

3 July 2026

Legislative Assembly Committee on Community Services
via email: communityservices@parliament.nsw.gov.au



Dear Committee,

Submission to the Inquiry on NSW Human Rights Bill 2025

Kingsford Legal Centre (KLC) welcomes the opportunity to make this submission on the Inquiry into the *Human Rights Bill*. We consent to this submission being published.

About Kingsford Legal Centre

KLC is a community legal centre providing free legal advice, casework, and community legal education to people in south-east Sydney and across NSW. We have been providing free legal advice and assistance to our community since 1981.

We advise across areas such domestic violence, credit and debt, victims compensation, criminal law, employment and discrimination law (occurring anywhere within NSW), motor vehicle accidents, consumer matters, and tenancy disputes. We also have a specialist Employment Rights Legal Service (ERLS)¹ and Sexual Harassment & Discrimination Legal Service (SHLS). These clinics provide free legal help and assistance to people experiencing social and economic disadvantage and barriers to justice.

Last year we assisted over 2,470 people in relation to their rights and represented over 165 clients in their legal matters. In 2025, we gave 307 discrimination advices and provided intensive assistance, including representation, in 80 discrimination matters. We provide advice and representation in all discrimination jurisdictions, including the Fair Work Commission, Australian Human Rights Commission, Federal Court, Federal Circuit Court, Anti-Discrimination NSW, and the NSW Civil and Administrative Tribunal.

KLC has been advocating for many years for a *Human Rights Act* at both a state and federal level. In 2025, we joined with hundreds of other non-government agencies and human rights organisations for a *Human Rights Act* in Australia's Joint NGO Submission for the 2025 United Nations Universal Periodic Review. KLC has also been involved in monitoring Australia's compliance with human rights mechanisms. We have worked with other organisations to provide shadow reports to United Nations Committees on the attainment of human rights in Australia.

We also undertake extensive community legal education work, advising people about their rights. In 2025 we delivered 56 community legal education sessions. KLC is part of the UNSW Sydney Faculty of Law & Justice and provides clinical legal education to over 700 students each year.

¹ ERLS is a collaborative partnership between KLC, Inner City Legal Centre, and Redfern Legal Centre.

KLC is a member of Human Rights Act for NSW—an alliance of more than 130 legal and community, faith bodies, and trade unions who are calling for the enactment of a *Human Rights Act* for NSW.

For over 40 years, KLC has been advising and representing clients across NSW whose rights have not been respected and who are having difficulty accessing justice. Our submission draws on this experience. We have included anonymised case studies to illustrate the urgent need for a *Human Rights Act* for NSW. For confidentiality, we have changed all names and some identifying details.

Our Recommendations:

- 1. NSW should urgently introduce a *Human Rights Act*.**
- 2. The Act should protect the human rights that Australia has already promised to uphold under international law: civil and political rights as well as economic, social, and cultural rights.**
- 3. The Act should reflect models in the ACT, Victoria, and Queensland.**
- 4. The Act should cover organisations exercising public functions, including businesses or non-government organisations. This should include positive duties to act in accordance with human rights.**
- 5. There are no rights without remedy:**
 - a. The Act should include a standalone cause of action.**
 - b. The Act should provide for remedies including injunctions, orders requiring action, declaratory relief, compensation, and administrative law remedies (such as requiring a decision-maker to review a decision).**
 - c. Access to the Court/Tribunal must be low cost, accessible and not expose individuals or groups to adverse costs orders.**
 - d. The Act should include provisions for interested groups and organisations to bring complaints about human rights violations on behalf of impacted individuals or potentially impacted individuals.**
- 6. The Act should include resourcing to create a human rights authority in NSW, resourcing for human rights education, and support for human rights NGOs.**
- 7. The NSW Parliament should update and harmonise discrimination laws to operate alongside the *Human Rights Act*.**

Recommendation 1: NSW should urgently introduce a *Human Rights Act*.

This Bill is an important opportunity to fix a glaring hole in legal protection for people who live in NSW.

For far too long, NSW has lagged on human rights. As a result, not everyone in NSW enjoys the same rights and there are often no remedies when those rights are violated.

We pride ourselves on the ‘fair go’, but this is not a reality for everyone in NSW. Without a *Human Rights Act*, basic principles of equality, dignity, and fairness are not ensured, and this has negative consequences for how effectively Government operates. Unfair decisions and poor treatment fall disproportionately on the disadvantaged people and communities who most need human rights protection.

Laws and policies in NSW should be made and enforced according to core human rights principles, including the principles of equality and non-discrimination, universality, interdependence, indivisibility,² and proportionality.³ A *Human Rights Act* would consolidate and enhance the patchwork of protections in current NSW law, policy, and practice.

There is wide community support for a *Human Rights Act* for NSW. In December 2025, Amnesty International polling showed that 76% of people in NSW support a *Human Rights Act*.⁴ Now is the time to act.

At KLC, we see human rights violations firsthand across important areas like health, education, housing, and freedom of expression. People come to us for advice when they are, for example, experiencing long-term homelessness, when they cannot escape family violence, or when they cannot access inclusive education. When someone’s rights are violated in NSW, there are very few remedies.

In our work, we frequently see clients whose human rights have not been respected or who are unable to access critical support and resources to recognise their rights. Some recent examples include:

- **Inadequate housing infringing rights of socio-economically disadvantaged people to health and safety.** A lack of healthy housing for people living with chronic illness on low incomes is undermining their rights to health and safety.⁵ We have urged the government to work to increase the supply of safe and affordable public housing.
- **Legislation infringing on the rights of students and staff to non-discrimination in education and work on the basis of their sexual orientation, gender identity, marital or relationship status or pregnancy.** We have advocated for discrimination law to be reformed to ensure that children and staff in religious educational institutions cannot be discriminated against on the basis of any protected attribute, including because of their sexual orientation, gender identity, marital or relationship status, or pregnancy.⁶

When their rights are violated, people experiencing disadvantage or marginalisation are more likely to face barriers to accessing justice. Without a comprehensive human rights

² See Universal Declaration of Human Rights 1984 (General Assembly Resolution 217A).

³ See UN Economic and Social Council, Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, UN Doc E/CN.4/1985/4 (1985) Annex.

⁴ Amnesty International Australia, ‘Three in Four Australians Support a Human Rights Act: New Research’ (Web Page, 29 January 2026) <<https://www.amnesty.org.au/three-in-four-australians-support-a-human-rights-act-new-research/>>.

⁵ See e.g., Kingsford Legal Centre, Submission on the Homes for NSW – Social Housing and Homelessness Discussion Paper (7 February 2025); ‘People Who Rent in Public and Community Housing Need Safe, Secure Homes’ (Joint Statement, 6 June 2024) <<https://www.unsw.edu.au/content/dam/pdfs/law/klc/law-reform-submissions/2024/2024-07-2406-joint-statement-people-who-rent-in-public-housing-need-safe-secure-homes.pdf>> ; Kingsford Legal Centre, Letter to Hon Mark Speakman, Inadequate Housing and Poor Health Outcomes: Our Health Justice Partnership Experience (29 June 2021).

⁶ See e.g., Kingsford Legal Centre, ALRC Submission on the Religious Educational Institutions and Anti-Discrimination Laws: Consultation Paper (2023) (24 February 2023).

framework or clear avenues for redress, it is easy for people to fall through the cracks. There is a cost to all of us when this happens and it creates division and distress in our community.

A *Human Rights Act* would guide better government decision-making across state and local levels. It would help to embed a human rights culture in policymaking and administrative decision-making, strengthening the work of government in NSW. If public authorities in NSW had a responsibility to protect human rights, they would be more likely to design policies and programs that respect human rights and make decisions in accordance with them. Human rights should be part of the everyday business of government in NSW.

We agree with the Australian Human Rights Commission that a *Human Rights Act* has a key role to play in preventing human rights violations, including addressing non-compliant behaviour early⁷ and creating more transparent and accountable decision-makers. A *Human Rights Act* has the potential to not only provide redress to individuals who experience human rights violations, but to set the standard for human rights across NSW society and government.

NSW urgently needs a *Human Rights Act* to protect and reflect the equality, dignity, freedom, and security of its people.

Recommendation 2: The *Human Rights Act* should protect the human rights Australia has already promised to uphold under international law.

KLC strongly supports including civil and political rights, as well as economic, social, and cultural rights under a *Human Rights Act*.⁸ NSW law will not properly reflect its international human rights obligations until it does this. This will involve fully implementing the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights into the Act, as well as other international human rights instruments.

Human rights are interdependent and indivisible. Legislating civil and political rights without economic, social, and cultural rights would fail to recognise the interconnectedness of all human rights. The below case study highlights the need to recognise the inseparability of the rights of Donna's family to safety,⁹ adequate housing¹⁰ and health.¹¹

Need for rights to safety, adequate housing, and health

Donna* came to KLC for advice. She has been on a social housing transfer list for 4 years. Donna has physical disabilities that make it dangerous for her to mount the multiple storeys in her apartment complex to get to her house. Donna is at risk of significant harm every time she enters or leaves her home. Donna's house is also severely infected by mould, which is dangerous for her health and the health of her children. Donna also needs to move to protect her family from domestic violence. Donna's social housing provider refuses to give Donna information about their transfer and when she may be able to move to a safe property. They are also refusing to undertake repairs to clean the mould, saying that their properties are old and it is the tenant's responsibility to clean.

⁷ Australian Human Rights Commission, *Free and Equal: Position Paper: A Human Rights Act for Australia* (2020) 141.

⁸ Ibid 110.

⁹ ICCPR, article 23.

¹⁰ ICESCR, article 11(1).

¹¹ ICESCR, article 12(1).

Donna's right to adequate housing is the foundation for her other rights. A *Human Rights Act* would provide Donna with a tool to advocate for safe accommodation for her and her family. Such a right could support Donna to access a new home or, at a minimum, to obtain more information about the steps that her housing provider is taking to find her suitable accommodation. Donna's story also demonstrates the importance of adequate government funding to uphold the rights to safety, adequate housing, and health.

Ali's story below highlights the importance of the social and cultural rights of religion and education being recognised under NSW law. Ali was fortunate to access education while in prison. This is not currently a human right for people in prison in NSW.

Need to recognise rights to freedom of religion and education

Ali* is a young Muslim man in prison. He was given external leave to undertake studies at an educational institution. At the educational institution, Ali regularly prayed in outdoor areas. He was told he was not allowed to pray there. When he continued to pray, Ali's education leave was cancelled, and he was not allowed to continue his studies. This caused significant distress to Ali and his family.

Ali came to KLC for advice. Unfortunately, KLC had to advise him that the *Anti-Discrimination Act 1977* (NSW) and Commonwealth anti-discrimination laws do not protect a person from discrimination on the basis of their religion in these circumstances.

Need to recognise the right to an adequate standard of living, the right to adequate housing, protection of families, and the distinct rights of First Nations peoples

David* is an Aboriginal man who has been homeless since the break-up of his marriage. He would like to share custody of his son, who has disabilities. David applied for public housing. The public housing authority would not grant David an extra bedroom or a disability-modified property without a parenting order. David tried but could not get a parenting order because he could not show that he had appropriate housing for his son.

If NSW had a *Human Rights Act*, David and his son may have had a better outcome. The decision-maker would have been required to consider his rights to adequate housing and an adequate standard of living, to a family life, the right of David's son to adequate care, and the impact of the decision on their distinct cultural rights as First Nations people. A *Human Rights Act* would build flexibility into policy and decision-making to stop people like David from slipping through the cracks.

We recognise that many of the economic, social, and cultural rights will need to be progressively realised over time.¹² However, we encourage the Government to fully implement commentary of the Committee on Economic, Social and Cultural Rights on the need for States to meet minimum core obligations for satisfying minimum essential levels of each right.¹³ Many economic, social, and cultural rights can and should be recognised immediately, with the aim of progressively realising these rights over time.

¹² ICESCR, article 2.1.

¹³ CESCR Committee, General Comment No 3: The Nature of States Parties Obligations, 5th sess, UN Doc E/1991/23 (December 1990) [10].

Recommendation 3: A Human Rights Act in NSW should reflect the models in the ACT, Victoria, and Queensland.

There is now substantial and significant evidence from Australia and around the world that shows the benefits of a Human Rights Act. This evidence from ACT, Victoria, Queensland, and similar overseas jurisdictions such as New Zealand and the United Kingdom reassures us that such an Act can positively enhance the operation of the justice system and society more generally. It also has important benefits in improving Government decision-making and over time, reducing the negative impacts to the community of human rights violations.

NSW has fallen well behind other jurisdictions, and our laws offer inconsistent and inadequate protection. Mark's case below shows that failing to protect human rights, including the right to equality and non-discrimination, comes at a great cost to individuals and the broader community.

Need for the right to freedom from disability discrimination, rights in criminal proceedings, and right to healthcare

Mark* is a long-term KLC client who lives with epilepsy, mental illness, and cognitive impairments. One day at the bank he was 'behaving erratically' and was asked to leave the premises. When Mark refused, the bank called the police. Mark repeatedly explained to the police that he was having an epileptic fit and required medical assistance. Despite this, Mark was arrested and charged.

With KLC's assistance, Mark's charges were dismissed on mental health grounds, with the condition that he engage in ongoing treatment.

The costs of not protecting human rights can compound, as in Mark's case. Mark's experience shows how an unmet need for healthcare can escalate into a criminal justice issue. Instead of being offered appropriate medical treatment, Mark was discriminated against and arrested. The response to Mark's epileptic fit potentially put him at risk of mental and physical health complications and unnecessarily burdened the justice system. As the Australian Human Rights Commission has identified, there are less downstream litigation and other costs when human rights are considered early.

The experiences of Victoria, Queensland, and the ACT are showing that human rights instruments work to prevent human rights abuses and their associated socioeconomic costs.¹⁴

Recommendation 4: The Human Rights Act should cover organisations exercising public functions, including businesses and non-government organisations.

We support a model that applies to organisations exercising public functions, including businesses and non-government organisations. This should include positive duties to act in accordance with human rights.

Every day, businesses and non-government organisations that are contracted to provide government services make decisions that directly affect individual lives—decisions about

¹⁴ Australian Human Rights Commission, above n 7, 140.

housing, health, and education, among many others. These decisions are more likely to directly impact the day-to-day lives of people experiencing disadvantage or marginalisation, including Aboriginal and Torres Strait Islander people, people who live in public or social housing, people experiencing financial disadvantage, people experiencing homelessness, and people with disability.

A *Human Rights Act* could have an important role in the way that decision-makers apply laws and policies. The below example highlights this potential.

A Human Rights Act would influence upstream decision-making

Rachid* lived independently in social housing. He did not have any family in Sydney. He had experienced episodic mental illness in the past before becoming acutely unwell and being diagnosed with a schizo-affective disorder. This required him to be admitted as an in-patient for over six months. At this point, he was transferred to a rehabilitation unit that initially involved him transitioning into living in his own home for 1-2 days per week. Then, Rachid's social housing provider issued him with a termination notice because he had been absent from his home for more than 6 months - something that was provided for in their policies.

KLC was able to help Rachid negotiate a return to social housing, however the process took many months and was stressful for our client at a sensitive point in his recovery. This situation could have been avoided if Rachid's social housing provider had developed its policies in line with Rachid's right to housing, right to health care, and right to live independently as a person with a disability. This is one of many examples where a *Human Rights Act* could have an upstream impact on human rights, helping decision-makers to not only respect rights but make decisions in accordance with them.

Recommendation 5: There are no rights without remedy.

The *Human Rights Act* should include accessible, effective, and enforceable remedies.

At a minimum, this should include the ability of affected individuals to access injunctions, orders requiring action, declaratory relief, compensation, and administrative law remedies (such as requiring a decision-maker to review a decision). However, we also recommend that the Act include provision for interested groups and organisations to bring complaints about human rights violations on behalf of impacted individuals or potentially impacted individuals. Free legal assistance services, including community legal centres, should be adequately resourced to assist individuals and groups to access their rights.

Interested groups and organisations should be enabled to bring complaints about human rights violations on behalf of impacted individuals or potentially impacted individuals.

Any *Human Rights Act* must include protections against adverse costs orders and ensure that justice is accessible and low cost.¹⁵ This is vital to ensure that any remedies under the Act are accessible to those who need them most.

Any *Human Rights Act* will be ineffective without the ability for victims of a breach of human rights to litigate matters. We acknowledge that the need to piggy-back human rights causes of actions onto existing claims has been a key barrier for Victoria's Charter of Rights and

¹⁵ Ibid 286.

Responsibilities 2006. Given this, we support any unlawful actions under a *Human Rights Act* to give rise to a cause of action.

We support the inclusion of s 49 of the Bill that includes an independent cause of action in the case of a breach. We also support the ability for a Court/Tribunal to award damages for a breach of the Act. This is essential for the meaningful realisation of human rights.

Recommendation 6: The *Human Rights Act* should include resourcing to create a human rights authority in NSW, resourcing of human rights education, and support for human rights NGOs.

There will also be a need to provide resourcing support to develop a culture of human rights in NSW which would include the development of a human rights authority, public education, and support for NGOs who undertake human rights work.

Recommendation 7: The NSW Parliament should update and harmonise discrimination laws to operate alongside the *Human Rights Act*.

The NSW Parliament should also use this opportunity to reform NSW's now outdated discrimination laws to ensure the greatest level of human rights protection. While this submission has focused on advocating for a *Human Rights Act*, we also note the importance of developing the Act alongside broader discrimination law reform.

Jimmy's story shows the overlap between discrimination law issues and human rights violations—in this case, the right to education for people with disability.

The right to education for people with a disability

Toula* enrolled her 5-year-old son Jimmy into the local preschool. Toula did not tell the preschool that Jimmy had ADHD (attention deficient hyperactivity disorder) and the school subsequently complained that Jimmy was violent to some of the teachers. The workers asked Jimmy to leave. Toula told the preschool about Jimmy's ADHD and asked that he be re-enrolled and if required placed under the supervision of a teacher trained in dealing with his disability. The preschool refused Jimmy's enrolment, saying that unless a special teacher could be paid for through government funding, they could not accommodate him. As Toula had no way of compelling anyone to provide this funding, Jimmy could not return. As a result, he could not attend preschool.

The current review of the *Anti-Discrimination Act 1977* presents an opportunity to update and harmonise discrimination law to ensure that it complies with and works alongside any legislated human rights protections. For this reason, we recommend that the *Human Rights Act* is developed in conjunction with the broader reform agenda for NSW discrimination laws.

For the above reasons, we strongly support the adoption of the Bill.

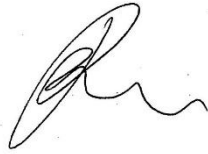
Please let us know if you have any questions about this submission. You can reach us at legal@unsw.edu.au.

Yours faithfully,

KINGSFORD LEGAL CENTRE

A handwritten signature in black ink, appearing to read 'Emma Golledge'.

Emma Golledge
Director

A handwritten signature in black ink, appearing to read 'Ruby Lew'.

Ruby Lew
Law Reform Solicitor