

# **NSW Youth Parliament 2024**

**Justice Rights Youth  
Bill 2024**

**Justice Committee**



## NSW Youth Parliament

# Justice Rights Youth Bill 2024

- Lead Sponsor:** The Hon. Charles Tran, Youth Member for Sydney  
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- Sponsors:** Josephine Crocker, Youth Member for Davidson  
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- Lead Refuter:** The Hon. Khuslen Batmandakh, Youth Member for Newcastle  
*Shadow Youth Attorney General*
- Refuters:** The Hon. Isabella Chen, Youth Opposition Leader, Youth Member for Auburn  
Lucas Petreski, Youth Member for Shellharbour  
Hunter Wild, Youth Member for Upper Hunter
- Crossbench:** Xavier McDonald, Youth Member for Orange

## Summary of Debate

On Tuesday 9 July 2024, the Justice Committee debated their Youth Bill, Justice Rights *Bill 2024*, on the floor of the Legislative Assembly; presided over by The Hon. Chris Rath MLC, Opposition Whip.

## Results of the Vote

The results of the amendments were 31 Ayes, 25 Noes, and 3 Abstentions. As such, the amendments were resolved in the affirmative.

The results of the vote on the Bill were 12 Ayes, 42 Noes, and 5 Abstention. As such, the Bill had failed.

The Justice Rights Youth Bill 2024 had **failed**.

## Explanatory Notes

### Summary

The object of this Bill is to place greater priority on the civil and political rights of NSW residents. This Bill brings us in line with other states and territories in Australia in enshrining the rights of the people into a single clear Bill and requiring the consideration of justice rights when passing or enacting laws within the courts and in Parliament.

This Bill comes at a time wherein there is increasing interaction between youth and the justice system. The number of young people proceeded to court by NSW Police, increased from 9,683 in December 2020 to 11,042 in December 2023. Broadly, there is increased focus of the impact of the justice system on marginalised groups, with overrepresentation and mistreatment of Aboriginal and Torres Strait Islander people being criticised by the Human Rights Watch in its annual World Report 2024 released in January 2024.

This Bill aims to codify implied justice rights held within the Constitution, common law and other bills to create an easily accessible platform to educate and defend individuals about their rights and within a court system. This Bill also aims to highlight the need for a focus on the systematic inclusion of special provisions for interactions of minority groups and young people.

Overall, the Bill requires greater focus of courts and government on justice rights and streamline and strengthen the protection of justice rights.

### Overview of provisions

**Part 1** sets out the short title, commencement, objects and definitions of the Act. It prescribes that future Bills which interact with the justice system will have to declare to Parliament their compatibility with this Act to Parliament, which must be considered before a bill is passed.

**Part 2** sets out the justice rights that a person is entitled to. This section codifies the rights set out in the Constitution, common law and the UN Civil and Political Rights Covenant.

**Part 3** sets out the obligation for a compatibility statement that is required for Bills introduced or amended after commencement of this act. Individual aggrievances with the compatibility of historical laws should be investigated on a case-by-case event, if it is determined there is a serious breach of justice rights the law should be scrutinised as if it is a new bill.

## Background

### Introduction

Justice rights refer to rights when interacting with all aspects of the justice system, applicable to all who interact with the justice system in any way, shape, or form. Justice rights are based off the principles of basic human rights, that these rights must be upheld and protected in the process of attaining justice. In NSW during the 2022-23 period there were 18,390 offenders aged between 10 and 17, an increase of 2% from the previous year. This made up 16% of total offenders in NSW in 2022-23 (Australian Bureau of Statistics, 2024). These trends highlight the urgent need for a comprehensive Justice Rights Bill to protect the rights of all individuals as interactions with the justice system are becoming more common, particularly for young people and vulnerable communities.

Youth crime has become a serious concern. According to the NSW Bureau of Crime Statistics and Research, there has been a substantial increase in the number of young people proceeded to court by NSW Police, from 9,683 in December 2020 to 11,042 in December 2023 (NSW Bureau of Crime Statistics and Research, 2023). Across NSW, motor vehicle theft by juveniles has risen by almost 25% a year in the past five years. In 2019, police were called to 593 incidents. In 2023, it was 1,480. The growing interaction between youth and the legal system is an extremely concerning, pressing issue that the government must address. To minimise the prevalence of youth crime in NSW and stop the cycle of reoffending, treating those interacting with the justice system is imperative. Addressing the rights and needs of young people in this context is crucial for breaking this cycle and fostering positive outcomes.

### Current legislation around justice rights in NSW

New South Wales stands out as one of the few jurisdictions in Australia lacking a Human Rights Act, leaving its citizens vulnerable to breaches without a statutory framework to protect and uphold fundamental rights and freedoms. Victoria implemented its *Charter of Human Rights and Responsibilities Act 2006 (Vic)* following the Australian Capital Territory. The most recent state to introduce a human rights act was Queensland, which, in 2019, introduced the *Human Rights Act 2019 (Qld)*. These acts have all impacted future legislation as it must be taken into consideration when drafting a new law in the state, and they are also heavily based on the principles of the United Nations Declaration of Human Rights.

In accordance with the United Nations' (UN) declaration of human rights, the Federal Constitution lays out several freedoms Australian citizens can expect to receive. These include the right to vote, protection against acquisition of property on unjust terms, right to trial by jury, freedom of religion, and the prohibition of discrimination based on state of residency (Australian Human Rights Commission, 2023). The Constitution also holds implied rights, as found by the structure and language of the constitution and has previously been recognised by judges. These include that the Court is the only body with the power to find people guilty of an offence, the Australian Parliament cannot pass a law that would impose a criminal conviction, and freedom of political communication on the basis of keeping a representative democracy (Australian Constitutional Centre, 2024). This act also acknowledges the existing framework to protect Human Rights, such as the *Racial Discrimination Act 1975 (Cth)*, the *Sex Discrimination Act 1984 (Cth)*, *Disability Discrimination Act 1992 (Cth)*, and the *Age Discrimination Act 1996 (Cth)*.

Despite these frameworks currently existing, it is a necessity for all Australians to have their rights accessible and clear in a single document, however, this is not currently the case. Even when rights are protected in Common Law, it is often unclear what persons are entitled to without legal expertise, assumed rights can also be debated within legal inquiries. Consequentially, this limits the ability to identify infringements on justice rights and seek

correction. While common law is imperative in protecting rights, the strengthening of these laws is needed. This can be achieved through justice rights.

Furthermore, it is imperative to commit to bridging the gap between law and imperative rights under UN law. The overarching incentive that Australia should uphold its commitment to the United Nations values are undermined by the neglect to enshrine the International Covenant on Civil and Political Rights into applicable law. These laws, notably Chapters 9-18 of the ICCPR, are necessary to uphold the rights, dignity, and liberties of all people interacting with the justice system.

### **Issues facing each demographic**

Equal access to the law and protection of rights is fundamental to a fair and just society, upholding traditional legal and democratic principles. By ensuring that everyone has equal access to the law, it prevents inequality within the justice system. As such, a Justice Rights Bill can ensure that such concepts are upheld, and strengthens the key principles of the Justice system in New South Wales.

Persons typically affected by inequality in the justice system have been identified as young people, vulnerable demographics, and the wider society. This Justice Rights Act would legally articulate, protect, and promote the rights of persons interacting with the justice system. It would also require the NSW government and NSW public authorities to place rights at the heart of all laws, policies, and decisions relating to justice. Finally, it serves as a powerful tool that persons interacting with the justice system can use to seek justice in the case of a violation of their personal rights.

### **Juvenile interactions with the law**

Access to equal justice for young people, particularly for disadvantaged groups is essential. Indigenous youth, LGBTQIA+ individuals, those experiencing mental health issues or disabilities, neurodiverse individuals, those who are socio-economically at risk, experiencing familial disharmony in troubled home environments, and culturally and linguistically diverse (CALD) often face additional barriers when seeking legal assistance or representation. This leads to unequal treatment within the justice system. In addition to this, research conducted by the Australian Institute of Health and Welfare states that children from areas of the greatest socio-economic disadvantage were 10 times more likely than those living in areas of least disadvantage to be under youth justice supervision. The research also showed that these young people have often experienced high rates of child maltreatment and neglect (Cashmore 2011; Stewart et al. 2002), drug and alcohol abuse (Kenny & Nelson 2008; Prichard & Payne 2005), trouble at school, homelessness or unstable accommodation, and parental substance abuse/incarceration.

### **Other vulnerable demographics**

Vulnerable Australians include Aboriginal and Torres Strait Islander individuals, those from low socio-economic backgrounds, including single parents culturally and linguistically diverse, those living with disabilities and/or physical or mental health illnesses, including neurodiverse individuals, LGBTQIA+ individuals, migrants, refugees, and asylum seekers. Systematic barriers and general educational, literacy, language/communication or economic barriers are faced by these individuals when seeking legal assistance or representation.

Those demographics are generally acknowledged as overrepresented within the justice system and thus are more likely to face poor treatment and a violation of rights in and out of detention. For example, Aboriginal and Torres Strait Islander peoples are twelve times more likely to be in custody and make up 28% of deaths in custody (Australian Law Reform Commission, 2018; McAlister et al., 2023).

### **Wider society**

Regardless of identity, all people are vulnerable to violations of their rights due to deficiencies in laws that would otherwise be covered by the broader principles of justice rights legislation.

### **Positive Impact of past Human Rights Acts**

The implementation of Human Rights Acts across the ACT, Queensland and Victoria have ratified civil and political rights of numerous rights declarations. Consistently, reviews have showed this has had a positive impact on society. The mirroring of legislation in NSW would also ensure that these rights are entrenched.

The ACT Human Rights Commission (2009) noted in their 5 Year Review of the ACT's Human Rights Act 2004, that "one of the clearest effects of the HRA has been to improve the quality and scrutiny of lawmaking in the Territory" (p. 27). Additionally, the rights have been used to strengthen claims under common law. For example the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* was used to support a 2017 Supreme Court decision (Human Rights Law Centre, n.d.). Following the transfer of youth detainees to a maximum-security prison, legal action was taken using the 2006 Victorian Human Rights Charter and other laws (Supreme Court of Victoria, n.d.). The Supreme Court ruling was supported by the 2006 Human Rights Charter, that the transfer violated to the children's right to humane treatment in detention and protection as is in their best interests. The existence of such legislation was vital in such verdicts allows individuals to challenge injustice with greater legal backing, ensuring a fairer society.

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## Justice Rights Bill 2024

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### **A Bill for**

An Act to ensure the preservation of the rights of persons interacting with the justice system in New South Wales; and for other purposes.

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The Youth Legislature of New South Wales enacts—

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Justice Rights Act 2024*.

### 2 Commencement

The Act commences on the date of assent to this Act.

### 3 Relationship with other Acts and laws

This Act prevails to the extent of an inconsistency with another Act or law.

### 4 Objects

The objects of this act are to—

- (a) codify the rights and freedoms implied in the constitution and other bills for any individuals interacting with the justice system,
- (b) address the need for systematic change for minority groups and young people within the justice system,
- (c) ensure that any and all bills which interact with the clauses of this bill, proposed after the date of commencement, will fall within these parameters for the protection of justice rights, and
- (d) to provide a document which can be referred to when defending an individual's justice rights against infringements.

### 5 Justice rights may be limited

- (1) The justice rights contained in this Act may be subject to only such reasonable limits prescribed by law and can be justified in a free democratic society based on human dignity, freedom and compassion.
- (2) In deciding the potential limiting of human rights, factors that should be considered include—
  - (a) the importance of the limitation in following existing law,
  - (b) the purpose of the limitation, and whether it is consistent with democratic principles,
  - (c) the extent of the limitation of the justice right, and
  - (d) the existence of other methods to reasonably achieve the same result that does not limit the justice rights contained in this Act.

### 6 Justice rights are protected

Nothing in this Act gives any person or other entity a right to limit to a greater extent than is provided for under this Act, or compromise, a human right of any person.

### 7 Definitions

In this Act—

*forced work*—see section 14(3).

*health services*—see section 11(2).

*public authority*—see section 8.

**Note**— The *Interpretation Act 1987* also contains definitions and other provisions that affect the interpretation of this Bill.

**8 Meaning of “public authority”**

For the purposes of this Act, each of the following is a *public authority*—

- (a) an administrative unit,
- (b) a state authority,
- (c) a state instrumentality,
- (d) a Minister,
- (e) a police officer, when exercising a function under a State law,
- (f) a public employee, and
- (g) an entity whose functions are or include functions of a public nature, when it is exercising those functions for the State or a public authority, whether under contract or otherwise.

## Part 2 Justice rights

**9 Rights of persons arrested or detained**

- (1) All people shall be afforded equal recognition before the law.
- (2) Everyone who is arrested or who is detained under any enactment—
  - (a) shall be informed at the time of the arrest or detention of the reason for it,
  - (b) shall have the right to consult and instruct a lawyer without delay and to be informed of that right immediately,
  - (c) shall have the right to have the validity of the arrest or detention determined without delay and to be released if the arrest or detention is not lawful, and
  - (d) shall have the right to refrain from making any statement and to be informed of that right immediately.
- (3) Anyone who is arrested for an offence has the right to be charged promptly or to be released.
- (4) Anyone who is arrested for an offence and is not released shall be brought as soon as possible before a court or competent tribunal.
- (5) An accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.

**10 Rights of victims of a crime**

- (1) All victims of a crime must be treated with courtesy, compassion, kindness and respect for their rights and dignity.

- (2) A victim must be informed about and be provided with access to legal assistance and all other available services including but not limited to healthcare and counselling applicable to the victim's needs.
- (3) A victim has the right to be informed of the progress of the investigation of the crime unless its disclosure may jeopardise the investigation or obstruct justice, where the victim will be informed accordingly.
- (4) A victim who is a witness in the trial of the crime will be informed about the trial process and their role in the prosecution of the accused.
- (5) A victim of a crime has a right to protection in forms including—
  - (a) protection from unnecessary contact with the accused and defence witnesses during court proceedings, and this protection to be placed above any bail authority by the prosecutor, and
  - (b) protection of the victim's identity during court proceedings including residential address and telephone number unless the victim and/or court otherwise directs.
- (6) A victim is entitled to information about—
  - (a) charges laid or not laid against the accused along with reasons,
  - (b) the date and place of hearing for any charge laid against the accused,
  - (c) the outcome of criminal proceedings against the accused and sentencing imposed, if relevant,
  - (d) the outcome of a bail application, including information on conditions imposed to protect the victim, and
  - (e) the impending release, escape or recapture of the offender and any changes in the offender's security classification.
- (7) A victim of a crime has the right to be provided with the opportunity to make submissions concerning the granting of parole to a serious offender or any other changes that would result in the offender being granted absence from custody.
- (8) A victim of a crime involving serious personal violence is entitled to make a claim under a statutory scheme for victim's compensation.

**11 Rights of persons suspected of a crime**

- (1) Anyone who is suspected of a crime has the right to protection of privacy during the process of investigation. This includes—
  - (a) the right to privacy from police and law enforcement of personal items, information, both physical and digital, not being admitted as evidence, and
  - (b) the right to privacy from the media and the right to have personal information, photos, videos and audio recordings be prevented from being released to the public.
- (2) In the case where a breach of privacy is necessary for the investigation and a search and seizure, both physical and digital, should occur—
  - (a) police or law enforcement must have valid reasoning to conduct such a search including—

- (i) evidence of a probable cause that a crime was committed and that items connected to the crime are likely to be found in or connected with a place or suspect, and
    - (ii) pre-existing evidence to suggest that the person(s) being searched is a reasonable suspect, and
  - (b) police must have a valid warrant to conduct the search and seizure,
  - (c) police shall inform the individual of the reasoning to their search,
  - (d) police shall inform the individual as to what they seek to find in such a search,
  - (e) police shall only extract contents and evidence relevant to the investigation during the search.
  - (f) police may search outside the scope of the warrant only if it is for protecting their safety or the safety of others, or if it is necessary for obtaining justice.
- (3) In the case where a search and seizure without a warrant occurs, police must still have a valid reason and a reasonable suspicion, and follow the above during the search, with the exception of (2)(b).
- (4) Anyone suspected of a crime must not be subject to intimidation, degradation, coercion, false imprisonment or other forms of inhumane treatment during the investigation process.
- (5) Anyone suspected of a crime holds the freedom to seek legal representation and legal counsel
- (6) Anyone suspected of a crime holds the right to freedom from self-incrimination and are not obliged to prove their innocence
- (7) Anyone suspected of a crime must not be discriminated against due to race, gender, sexual orientation, age, socio-economic status, nationality, religion, employment or any other demographic, and these factors are not reasonable to base suspicions on.

## **12 Rights to a fair trial**

- (1) Any person charged with a criminal offense must be assumed innocent until they are proven guilty.
- (2) A person charged with a criminal offense has the right to—
- (a) be informed of their charge in words, and if necessary, language they can easily understand,
  - (b) have adequate time and resources to prepare a defence,
  - (c) be tried without unreasonable delay,
  - (d) represent themselves, or have guaranteed legal representation through provided legal aid or otherwise,
  - (e) have witnesses justly and equally examined,

- (f) have free access to an interpreter if English is not a person's preferred language, and
  - (g) have provisions or specialised communication tools in the case of disability or neurodivergence.
- (3) A person convicted of a criminal offense shall have the ability to appeal their conviction and connected sentencing to have it reviewed by a higher court.
- (4) A person convicted of a criminal offense has the right to not be tried or punished more than once for an offence in relation to which the person has already been finally convicted or acquitted in accordance with law, excluding murder and other serious offences.
- (5) A victim or witness involved in a criminal or civil proceeding has the right to remain informed of the movement of proceedings and the aftermath of proceedings including—
- (a) prosecution charges,
  - (b) pleas and plea deals,
  - (c) sentencing,
  - (d) date of parole or release of the relevant offender or offenders,
  - (e) retract any testimony given in court if it is determined that their testimony poses a threat to their safety, and
  - (f) have guaranteed legal counsel.

**13 Access to health services**

- (1) Everyone has the right to access health services without discrimination.
- (2) For this section, *health services* refer to medical services, dental care and mental health services, care and procedures.
- (3) A person shall be able to—
- (a) be treated with dignity, and retain privacy when accessing health service,
  - (b) be made informed of any medical procedures,
  - (c) be entitled to refuse health services, and
  - (d) be entitled to health services if in custody or otherwise detained

**14 Rights of minorities**

A person who belongs to an ethnic, religious, or linguistic minority shall not be denied the right, in community with other members of that minority, to enjoy the culture, to profess and practise the religion, or to use the language, of that minority.

**15 Torture**

All people shall be free from torture, inhuman treatment or punishment or subjection to a medical procedure not fully and freely consented to or conducted in a degrading manner.



**16 Forced work**

- (1) All people shall be free from being held in slavery or servitude.
- (2) A person shall be free from forced work.
- (3) For the purposes of this Act, *forced work* does not include—
  - (a) reasonable hours of work or service for those in detention, or under court order have been required to complete labour, and
  - (b) work that is required under regular civil obligations.

**17 Cultural rights – Aboriginal and Torres Strait Islander Peoples**

- (1) Aboriginal and Torres Strait Islander people are to be afforded additional considerations whilst arrested or detained.
- (2) Aboriginal and Torres Strait Islander people are entitled to, in the greatest capacity possible—
  - (a) continue to develop their cultural identity, their connection to their land, their traditional knowledge and spiritual practices, kinship, observances and teachings, and
  - (b) to learn and practice their traditional language.
- (3) Aboriginal and Torres Strait Islander children are entitled to access spiritual and cultural education while incarcerated.
- (4) Aboriginal and Torres Strait Islander people shall be provided with the opportunity to connect with an elder from their local area to maintain a connection and improve integration when they are released.
- (5) Aboriginal and Torres Strait Islander people shall not be subjected to forced assimilation or an erasure of culture.

**18 Humane treatment when incarcerated**

- (1) All persons deprived of liberty must be treated with the humanity and afforded the respect owed to any human person, including—
  - (a) regular and sufficient access to healthcare,
  - (b) regular and sufficient access to legal counsel,
  - (c) regular and sufficient access to support workers, and
  - (d) regular and sufficient access to reintegration programs.
- (2) An accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.
- (3) All persons arrested and detained are to have their identity respected, including but not limited to cultural, sexual, religious or gender identity.

- (4) If a person is victimised while detained or arrested, they are entitled to apply for a recognition payment as is in line with the Victims Support Scheme established under the *Victims Rights and Support Act (2013)*.

**19 Children arrested or detained**

- (1) An accused child who is detained, or a child detained without charge, must be segregated from all detained adults.
- (2) An accused child must be brought to trial as quickly as possible.
- (3) An accused child must have guaranteed and consistent access to legal counsel.
- (4) A child who has been convicted of an offence must have both the procedural and punitive processes treat them in a way appropriate for their age.
- (5) A child must have guaranteed and consistent access to education.
- (6) A child must have guaranteed and consistent contact with their parents and/or guardians, except if it is contrary to either the child's or the guardian's best interests.

**20 Reintegration rights**

All persons accused and detained have the right to access reintegration services at least 6 months before they leave their respective detention facility, including—

- (a) skills based training,
- (b) community connection programs,
- (c) cultural and religious groups, and
- (d) employment schemes.

**21 Rights of legal personnel**

(1) All legal professionals are entitled to the right to—

- (a) not be criminalised due to the clients they represent,
- (b) legal professional privilege,
- (c) guaranteed access to their client, and
- (d) adequate preparation time and materials in the lead up to a trial or proceedings.

(2) All legal professionals have the responsibility to—

- (e) disclose all information necessary to the fairness of a trial as soon as is possible, and
- (f) maintain legal professional privilege, except in the case wherein it would jeopardise community safety.

## **Part 3 Application of justice rights in New South Wales**

### **Division 1 Scrutiny of new Legislation**

#### **22 Legislation interacting with justice system**

Where any Bill is introduced to the Parliament that contains matters relating to the justice system, or with provisions for those interacting with the justice system, additional provisions shall arise.

#### **23 Matters arising**

When section 20 is enacted—

- (a) the responsible Minister shall bring to attention of the Parliament any provisions inconsistent with the justice rights,
- (b) the Member introducing the Bill shall prepare a statement of compatibility for the Bill and provide the Legislative Assembly with the written statement when the Bill is introduced,
- (c) the statement of compatibility must be tabled in the Parliament, and
- (d) the statement of compatibility must be released to the public at the same time as the Bill.

#### **24 Statement of compatibility if consistent with justice rights**

The statement of compatibility must state, in the Member's opinion, that the Bill is consistent with justice rights and, if so, how it is compatible.

#### **25 Statement of compatibility if not consistent with justice rights**

- (1) If, in the Member's opinion, the Bill, or part of a Bill, is not compatible with human rights, the Member must provide the nature and extent of the compatibility.
- (2) The Member must also provide an explanation of the incompatibility under section 5 of this Act.

#### **26 Procedures relating to statement of compatibility**

- (1) The statement of compatibility shall be outlined during the second reading speech, making clear the consistency of the Bill with this Act.
- (2) The Parliament, when deciding to pass a Bill shall consider the compatibility of the Bill with this Act.
- (3) The statement of compatibility is not binding on any court or tribunal and does not limit the ability of legislation to pass.

### **Division 2 Interpretation of laws and rights**

#### **27 Interpretation of existing laws**

As far as it is possible to do so consistent with the law's purpose, all legislation shall be interpreted in a manner in accordance with this Act.

#### **28 Interpretation of justice rights**

The objects of this Act, international law and the judgement of international courts and tribunals shall be considered when interpreting the right of this Act.

## **Division 3 Obligations of public entities**

### **29 Actions contravening justice rights**

- (1) It is unlawful for a person, business or public authority to—
- (a) act in a way that is incompatible with a justice right provided under this Act; or
  - (b) allow a decision made that does not consider this Act.
- (2) Subsection (1) does not apply if decision was made under an existing Act and—
- (a) the Act expressly requires decision to be made that contravenes justice rights; or
  - (b) the Act cannot be interpreted in a way consistent with this Act.

### **30 Legal proceedings from a contravention of justice rights**

- (1) If an individual believes justice rights have been contravened in accordance with section 27, they may—
- (a) start a proceeding in the Supreme Court against the entity that infringed the justice right, and
  - (b) use the rights solidified in this Act to support other legal proceedings.
- (2) The Supreme Court may, in a proceeding under subsection (1)—
- (a) grant the relief it considers appropriate, and
  - (b) require the rectification of the contravention of the justice right as soon as is possible.
- (3) Subsection (2)(b) is limited if the rectification of the contravention of justice rights would only be possible if other laws or justice rights were contravened.
- (4) Police and other relevant law enforcement agencies shall be responsible for upholding and adhering to the rights contained within this Act when exercising their legal authority and ensure that these rights are protected are upheld within the investigation and Justice system.
- (5) The application of rights extends to police and law enforcement training and will be integrated into their relevant training curriculum administered by their relevant training academies.

## **Division 4 General**

### **31 Application of Act**

- (1) This Act does not—
- (a) affect Legislation introduced or passed before the commencement of this Act, or
  - (b) apply to an Act, or decision made, by a public entity before commencement of this Act.
- (2) Notwithstanding subsection (1), public entities are unable to use this Act's commencement to excuse previous illegalities.

**32 Justice rights are additional to existing rights**

(1) A right not included within this Act that is recognised under another Act must not be interpreted to be abrogated or limited only by their omission in this Act.

(2) Relevant other laws include, but is not limited to—

- (a) the Commonwealth Constitution,
- (b) the New South Wales Constitution,
- (c) common law,
- (d) rights under the International Covenant on Civil and Political Rights not stated in this Act,
- (e) rights under the *Convention on the Rights of the Child* not stated in this Act,
- (f) rights under other international laws and conventions.

**33 Future additions to this Act**

This Act does not limit future amendments adding or expanding justice rights as the Parliament sees necessary or as consistent with international conventions.

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