



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

COMMITTEES

Human Rights Joint Committee

Report

SPEECH

Wednesday, 5 February 2025

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Wednesday, 5 February 2025
Page 193
Questioner
Speaker Burns, Josh MP

Source House
Proof No
Responder
Question No.

Mr BURNS (Macnamara) (16:24): I'm pleased to table the Parliamentary Joint Committee on Human Rights report entitled *Human rights scrutiny report: report 1 of 2025*.

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

Mr BURNS: by leave—In this report, the committee has considered 15 new bills and 284 legislative instruments. It has commented on two bills and three legislative instruments included in its examination of three bills.

In this report, the committee commented on the Quality of Care Amendment (Restrictive Practices) Principles 2024. This instrument extends the operation of arrangements for substitute decision-makers to consent to the use of restrictive practices on persons in aged care by a further two years. The committee has previously concluded that the use of restrictive practices on persons in aged care raises significant human rights issues, particularly on the rights of persons with disability. The committee reiterates these concerns and notes that among other matters there is no requirement in the instrument to provide for supported rather than substituted decision-making. Much depends on unknown safeguards and state and territory legislation. As such, the committee has made a few recommendations to amend the quality-of-care principles and to inform future consultation.

The committee has also considered a response from the minister regarding the Migration Amendment Bill 2024 and related instruments. The bill, now act, provides for the cessation of certain bridging visas where a third country has given a noncitizen permission to enter and remain in that foreign country. It also expands circumstances in which the minister may determine that a protection finding would no longer be made in relation to a person. It provides for the disclosure of criminal history information, including to foreign countries, and it amends the requirements relating to the imposition of visa conditions on certain bridging visas. These measures limit multiple human rights, including the rights to liberty, freedom of movement, non-refoulement obligations, privacy and effective remedy. The committee considers that the measures do not appear to be compatible with multiple rights and considers the compatibility of measures may be assisted with the act amended, but as the bill has now passed it makes no further comment. It also considers that it remains unclear that legislative instruments providing for the imposition of visa conditions, including ankle monitoring and curfews, are directed towards a pressing and substantial issue or accompanied by sufficient safeguards.

The committee has also considered a response from the minister regarding 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, reduce the donations disclosure threshold and increase public funding to incumbent parties and candidates. The committee recognises that there are a number of important measures in this bill to enable further transparency around democracy; however, there were still questions around whether or not this would disproportionately impact certain candidates and whether or not this would indirectly disadvantage particular groups of people standing for election. As such, the committee has drawn some human rights concerns to the attention of the parliament.

Finally, the committee has also considered a response from the minister regarding the Electoral Legislation Amendment (Electoral Communications) Bill 2024 and has made a recommendation to amend the bill to assist its human rights compatibility.

I encourage all members to consider the report closely. It is the first scrutiny report of 2025. It is a long one. A lot of work has gone into it from the secretariat. I thank the deputy chair and all of the committee members. I commend the report to the House.