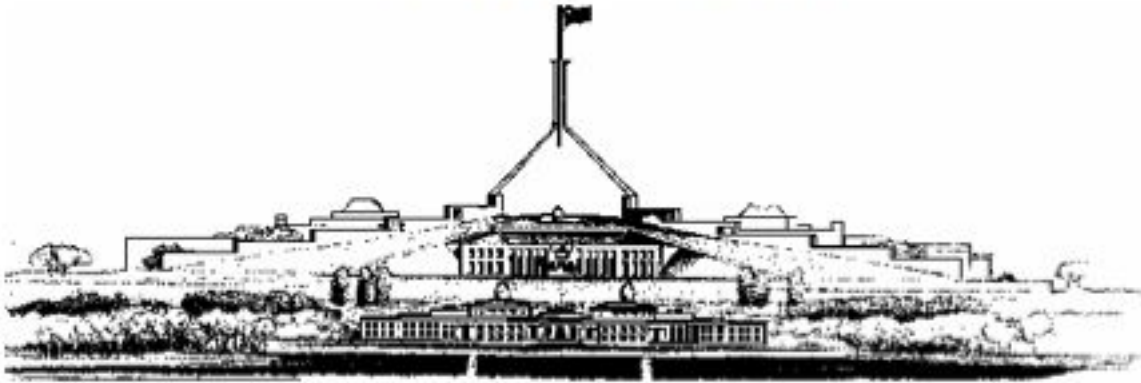




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PROOF**

**COMMITTEES**

**Human Rights Joint Committee**

**Report**

**SPEECH**

**Wednesday, 27 November 2024**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

---

## SPEECH

<b>Date</b>	Wednesday, 27 November 2024	<b>Source</b>	House
<b>Page</b>	101	<b>Proof</b>	Yes
<b>Questioner</b>		<b>Responder</b>	
<b>Speaker</b>	Burns, Josh MP	<b>Question No.</b>	

**Mr BURNS** (Macnamara) (18:36): On behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's report entitled *Human rights scrutiny report : report 11 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' 11th scrutiny report of 2024. The member for Fisher, who previously spoke, spoke of the hardworking Parliamentary Joint Committee on Intelligence and Security. While I acknowledge that that committee is an outstanding committee, I think the Parliamentary Joint Committee on Human Rights certainly does an enormous amount of work as well. The fact that we have done 11 scrutiny reports this year and 14 last year is a reflection of the hard work of our committee. In this report the committee has considered 16 new bills and 56 new legislative instruments. It has substantively commented on four bills and deferred consideration of three bills.

In this report the committee commented on the Online Safety Amendment (Social Media Minimum Age) Bill 2024. This bill seeks to amend the Online Safety Act 2021 to require that providers of age restricted social media platforms take reasonable steps to prevent children under 16 years from having accounts with such a platform. It would impose significant civil penalties for failure to comply with this requirement.

By requiring providers to determine the age of all service users of all ages, this would engage and limit the right to privacy and potentially the right to freedom of expression with respect to all persons. If providers required users to provide an official government proof of age document, this may also have a discriminatory impact on people from certain backgrounds in practice, such as Aboriginal and Torres Strait Islander people, who may be more likely to have a birth certificate.

The committee considers that, in the absence of requirements for data minimisation and privacy protection in establishing age verification mechanisms, there is a significant risk that an internet user's privacy may be arbitrarily interfered with by service providers who are required, as a matter of law, to establish an age verification service and that users may be dissuaded from accessing such services, which would impermissibly limit the right to freedom of expression. The committee notes imposing a blanket ban on all children aged under 16 years from accessing certain online platforms would provide no scope to consider the individual circumstances of different children and no recognition of the concept of the evolving capacity of children. The committee has made some recommendations which may assist the proportionality of the bill and otherwise draws its human rights concerns to the attention of the minister and the parliament.

The committee also commented on the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2024. This bill would enable the minister to prohibit certain items in immigration detention facilities. It would also expand an authorised officer's power to search, screen and seize prohibited things in relation to immigration detention facilities and detainees without a warrant.

The committee previously considered a substantially similar bill in 2020. The committee considers in particular that the broad scope of the proposed power to declare items as prohibited things means that there is a risk that the powers could be exercised in a manner which is not compatible with the rights to privacy and freedom of expression and the right of detainees not to be subjected to arbitrary or unlawful interference with family. The committee therefore has made some recommendations that may assist with the human rights compatibility of these measures, and I note that the government has made comments publicly that would align the government's intentions with the recommendations, so that is certainly welcome by the committee. The committee also recommends that the statement of compatibility be updated.

The committee has also commented on the Electoral Legislation Amendment (Electoral Reform) Bill 2024, which seeks to amend the Commonwealth Electoral Act 1918 to introduce gift caps and electoral expenditure

caps and reduce the donations disclosure threshold and seeks to increase public funding to incumbent parties and candidates. The committee recognises the intention of the measure is to limit the influence of big donors and allow for more individuals and entities to participate in the political debate, which may promote a number of rights, including the right to take part in public affairs, the right to freedom of expression and the right to equality and non-discrimination. However, no information is provided in the explanatory materials as to whether this may disproportionately impact the ability of Independents and smaller parties to receive gifts to facilitate campaigning. The committee is therefore seeking further information from the assistant minister in order to assess the human rights compatibility of these and other measures in the bill.

I encourage all members to consider the committee's report closely. I thank the hardworking secretariat, who have served the committee in 2024 with distinction and an incredible work ethic, making the chair look half competent occasionally. On that note, I thank them for their work and I wish them all a good, restful break after our committee hearings that are occurring over the next few weeks.

On that note I commend the committee's scrutiny *Report 11 of 2024* to the House.