, it is not clear that the offences pursue an objective that is necessary and addresses a pressing and substantial concern. The committee considers there to be a risk that the offences are framed so broadly that they may criminalise legitimate conduct, such as peaceful protest. The committee therefore considers that the offences risk disproportionately limiting the rights to freedom of expression and assembly and has recommended amendments to assist with the proportionality.

The committee has also commented on the Telecommunications (Interception and Access) (Criminal Law-Enforcement Agency—Act Integrity Commission) Declaration 2024. This declares the ACT Integrity Commission to be a criminal law enforcement agency and each staff member of the commission to be officers for the purposes of the Telecommunications (Interception and Access) Act 1979. This authorises the commission to access stored communications via a warrant and telecommunications data, including both the contents of a communication and information about a communication. This limits the right to privacy.

The committee considers that, while accessing this data to identify and investigate alleged corruption would likely be a legitimate objective, it is not clear that there is a pressing and substantial concern that warrants the commission having direct access to the data rather than accessing it via police. The committee considers that the measure is broadly framed and that the accompanying safeguards are not sufficient. As such, there is a significant risk that the measure does not constitute a permissible limitation on the right to privacy. The committee has recommended that the declaration be amended to specify only those staff members who require access to telecommunications data to be officers for the purposes of the act.

Finally, the committee has concluded its examination of the Migration (Code of Behaviour for Public Interest Criterion 4022) Instrument (LIN 24/031) 2024. This requires certain visa holders to sign an enforceable code of behaviour where breach of the code could lead to immigration detention or a reduction in social security benefits. The committee considers that it is not clear that the code satisfies the quality of law test or pursues a legitimate objective, noting that the code is drafted in vague terms and that it has not been demonstrated that visa holders subject to the code present a particular risk to community safety. The committee considers that questions remain as to whether the code is rationally connected and proportionate to the stated objective. The code has not been enforced in practice, and there are other enforcement powers available under the Migration Act. As such, the committee considers there to be a risk that the code impermissibly limits multiple human rights. The committee notes that this code is currently being reviewed and has recommended that this review closely consider the committee's comments and that any enforcement of the code considers the committee's concerns and human rights implications of the instrument.

I encourage all members to consider the committee's report closely, and, with these comments, I thank the secretariat, I thank the members of the committee and I commend the *Human rights scrutiny report : report 6 of 2024* to the House.