



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: HRC/IIC:JBsb021225

2 December 2025

Dr. James Popple
Chief Executive Officer
Law Council of Australia
PO Box 5350
BRADDON, ACT 2612

By email: adam.fletcher@lawcouncil.au

Dear Dr Popple,

PARALLEL REPORT TO THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thank you for the opportunity to provide feedback to the Law Council to inform its submission to the UN Committee on Economic, Social and Cultural Rights (**UN Committee**) in relation to the Australian Government's Sixth Periodic Report under the International Covenant on Economic, Social and Cultural Rights (**ICESCR**). The Law Society's Human Rights and Indigenous Issues Committees contributed to this submission.

To assist the Law Council, the Law Society's submission takes as its focus, several of the Concluding Observations following Australia's appearance before the Committee in May 2017¹ and provides updates on matters relevant to NSW that could serve as helpful background and/or be incorporated into the Law Council's final submission.

Progress on incorporation of the ICESCR into domestic law

Unlike Queensland, the ACT and Victoria, NSW currently does not have a Human Rights Act. There is also no standalone human rights legislation at the federal level. Given that states have jurisdiction over matters that can have a significant adverse impact on the rights of individuals, such as crime, health, education, housing and homelessness, it is arguably more important that a Human Rights Act exists at a state level.

The Law Society considers standalone human rights legislation would help to ensure that human rights are considered consistently in the law-making process. It would also assist in strengthening the integrity of the public sector by requiring the executive and government agencies to further embed human rights considerations in their policies, decision-making and actions.²

In our view, in the absence of standalone human rights legislation at both the Commonwealth and State level, it is important for both levels of government to consider and implement measures giving full effect to the ICESCR, whether through legislative reform, programs or otherwise.

¹ UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the fifth periodic report of Australia (UN Doc E/C.12/AUS/CO/5, 11 July 2017).

² Law Society of NSW, '[Human Rights for New South Wales](#)', Discussion Paper updated September 2025.

Economic, social and cultural rights policies relating to Indigenous peoples

In 2025, twelve Aboriginal people died in custody in NSW, the highest number on record.³ The National Dashboard on Deaths in Custody shows that the rate of Aboriginal and Torres Strait Islander deaths in custody is rising, unlike the rate of non-Indigenous deaths in custody.⁴

In February 2024, a new NSW Closing the Gap Partnership Agreement (**NSW Agreement**) was entered into with the view of strengthening relationships between government and Aboriginal organisations. In addition to the four Priority Reforms identified in the National Agreement, the NSW Agreement has a fifth Priority Reform focused on growing the Aboriginal business sector, including by expanding opportunities for businesses to deliver government contracts.

In relation to the National Agreement on Closing the Gap, the Productivity Commission was able to measure 15 of 19 of the Socio-Economic Outcomes. In NSW, statistics are 'continuing to worsen' in relation to Outcome 4 (increase the proportion of Aboriginal and Torres Strait Islander children assessed as developmentally on track in all five domains of the Australian Early Development Census to 55 per cent) and Outcome 10 (reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent).⁵ In relation to Outcome 2 (increase the proportion of Aboriginal and Torres Strait Islander babies with a healthy birthweight to 91 per cent) and Outcome 11 (reduce the rate of Aboriginal and Torres Strait Islander young people in detention by at least 30 per cent), NSW has reported no change.⁶

Additionally, there are no standalone national or NSW-based cultural heritage laws to protect Aboriginal and Torres Strait Islander heritage sites. NSW is one of only two Australian jurisdictions without standalone cultural heritage legislation.

Two independent Commissioners have been appointed to lead state-wide consultations regarding whether Aboriginal People in NSW wish to engage in a treaty or other formal agreement-making process. To date, there have been no formal reports arising from these consultations.

Modern Slavery

The *Modern Slavery Act 2018* (NSW) (**NSW MSA**) passed NSW Parliament in June 2018, but did not commence until 1 January 2022. From 1 July 2022, more than 420 NSW public entities including government agencies, local councils and state-owned corporations were required under the NSW MSA to take reasonable steps to ensure that they did not procure goods and services produced by modern slavery practices.⁷

³ NSW State Coroner Teresa O'Sullivan made a public statement on the number of Aboriginal deaths in custody: Australian Broadcasting Corporation, '[Coroner makes rare public statement as NSW records most Indigenous deaths in custody in a year](#)', 15 October 2025.

⁴ Australian Institute of Criminology, '[Deaths in Custody in Australia Real-Time Dashboard](#)'.

⁵ Productivity Commission, '[Closing the Gap: Annual Data Compilation Report](#)' (July 2025), pp. 32–34, 104– 106.

⁶ *Ibid* pp.30, 108–110,

⁷ Office of the NSW Anti-Slavery Commissioner, '[Managing modern slavery risks in NSW government procurement of electric vehicles](#)', May 2025, 6.

While the NSW MSA and the establishment of the Office of the Anti-Slavery Commissioner have assisted in strengthening awareness of modern slavery in NSW, the Law Society remains concerned that victim-survivors of modern slavery continue to be denied access to effective remedies. For example, despite amendments to the *Victims Rights and Support Act 2013* (NSW) from 1 January 2022 to specifically include victim-survivors of modern slavery, the cohort of modern slavery victim-survivors that can make a claim under the Victims Support Scheme remains limited. Further, there is no Commonwealth compensation scheme for victim-survivors of modern slavery to bridge this gap.⁸

Submissions to a recent parliamentary inquiry on the modern slavery risks faced by temporary migrant workers in rural and regional New South Wales emphasised the continuing vulnerability of this cohort, including the need for better coordination between state and Commonwealth agencies to assist detection of modern slavery crimes and enhance supports for affected individuals.⁹

Reform of anti-discrimination legislation

Anti-discrimination legislation is inextricably linked to the realisation of social, cultural and economic rights, as it establishes a framework to ensure full participation and access to opportunity for all members of society. We note that the NSW Law Reform Commission is currently undertaking a review of the *Anti-Discrimination Act 1975* (NSW) (**ADA**).¹⁰ The Law Society considers that discrimination protections in NSW require modernisation as the ADA in its current form has not kept pace with changes in societal understandings of discrimination, nor the increasing body of evidence on its wide-ranging and harmful impacts. We also encourage reform to the adequacy and accessibility of complaints procedures and remedies, considering the ultimate strength of anti-discrimination law depends on whether the community is able to understand its operation and rely on it to protect against unlawful discrimination and other damaging conduct.

Thank you for the opportunity to contribute. Questions at first instance may be directed to Sophie Bathurst, Senior Policy Lawyer, at (02) 9926 0285 or Sophie.Bathurst@lawsociety.com.au.

Yours sincerely,



Jennifer Ball
President

⁸ See Law Society, '[Submission to the Statutory Review of the Victims Rights and Support Act 2013](#)', 8 July 2022.

⁹ Australian Anti-Slavery Commissioner, '[Submission to the NSW Inquiry into modern slavery risks faced by temporary migrant workers](#)', 28 February 2025.

¹⁰ See Law Society, '[Submission to the NSW Law Reform Commission, Review of the Anti-Discrimination Act 1975 \(NSW\)](#)', 1 September 2025.