

Submission on Human Rights Council Resolution 57/12 on Local Governments and Human Rights

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United Nations Office of the High Commissioner for Human Rights

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The NSW Young Lawyers Human Rights Sub-Committee (**Sub-Committee**) makes the following submission in response to the Call for Inputs: Human Rights Council Resolution 57/12 on Local Government and Human Rights by the Office of the United Nations High Commissioner for Human Rights.

NSW Young Lawyers

NSW Young Lawyers is a Committee of the Law Society of New South Wales that represents the Law Society and its members on issues and opportunities arising in relation to young lawyers i.e. those within their first five years of practice or up to 36 years of age. Through its 14 sub-committees, each dedicated to a substantive area of law, NSW Young Lawyers supports practitioners in their professional and career development by giving them the opportunity to expand their knowledge, advance their career and contribute to the profession and community.

The Human Rights Sub-Committee comprises of a group of volunteers and subscribers interested in human rights law, including lawyers working in academia, for government, private and the NGO sectors and other areas of practice that intersect with human rights law, as well as barristers and law students. The objectives of the Sub-Committee are to raise awareness about human rights issues and provide education to the legal profession and wider community about human rights and their application under both domestic and international law. Members of the Sub-Committee share a commitment to effectively promoting and protecting human rights and to examining legal avenues for doing so. The Sub-Committee takes a keen interest in providing comment and feedback on legal and policy issues that relate to human rights law and its development and support.

Summary of Recommendations

1. Increase funding to Local Councils to enable greater capacity building in human rights education and culturally safe engagement practices across Local Councils; ensuring that regional and remote Local Councils also have access to adequate funding;
2. Encourage all NSW Local Councils to adopt a Reconciliation Action Plan developed after meaningful consultation with their relevant Indigenous communities and including measurable goals and outputs; and
3. Introduce a Human Rights Act in NSW to provide a consistent framework guiding all levels of government (including Local Councils) in policy development, service delivery and decision making. We express strong in-principle support for the inclusion of protections for economic, social and cultural rights.

Background

4. In its resolution 57/12, the United Nations Human Rights Council recognised the critical role that local and regional governments play in promoting and protecting human rights. The resolution requested the Office of the United Nations High Commissioner for Human Rights (**OHCHR**) to convene a one-day panel discussion and prepare a report for the sixty-third session of the Human Rights Council.
5. This submission is prepared on behalf of NSW Young Lawyers who are based in the state of New South Wales (**NSW**), Australia and will focus on the roles of the 128 Local Councils in NSW in advancing economic, social, and cultural rights (**ESCR**). Local Council refers to the organisation that governs a specific local area and is the third tier of government in Australia after federal and state/territory governments.
6. In NSW, Local Councils are governed by the Local Government Act 1993 (NSW) (LGA). The LGA outlines Local Councils' structure, functions and responsibilities.¹

¹ *Local Government Act 1993 (NSW)* s 21

Capacity-Building Initiatives taken by local governments to realise economic, social and cultural rights

Inclusion Strategies

7. Local governments in NSW (**Local Councils**) play a critical role in the realisation of economic, social, and cultural rights through targeted capacity-building initiatives that aim to foster inclusion, equity and community wellbeing. Many Local Councils, such as Inner West Council, have adopted various equity and inclusion plans that focus on dismantling systemic barriers for several marginalised populations, including culturally and linguistically diverse (**CALD**) communities, people with disabilities, and those affected by racism.² These plans are often supported by targeted community consultations and inclusive policymaking processes. Such initiatives are fundamental to upholding the principle of non-discrimination, a cornerstone of all ESCR rights, and ensures that Local Councils are not only responsive but also accountable to the diverse communities they serve.
8. Many Local Councils also support multiculturalism and cultural expression by funding community organisations, sponsoring local festivals and investing in arts and cultural centres. These activities support the right to participate in cultural life and promote social cohesion across diverse groups.

Local Council Rebates

9. Many Local Councils offer rebates and concessions to support residents within their geographical area, particularly those experiencing financial hardship, older individuals, or people with disabilities. Rebates can have quite significant positive economic effects for vulnerable people; for example eligible pensioners in the City of Sydney Council's remit can receive rebates of up to 100% on their Local Council rates and charges.³ Similarly, residents in the remit of Lane Cove Council can access sustainability rebates to assist with purchasing solar panels and batteries, helping to alleviate the costs involved whilst also promoting

² 'Disability Inclusion Action Plan', Inner West (Web Page)

<<https://www.innerwest.nsw.gov.au/live/community-wellbeing/access-and-inclusion/disability-inclusion-action-plan>>; 'Anti-Racism Strategy 2024-2026', Inner West (Web Page)

<<https://www.innerwest.nsw.gov.au/about/the-council/corporate-planning-performance-budget/supporting-strategies-and-plans/anti-racism-strategy/anti-racism-strategy>>; 'Gender Equity Strategy and Action Plan', Inner West (Web Page) <<https://www.innerwest.nsw.gov.au/live/community-wellbeing/gender-equity/gender-equity-strategy-and-action-plan/gender-equity-strategy-and-action-plan>>

³ 'Apply for a Pensioner Rebate on Rates' City of Sydney (Web Page)

<<https://www.cityofsydney.nsw.gov.au/rates/apply-pensioner-rebate-rates>>

sustainability and renewable energy sources.⁴ As there is no formal structure or requirements for Local Councils to offer rebates, their availability and scope often varies between Local Councils.

Arts and Culture

10. Local Councils are sometimes supported by the NSW State Government in pursuit of advancing ESCR. One example of this collaborative approach is the Local Council Major Festival Grants, provided by Multicultural NSW. The grant offers between \$100,000-\$500,000 to Local Councils to organise and host multicultural festivals, events and projects that celebrate diversity and foster social cohesion.⁵ These State Government grants are designed to enable Local Councils to create inclusive public spaces and events where cultural expression is welcomed and encouraged, supporting the right to participate in cultural life and promoting community connection. Furthermore, these initiatives are particularly impactful in regional areas where multicultural visibility may otherwise be limited. For migrant and refugee communities in particular, these events offer a public platform to share their identity and traditions, reinforcing a sense of belonging and dignity; both of which are key to the enjoyment of ESCR. For instance:

- a. Tamworth Regional Council utilises Major Festival Grant funding to host the annual Fiesta La Peel, a vibrant celebration of music, dance and cuisine that brings together over 100 nationalities; and
- b. Gunnedah Shire Council uses a Major Festival Grant to support the Gunnedah Multicultural Harmony Festival, which features interactive games, performances and activities designed to strengthen cross-cultural understanding and unity within the community.

11. From a Local Council perspective, these festivals help demonstrate a visible commitment to inclusion and responsive community engagement. When supported by state funding and local implementation these programs demonstrate how collaboration across levels of government can create tangible opportunities for community participation cultural expression and social cohesion.

⁴ 'Sustainability and Electrification Rebates', *Lane Cove Council* (Web Page)

<<https://www.lanecove.nsw.gov.au/Environment-Sustainability/Sustainability/Sustainability-Programs-and-Rebates/Sustainability-and-Electrification-Rebates>>

⁵ 'Local Council Major Festival Grants', *Multicultural NSW* (Web Page)

<<https://multicultural.nsw.gov.au/stronger-together-major-festival-local-council-grants/>>

12. Given the growing cultural diversity across regional and urban NSW, continued investment in such initiatives is not only desirable but necessary to continue to foster cohesive, culturally diverse communities. Long term, predictable funding and support should be prioritised by the NSW State Government to ensure these celebrations remain accessible, well-resourced and sustainable, enabling these events to contribute meaningfully to protecting the rights and cultures of diverse communities.
13. **Recommendation 1:** Increase funding to Local Councils to enable greater capacity building in human rights education and culturally safe engagement practices across Local Councils; ensuring that regional and remote Local Councils also have access to adequate funding.

Indigenous Rights

14. Indigenous culture in Australia has a long and proud 65,000 year history, making it one of the oldest continuous cultures on Earth. Aboriginal and Torres Strait Islander peoples have maintained rich traditions of storytelling, law, language, land stewardship and spiritual practice that are deeply interconnected. However, the ongoing legacy of colonisation, including dispossession, forced removal of children, systemic racism and the marginalisation of Indigenous voices, continues to shape the experience of Indigenous Australians today.
15. In this context, Local Councils play a vital role in advancing Indigenous rights and reconciliation at the community level. Local Councils are often the closest level of government to the general community and are uniquely placed to engage meaningfully with local Aboriginal and Torres Strait Islander communities. One key way that this can be done is through the development of reconciliation action plans (**RAPs**), which are a framework commonly used by organisations in Australia to actively contribute to reconciliation between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians. A RAP is a formal, structured commitment to reconciliation between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians and supports an organisation to actively identify and address the specific needs of Indigenous people within its remit. RAPs serve as a practical mechanism to advance the ESCR of Aboriginal and Torres Strait Islander peoples at the local level. By embedding culturally safe practices into service delivery, increasing Indigenous employment opportunities and fostering genuine community partnerships, RAPs can assist with addressing longstanding inequalities in access to housing, education, healthcare and economic participation. Furthermore, RAPs often include actions that promote the revitalisation and public celebration of Indigenous cultures, languages and heritage – essential components of cultural rights. By providing a roadmap for Local Councils to take measurable, respectful and community-led action, RAPs ensure

that reconciliation is not merely symbolic but rather materially improves the wellbeing of the Indigenous communities they serve.

16. Reconciliation Australia is the lead body for reconciliation in Australia and oversees the approval and implementation of RAPs. As of July 2025, at least six Local Councils have developed and implemented RAPs that are published on Reconciliation Australia's website.⁶ It is important to note that a Local Council not having a RAP does not necessarily imply a lack of commitment to reconciliation as some Local Councils may be undertaking other reconciliation initiatives that are not documented in formal RAPs or are in the early stages of developing such plans.
17. **Recommendation 2:** Encourage all NSW Local Councils to adopt a Reconciliation Action Plan developed after meaningful consultation with their relevant Indigenous communities and including measurable goals and outputs.

Institutional Challenges and the Need for Legislative Reform

18. Despite the critical role Local Councils play in upholding the ESCR rights of their communities, significant challenges remain to their ability to do so effectively and consistently across the 128 different council jurisdictions in NSW as well as more broadly. One significant barrier is the lack of a Human Rights Act at both the federal level in Australia and at the State level in NSW. Without a binding legislative framework for the protection of human rights, protection and promotion remains discretionary and varies significantly between Local Councils. This fragmented approach means that human rights protections are often subject to the resourcing, capacity and political will rather than consistent, enforceable standards.
19. In contrast, state jurisdictions such as Victoria, Queensland and the Australian Capital Territory have enacted Human Rights Acts that expressly incorporate ESCR protections and require public authorities to consider human rights in their decision-making.⁷ However, Queensland's Human Rights Act (**QLDHRA**) was drafted with exceptions allowing parliament to override the QLDHRA in 'exceptional' circumstances.⁸ The QLDHRA at s43(4) specifies that:

It is the intention of Parliament that an override declaration will only be made in exceptional circumstances.

⁶ 'Who Has a RAP?' *Reconciliation Australia* (Web Page) <<https://www.reconciliation.org.au/reconciliation-action-plans/who-has-a-rap/>>

⁷ *Charter of Human Rights and Responsibilities Act 2006* (VIC); *Human Rights Act 2019* (QLD); *Human Rights Act 2004* (ACT).

⁸ *Human Rights Act 2019* (QLD), s 43(4).

20. The remit of 'exceptional circumstances' is unclear. The Act does provide some guidance; listing examples of exceptional circumstances as war, a state of emergency, or an exceptional crisis situation that constitutes a threat to public safety, health, or order.⁹
21. Since enacting the legislation in 2019 the s43 override of the Human Rights Act has been used twice in Queensland, the first to allow for children who breach bail conditions to be charged as an adult, and the second to remove the concept that bail should be a last resort for youth offenders.¹⁰ This is extremely concerning and demonstrates that even where such legislative protections exist, they must be drafted to be durable and enforceable.
22. To strengthen local government capacity in upholding ESCR, a Human Rights Act would provide greater structural support for Local Councils to embed human rights principles into all aspects of governance, planning and service delivery.
23. **Recommendation 3:** Introduce a Human Rights Act in NSW that includes enforceable protections for economic, social and cultural rights. Embedding these rights in legislation would provide a consistent framework guiding all levels of government (including local councils) in policy development, service delivery and decision making.

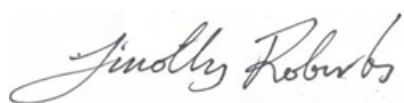
⁹ Ibid.

¹⁰ Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 (QLD); Strengthening Community Safety Bill 2023 (QLD).

Concluding Comments

NSW Young Lawyers and the Sub-Committee thank you for the opportunity to make this submission. If you have any queries or require further submissions please contact the undersigned at your convenience.

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