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HUMAN RIGHTS BILL 2025

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Submission to Inquiry into the Human Rights Bill 2025

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About Amnesty International

Amnesty International is a global movement of more than 10 million people who take injustice personally. We are campaigning for a world where human rights are enjoyed by all.

We investigate and expose the facts, whenever and wherever abuses happen. We lobby governments as well as other powerful groups such as companies, making sure they keep their promises and respect international law. By telling the powerful stories of the people we work with, we mobilise millions of supporters around the world to campaign for change and to stand in the defence of activists on the frontline. We support people to claim their rights through education and training.

Our work protects and empowers people – from abolishing the death penalty to advancing sexual and reproductive rights, and from combating discrimination to defending refugees' and migrants' rights.

We help to bring torturers to justice, change oppressive laws, and free people who have been jailed just for voicing their opinion. We speak out for anyone and everyone whose freedom or dignity are under threat.

We are impartial and independent of any government, political persuasion or religious belief and do not receive funding from governments or political parties.

Amnesty International is a proud People Powered movement founded on the work of volunteers and activists all around the country. More than 500,000 Amnesty International supporters live in Australia.

1. Summary

1.1 Amnesty International Australia (AIA) welcomes the opportunity to provide this submission to the Inquiry into the *Human Rights Bill 2025*.

1.2 This inquiry is a significant opportunity to correct the current gaps in NSW that are failing to prevent human rights abuses.

1.3 Today NSW has a system patchwork and piecemeal protections for human rights which means some human rights are protected but many are not. The *Anti-Discrimination Act 1977* (NSW) only protects people's rights to live free from discrimination on the basis of certain protected attributes and in certain circumstances.

1.4 People's rights to healthcare, housing, an education, and many more, are not protected anywhere in NSW's laws. As house and rental prices have risen dramatically in recent years, people have been pushed into homelessness. The cost of living means many are forced to go without food and healthcare.[1] Thousands of people have displaced people from their homes in recent years from flooding as the impacts of climate change worsen.[2]

1.5 Human rights belong to each and every one of us. A Human Rights Act would require public authorities to consider human rights when passing laws, making decisions about policies, and delivering services, and to act compatibly with human rights, thereby preventing human rights abuses. An Act will also enable everyone to challenge injustice and seek remedies if their rights are abused.

1.6 AIA believes that a Human Rights Act is the most important action the NSW government can take to promote and protect human rights in NSW. An Act would protect all the rights of people in NSW and establish a framework that ensures that all people's rights are universal, indivisible, and can be realised.

1.7 An Act would also raise awareness of human rights and educate public authorities and the general public on human rights. With rights listed in a single document, in contrast to the patchwork of protections in place in NSW today, people can understand their rights, the obligations of public authorities in relation to those rights, and the remedies available to them.

1.8 NSW lags behind other Australian jurisdictions in protecting the human rights of its residents, leaving people in NSW with some of the weakest human rights protections in the world. In the two decades since NSW last considered an Act, three Australian jurisdictions have passed Human Rights Acts or Charters, the ACT in 2004, Victoria in 2006, and Queensland in 2019.

[1] NCOSS, 10 July 2025, *Affordability crisis in NSW reveals a changing face of poverty; more households forced to miss meals and skip healthcare*, https://ncoss.org.au/news/media-releases-news/affordability-crisis-in-nsw-reveals-a-changing-face-of-poverty-more-households-forced-to-miss-meals-and-skip-healthcare/

[2] ABC, 26 May 2025, *Floods displace 'unimaginable' number of families, with 500 properties uninhabitable*, https://www.abc.net.au/news/2025-05-26/families-displaced-nsw-floods-properties-declared-uninhabitable/105334882

The federal Parliament and the South Australian Parliament have also both conducted inquiries into human rights frameworks. Both inquiries recommended legislating Human Rights Acts.[3]

1.9 These Acts have made a difference in people's lives. In Queensland, they have meant a woman with a disability in public housing with her child could live in an accessible home,[4] and a Land Court recommended refusing a mining lease because of the impact on human rights, including the right to life and Aboriginal and Torres Strait Islander people's cultural rights.[5] In the ACT, they resulted in the Education Department amending policies so public education was free to children seeking asylum,[6] and a person with disability used the ACT's Act to move away from their abusive carer. In Victoria, the Government used the Charter to develop and publish an 'LGBTIQ inclusive language guide' for the Victorian Public Service, and the Charter was used to ensure Aboriginal and Torres Strait Islander children in out-of-home care have meaningful access to their culture.[7]

1.10 AIA is a member of the Human Rights Act for NSW, a non partisan campaign alliance of more than 130 legal and community organisations, faith bodies and trade unions, and has endorsed the alliance's ten key principles for a Human Rights Act.[8]

1.11 AIA supporters in NSW have long campaigned for a Human Rights Act in NSW, joining with organisations and ordinary people across the state who want to see a fairer future for everyone in NSW. The NSW Human Rights Act Group of AIA activists have championed securing an Act, while hundreds of supporters have signed petitions, emailed and called their MPs in recent months, calling on the government to legislate an Act.

1.12 The protection of human rights is important to the people on NSW. AIA has repeatedly conducted polling since 2021 to assess public support for laws protecting human rights. This polling has consistently shown strong public support for Human Rights Acts.[9]

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[3] Amnesty International Australia, 14 May 2025, *Good news: South Australia moves one step closer to protecting human rights*, https://www.amnesty.org.au/sa-one-step-closer-to-protecting-human-rights, 30 May 2024, *Government must take historic opportunity and adopt Human Rights Act after inquiry recommendation,* https://www.amnesty.org.au/pjchr-recommendation/, 11 August 2023, *Submission: Inquiry into Australia's Human Rights Framework*, https://www.amnesty.org.au/submission-human-rights-act-inquiry/

[4] Queensland Human Rights Commission, 28 June 2023, *2022-2023 Annual report on the operation of the Human Rights Act 2019,* https://www.qhrc.qld.gov.au/our-work/human-rights-act-annual-reports

[5] *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6*) [2022] QLC 21

[6] ACT Human Rights Commission, September 2014, *Annual Report 2013-14*, https://www.hrc.act.gov.au/__data/assets/pdf_file/0012/2278965/ACT-Human-Rights-Commission-Annual-Report-2013-14.pdf

[7] Australian Lawyers for Human Rights, March 2026, *Human Rights Act for New South Wales Case Studies*, https://alhr.org.au/wp/wp-content/uploads/2026/02/HRA4NSW-Case-Studies-March-26-R.pdf

[8] Human Rights Act for New South Wales, *Our Key Principles for a Human Rights Act*, https://humanrightsfornsw.org/benefits-of-a-human-rights-act

[9] Amnesty International Australia, 19 August 2021, A*mnesty International Australia Human Rights Barometer Report 2021*, https://www.amnesty.org.au/amnesty-international-australia-human-rights-barometer-report-2021/, 15 September 2022, *Report: Amnesty International Australia Human Rights Barometer 2022*, https://www.amnesty.org.au/report-amnesty-international-australia-human-rights-barometer-2022/, July 2023, *Human Rights Barometer Australians' views on Human Rights*, https://amnestyorgau.sharepoint.com/:b:/s/ExternalSharingEnabled/IQAD2_o--32oQJeJ7YWSNcRaAZtbQEK8CkdVwE68ze8VKA4?e=kp9610
https://amnestyorgau.sharepoint.com/:b:/s/ExternalSharingEnabled/IQAD2_o--32oQJeJ7YWSNcRaAZtbQEK8CkdVwE68ze8VKA4?e=kp9610

1.13 In 2025, 76% of people in New South Wales supported legislating Human Rights Act. This support remains strong regardless of a person's voting intention; 87% of Greens, 82% of Labor, 79% of Independent, 79% of Minor Party, 72% of National, and 71% of Liberal, votes support legislating an Act.[10]

2. Recommendations

AIA recommends that:

1) New South Wales Parliament enacts a comprehensive Human Rights Act for NSW like those operating in Victoria, ACT, and Queensland, recognising and protecting all the human rights Australia has promised to uphold under international law, with a limitations clause, interpretations clause, positive duty, participation duty, statutory interpretation clause, a cause of action that includes complaints bodies and courts access to remedies, provides for Parliamentary scrutiny, and expands the expands Anti-Discrimination NSW into a NSW Human Rights Commission with sufficient funding and resourcing.

3. International Legal Human Rights Framework

3.1. The entitlement of all people to be free and equal in dignity and rights is enshrined in Article 1 of the Universal Declaration of Human Rights (UDHR).

3.2. Australia is a party to seven international treaties that protect rights and
3.3. freedoms however, neither federal law nor NSW law, comprehensively implement these protections in Australia.

3.4. 3.3 The rights below are those that the Australian Human Rights Commission's proposed model would protect in a Federal Human Rights Act and provide a basis for a NSW Human Rights Act.[11]

International Covenant on Civil and Political Rights (ICCPR)

3.5. Article 2 provides that rights must be recognised "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

3.6. Article 3 states the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

3.7. Article 6 provides that "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

[10] Amnesty International Australia, 29 January 2026, *Three in four Australians support a Human Rights Act: New research*, https://www.amnesty.org.au/three-in-four-australians-support-a-human-rights-act-new-research/
[11] Australian Human Rights Commission, 7 March 2023, *A Human Rights Act for Australia*, https://humanrights.gov.au/resource-hub/human-rights/human-rights-act-for-australia

3.8. Article 7 provides that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

3.9. Article 8 provides that “no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited … No one shall be held in servitude … No one shall be required to perform forced or compulsory labour.”

3.10. Article 9 articulates that “everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.” Article 9 also establishes that “anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.”

3.11. Article 10 states that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” Article 10 also provides protections for children in the criminal justice system, stating that “accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication ... shall be segregated from adults and be accorded treatment appropriate to their age and legal status.”

3.12. Article 11 provides that “no one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.”

3.13. Article 12 states that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” The Article prescribes that limits on the right to freedom of movement must be “provided by law … necessary to protect national security, public order, and public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Covenant.” Article 12 also states that “no one shall be arbitrarily deprived of the right to enter his own country.”

3.14. Article 14 articulates the right of all persons to be “equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law.”

3.15. Article 15 1. states that “no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.”

3.16. Article 16 provides that “everyone shall have the right to recognition everywhere as a person before the law.”

3.17. Article 17 provides that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation” and that “everyone has the right to the protection of the law against such interference or attacks.”

3.18. Article 18 provides “everyone shall have the right to freedom of thought and conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.” Article 18 also provides that the “freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”

3.19. Article 19 Provides that “everyone shall have the right to hold opinions without interference”. This includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” Article 19(3) describes the general test for permissible limitations to freedom of expression, there are a small number of “very specific limitations” that are required by international law to avoid “serious injury to the human rights of others”.

3.20. Article 20 establishes that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

3.21. Article 21 states that “the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

3.22. Article 22 states that “everyone shall have the right to freedom of association with others, including the right to form and join trade unions” and “no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

3.23. Article 22 of the ICCPR overlaps with Article 8 of the ICESCR, which makes clearer, in relation to trade unions, that the freedom of association includes the right to participate in lawful activities of the association.

3.24. Article 23 Provides that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”

3.25. Article 24 provides that “every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.”

3.26. 3.26 Article 25 provides that “every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.”

3.27. Article 26 of the ICCPR provides that all people ‘are equal before the law and are entitled without any discrimination to the equal protection of the law’. It requires State Parties to prohibit and guarantee protection against discrimination on the basis of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” It is now well established that the phrase “other status” has been interpreted by human rights treaty bodies to include attributes such as age, disability, and sexual orientation, gender identity or intersex status.

3.28. Article 27 provides particular protection for ethnic, religious, or linguistic minorities to “enjoy their own culture, to profess and practise their own religion or to use their own language.” The United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief further provides that States shall take “effective measures to prevent and eliminate discrimination on the grounds of religion or belief,” including the enactment or repeal of legislation. Under the Declaration, States shall also take “all appropriate measures” to prevent intolerance on the basis of religion or belief.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

3.29. Article 2 provides an undertaking to “guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

3.30. Article 10 provides that “special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be

punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law."

3.31. Article 11 recognises "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognizing to this effect the essential importance of international cooperation based on free consent". Article 11 articulates "the fundamental right of everyone to be free from hunger."

3.32. Article 12 recognises "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

3.33. Article 13 provides that "education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms."

Convention on the Rights of The Child (CROC)

3.34. Article 2 provides that state parties "shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."

3.35. Article 3 states "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." Australia has an obligation under CRC to take legislative, administrative, and other necessary measures to protect the rights of the child and ensure they are not subject to discrimination on any basis.

3.36. Article 37 provides that parties shall ensure that "no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; … Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances."

Convention on the Rights of People with Disabilities (CRPD)

3.37. Article 24 elaborates on the requirements for disability inclusive education, which is required to meet the standard for non-discrimination.

4. A Human Rights Act for NSW

Human Rights Act model

4.1. AIA supports the "dialogue model" for a Human Rights Act. Similar models are found in the United Kingdom, New Zealand, and in the three Australian States and Territories that have legislated Acts or Charters.

4.2. This model preserves Parliamentary supremacy, focusing on a formal 'dialogue' between authorities who share responsibility for respecting and protecting human rights. A dialogue model requires authorities including Parliament to consider human rights at the initial stages of the development of law and policy.

Public authorities

4.3. The Act should apply to all NSW public authorities, including private business, NGO and contractors performing public functions.

Rights to be recognised in an Act

4.4. AIA recommends that a NSW Human Rights Act incorporates all the rights Australia has promised to uphold under international law as a signatory to the seven core human rights treaties. This includes civil and political rights and economic, social, and cultural rights contained in the ICCPR and the ICESCR as well as the overarching principles derived from the thematic treaties relating to particular communities, such as children, persons with disability, and Indigenous people.

4.5. The rights contained in the Human Rights Bill 2025 are comprehensive and are an opportunity for NSW to lead the protection of human rights in Australia. Governments often express concern with the enforceability of economic, social, and cultural rights if they are protected in a Human Rights Act. However, human rights bodies have repeatedly recognised the need for states to take action to ensure the realisation of these rights and states are still obliged under international law to protect, respect, and fulfil these rights.[12]

4.6. Economic, cultural, and social complaints can lead to a cause of action if these rights are breached in Queensland and the United Kingdom. In 2023 and 2025, the ACT amended

[12] UN Committee on Economic, Social and Cultural Rights (CESCR), 2017, *General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities,*
https://www.refworld.org/legal/general/cescr/2017/122356?__cf_chl_f_tk=9xwasi7V5A0PuL1Bs1FOCReDdPRaP1CcJVVjpBISJAQ-1783058240-1.0.1.1-tjFOg7YjESGtJ5ToPPtJ_wOcIuPRW9hVRevRnw9fLWM

the *Human Rights Act 2004 (*ACT) to recognise the right a healthy environment and subsequently to adequate housing.[13]

Limitations clause

4.7. A central tenet of human rights is there is no hierarchy of rights. They co-exist, intersect, and come with inbuilt limitations to accommodate the protection of other rights. A comprehensive Human Rights Act should include a limitations clause to govern when limitations on human rights are permitted and to ensure an appropriate balance of rights and resolve issues where rights compete.

4.8. Such a clause will, for example, allow for an approach to balancing of the right of a person to hold a religious belief and the rights of LGBTQIA+ people to live free from discrimination that respects human rights.

4.9. The clause should allow certain rights to be limited in accordance with strict criteria. Such a clause must specify that any limitations on rights are reasonable, proportionate, in accordance with the Siracusa principles, necessary to protect another right, and to consider the nature of the right, the purpose of the limitation, the extent of the limitation, whether the limitation achieves the purpose, whether there are other, less restrictive measures, to achieve the purpose, the importance, whether there are safeguards or controls over the means adopted to achieve the purpose. The clause should require that a rationale for limiting rights in legislation is provided in the Statement of Compatibility and subject to scrutiny by Parliament.

4.10. The clause should also specify rights that cannot be limited, known as jus cogens in international law; freedom from torture and other cruel, inhuman or degrading treatment or punishment, freedom from forced work, freedom from imprisonment for inability to fulfil a contractual obligation, prohibition against retrospective operation of criminal laws and the right to recognition before the law.

Positive duty

4.11. The Act should place a positive duty on public authorities to properly consider human rights when making decisions, and to act compatibly with human rights. This clause would require public authorities to give proper consideration to human rights in decision-making.

4.12. When making a decision, if a public authority considers human rights in accordance with the positive duty and realises that this decision will impact people's human rights, and makes changes accordingly, the duty will have prevented human rights abuses.

[13] ACT Human Rights Commission, 17 September 2025, *Housing becomes a human right in the ACT*, https://www.hrc.act.gov.au/news-and-events/news/housing-becomes-a-human-right-in-the-act, 17 March 2025, *Review: right to a healthy environment*, https://www.hrc.act.gov.au/humanrights/review-right-to-a-healthy-environment

4.13. A positive duty would, for example, ensure that decision makers regarding people with innate variations of sex characteristics in medical settings must consider human rights when making decisions. This is a crucial step in preventing the ongoing serious human rights violations of unnecessary, non-consensual surgeries on intersex children and young people.

4.14. Public authorities within the scope of this duty include government departments, agencies, offices, the police, and private business, non-government organisations, and contractors who exercise functions of a public nature.

4.15. A failure to consider human rights by public authorities when making decisions, or a failure to act compatibly with human rights, should be subject to mediation or a review by the courts.

Participation duty

4.16. The Act should also include a duty to participation duty drawn from principles in the CRC, CRPD, and UNDRIP, that would require public authorities to consult First Nations people and communities, children, and people with disability, where the public authorities' decision would impact the rights of those communities. Participation should be active, free, meaningful, and accessible.

4.17. This duty is included in the Human Rights Bill 2025, and is in line with the federal Parliamentary inquiry's recommendation, and is an opportunity for NSW to lead other jurisdictions on ensuring consultation with communities results in human rights respecting policies that improve outcomes for communities.

Statutory interpretation

4.18. A Human Rights Act should include an interpretation clause that states that statutory provisions in NSW must, to the extent possible that is consistent with their purpose, be interpreted in a way that is compatible with human rights.

4.19. Instruments concerning certain groups, namely the UNDRIP, RPD, CRC, CERD and CEDAW should be considered in the interpretation of rights that concern these groups

4.20. The clause should prescribe that courts are to prefer an interpretation consistent with international human rights instruments by courts, but also by Parliament and the Executive, as proposed by the Commission. This approach is consistent with the High Court's judgments in CRI026 v Republic of Nauru (2018) and other cases.

Cause of action

4.21. All rights contained in the Act should give rise to a cause of action to complaints bodies and courts. A direct cause of action has been adopted in the ACT, and the United Kingdom, New Zealand, and Canada.

4.22. These complaints bodies should include the relevant public authority and a statutory body such as a NSW Human Rights Commission. The Act should allow that, if a complaint fails to be resolved through mediation, the complainant could make an application to the relevant court for all rights contained in the Act.

4.23. Some issues may not be suitable for a complaints process, particularly where there is harm occurring or an imminent risk of harm. In these circumstances, where mediation is inappropriate, the complainant should be able to make an immediate application to the relevant court.

4.24. An Act should protect complainants against adverse costs orders, except in exceptional circumstances.

4.25. Standing should be granted to those who have experienced or who represent categories of people including appropriate representative organisations in the position to support or represent individuals and groups of people whose human rights have been breached and who have specialised skills or knowledge. This includes civil society groups and public interest organisations, who have experienced breaches of human rights.

Remedies

4.26. A Human Rights Act must ensure people whose rights have been abused have access to effective, enforceable remedies. An Act should prescribe remedies where public authorities fail to consider, or act compatible, with human rights.

4.27. Courts should be able to award the full range of remedies within their power, including compensation/monetary damages, injunctions, orders requiring actions, and setting aside administrative decisions, and the remedy should be at the discretion of the court.

Statements of compatibility and Parliamentary scrutiny

4.28. An Act should require all legislative instruments to produce a statement on compatibility assessing the instruments compatibility with human rights and should allow for Parliamentary scrutiny through a Parliamentary Committee on Human Rights or through amendments to the Legislative Review Committee's functions.

NSW Human Rights Commission

4.29. The Human Rights Act should provide that a statutory body be established to mediate complaints and to protect and promote human rights. Anti-Discrimination NSW, which is set up to conciliate discrimination complaints under the A*nti-Discrimination Act 1977* (NSW), should be expanded to mediate complaints under both the ADA and the Human Rights Act.

4.30. This should be accompanied by sufficient resourcing and funding the body to perform its duties including education, and for legal aid and non-legal services to support people to realise their human rights through the Human Rights Act.

Recommendation: New South Wales Parliament enacts a comprehensive Human Rights Act for NSW like those operating in Victoria, ACT, and Queensland, recognising and protecting all the human rights Australia has promised to uphold under international law, with a limitations clause, interpretations clause, positive duty, participation duty, statutory interpretation clause, a cause of action that includes complaints bodies and courts access to remedies, provides for Parliamentary scrutiny, and expands the expands Anti-Discrimination NSW into a NSW Human Rights Commission with sufficient funding and resourcing.

5. Conclusion

5.1. A Human Rights Act will prevent human rights abuses and will give people in NSW a powerful tool to challenge injustice and rights wrongs if their rights are breached. That tool is needed by people in NSW now more than ever, whether they are a family living in their car because they cannot afford housing or a pensioner putting off doctor's appointments because they cannot afford healthcare.

5.2. An Act would allow people to create better lives for themselves and for those around them, where everyone can enjoy their rights to housing, healthcare, a healthy environment, and more.