

# **Submission to the Committee on Community Services inquiry into the Human Rights Bill 2025**

## **Introduction**

Women's and Girls' Emergency Centre (WAGEC) welcomes the opportunity to provide a submission to the Committee on Community Services inquiry into the Human Rights Bill 2025. WAGEC is a specialist homelessness and domestic and family violence service based in Sydney. We work with women and children experiencing violence, homelessness and deep social and economic disadvantage, including those navigating housing insecurity, poverty, trauma, criminalisation, child protection involvement, migration and visa-related barriers, disability, racism and the ongoing impacts of colonisation.

We strongly support the Human Rights Bill 2025 and the establishment of a statutory human rights framework in New South Wales. Too often, women and children experience further harm not only because of violence itself, but because the systems intended to protect them fail to consistently uphold their rights.

For the women and children we support, human rights are not abstract legal concepts. They are reflected in everyday decisions made by public authorities: whether a woman can access safe housing, whether a child can remain connected to family and community, whether a victim-survivor is treated with dignity by the justice system, and whether public services respond to vulnerability with support rather than exclusion.

We believe the Bill has the potential to improve the quality of public decision-making, strengthen accountability, and create a culture in which rights are considered before harm occurs rather than after it has already been experienced.

The Bill presents an important opportunity to embed human rights into the systems that most affect women and children, including housing, policing, courts, child protection, corrections, health and social services. Importantly, it provides a framework for recognising the interconnected nature of rights and the cumulative impact that government decisions can have on safety, wellbeing and participation.

WAGEC's support for the Bill is grounded in our 49 years of frontline experience. Every day we see the consequences of decisions made without adequate consideration of safety, dignity,

housing, culture and participation. We also see the profound difference that rights-focused decision-making can make to a person's ability to recover from violence and rebuild their life.

To realise the Bill's promise, rights-based decision-making must be backed by adequate investment and careful implementation. Human rights protections will only be meaningful if women and children experiencing crisis, poverty, trauma and systemic exclusion can understand, access and exercise them in practice. This requires clear obligations on public authorities, accessible complaints pathways, trauma-informed processes, and support for the community organisations that assist people to navigate systems and advocate for their rights. Without this investment, there is a risk that the framework will be technically available but difficult to use for the people most likely to need its protection.

### Why NSW needs a Human Rights Act

Human rights are not abstract principles for the women and children we serve.

Many of the women WAGEC supports have done everything they can to seek safety and stability but are consistently met by systems that are difficult to navigate and often fragmented. A woman escaping violence may need urgent police protection, emergency accommodation, income support, legal advice, trauma counselling, child protection advocacy, school support for her children and help to secure longer-term housing. Each of these systems may make decisions that affect her ability to recover from violence. A Human Rights Act would require public authorities to consider these rights at the point decisions are made.

Many of the harms experienced by women and children are foreseeable. A human rights framework can help shift NSW toward better decision-making before harm occurs, and help prevent it from ever happening. This reflects the argument of Australian Human Rights Commission President Hugh de Kretser, who has said that a Human Rights Act "would require governments and public servants to properly consider and act compatibly with those rights when they make decisions, deliver services or develop policies."<sup>1</sup>

For WAGEC, this is the central value of the Bill: it would help embed human rights at the point decisions are made, where those decisions can either increase risk or support safety and recovery for women and children. The women and children we support need systems that are designed to prevent harm rather than systems that only respond after harm has already been caused or become severe.

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<sup>1</sup> Hugh de Kretser, *Australian Human Rights Assessment 2026 – National Press Club speech*, Australian Human Rights Commission, 29 April 2026.

We particularly welcome the Bill's recognition that proper consideration of human rights should include the participation of groups directly or disproportionately affected by decisions, including women and children, First Nations peoples, people with disability, LGBTIQ+ people and victim-survivors. This recognises that good public decision-making should be informed by the people who live with the consequences of those decisions.

### Human rights and domestic and family violence

Women experiencing violence are often required to engage with public systems at moments of acute vulnerability. The actions of public authorities can either enhance safety or inadvertently increase risk, depending on how rights are considered in practice. Examples include:

- Needing police to respond quickly and safely.
- Needing housing systems to recognise that remaining at home is not safe.
- Needing courts and legal processes to reduce the risk of further harm.
- Needing child protection systems to understand the dynamics of coercive control and avoid responses that punish protective parents for the violence used against them.

A Human Rights Act would not remove the complexity of these systems, but it would create a clearer framework for decision-making within and across them. It would require public authorities to ask whether their decisions are compatible with the rights of victim-survivors and their children, and help make visible the cumulative impact of decisions that have serious consequences for safety.

Examples abound. A decision to refuse emergency accommodation because a woman does not meet a narrow eligibility requirement may increase her exposure to violence, a decision to share personal information without careful consideration may place a victim-survivor at risk of being located by a perpetrator, or a decision to treat a woman's trauma response as non-compliance may affect her access to housing, income support, child contact or justice outcomes. A human rights framework would encourage public authorities to consider these risks more carefully and to take a more informed approach.

The Queensland Human Rights Act has already demonstrated how human rights legislation can make a practical difference in housing decisions involving domestic and family violence. In *Case 2: Domestic violence survivor avoids eviction to homelessness*, published by the Human Rights Law Centre as part of its *101 Human Rights Cases* project, Tenants Queensland used the Queensland Human Rights Act to assist a single mother who had experienced domestic violence after her housing provider sought to terminate her lease because of serious breaches caused by

her ex-partner. The human rights complaint and tenancy submissions helped create space for negotiation, leading to a tenancy transfer and the withdrawal of the termination application.

WAGEC also supports the Bill's recognition of victims' rights, including the right to be treated with courtesy, compassion, cultural sensitivity and respect for dignity, and to be protected from unnecessary trauma, intimidation and distress throughout the justice and legal process. This is particularly important for victim-survivors of domestic, family and sexual violence, many of whom experience legal and justice processes as confusing, unsafe or retraumatising.

### Housing as a human right

WAGEC strongly supports the inclusion of the right to an adequate standard of living, including housing. For women and children escaping violence, housing is often the foundation for safety. In 2024-25, specialist homelessness services assisted around 117,000 clients who had experienced family and domestic violence, making this the largest group of people using homelessness services in Australia. Around 46,800 were already experiencing homelessness when they first presented for support.<sup>2</sup>

This reflects WAGEC's frontline experience that homelessness is rarely a single-issue experience. Women may be escaping violence while also dealing with financial control, exclusion from the private rental market, visa-related barriers, release from custody, poverty, trauma or the risk of family separation. Many are trying to keep their children safely with them, or to reunify with children after separation. For these women and children, housing is not separate from safety. It is often what makes safety possible.

Recognising housing as a human right would help strengthen the way NSW understands and responds to homelessness. For women and children affected by domestic and family violence, this is particularly important. Often, women are forced to carry the burden of leaving while the person using violence remains housed. Crisis accommodation is essential, but it cannot be the whole response. A human rights approach should support stronger investment in long-term housing pathways including social housing, transitional housing, specialist homelessness responses and practical supports that help women and children move from crisis into stability.

Experience in other Australian jurisdictions shows that human rights legislation can make a practical difference in housing decisions. In Queensland, human rights arguments have been used to help women and families avoid eviction where the circumstances involved domestic

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<sup>2</sup> Australian Institute of Health and Welfare, *Specialist homelessness services annual report 2024-25: Clients who have experienced family and domestic violence*, 4 December 2025.

and family violence, disability, pregnancy, children and serious hardship. For example, in *Case 4: Expectant mother holds on to her tenancy*, published by the Human Rights Law Centre as part of its *101 Human Rights Cases* project, Tenants Queensland assisted a single mother who was seven months pregnant and facing termination of her tenancy because of an alleged serious breach connected to the conduct of her ex-partner. She had obtained a protection order and filed a human rights complaint. The housing provider ultimately withdrew the termination application, allowing her to remain housed.

WAGEC recommends that the implementation of the Bill include clear guidance for public authorities on how the right to housing should be considered and applied in decisions affecting women and children experiencing violence, homelessness, family separation, release from custody and other forms of systemic disadvantage. Without safe housing, many other rights, including safety, health, family life and education become difficult or impossible to realise.

### **Children's rights and protection of families**

WAGEC welcomes the Bill's recognition of children's rights and the protection of families, particularly the recognition that children should be able to express their views in matters affecting them, and that their best interests must be a primary consideration. In practice, children's voices can be lost when systems are focused on adult risk. A human rights framework should help public authorities consider children as people with their own rights, needs and views.

We also support the Bill's recognition of the family, including kinship groups and non-nuclear families. For many women and children, family and kinship connections are critical to safety, culture and recovery. This is particularly important for First Nations women and children, where decisions about child protection, housing, justice and support must recognise the importance of culture, kinship, and community.

We have previously expressed concern that child protection systems can respond to domestic and family violence in ways that place responsibility on mothers for the violence used by perpetrators. A human rights approach could help shift this practice. Public authorities should be required to consider the rights of children and protective parents together.

### **First Nations women, children and self-determination**

WAGEC supports the Bill's recognition of the rights of First Nations peoples, including cultural, spiritual, political, social and economic rights. We also support the Bill's recognition of self-

determination and the need for First Nations peoples to participate in decisions that directly or disproportionately affect them.

This recognition must be understood in the context of the ongoing impacts of colonisation and systemic racism. First Nations women and children continue to experience disproportionate contact with systems that affect safety, family, housing and liberty. In NSW, Aboriginal adults made up 33.9 per cent of the adult prison population in December 2025, despite Aboriginal people making up around 3 per cent of the NSW population.<sup>3</sup> Aboriginal young people also made up 56.4 per cent of the youth detention population at the end of 2025. For Aboriginal women, the over-representation is acute, with the KWOOP Strategy 2025-2028 reporting that Aboriginal women in NSW are imprisoned at a rate 22 times higher than non-Indigenous women.<sup>4</sup>

For WAGEC, these figures reflect the need for a human rights framework that does more than recognise rights in principle. It must help shift the way public systems make decisions about First Nations women, children and families, particularly in relation to domestic and family violence, housing, child protection, policing, courts, corrections and post-release support.

A human rights framework for NSW must be implemented in a way that strengthens self-determination and supports Aboriginal community-controlled organisations. This means genuine participation and respect for First Nations knowledge, family structures, kinship systems and community-led solutions, rather than consultation after decisions have already been shaped.

This is particularly important in relation to domestic and family violence responses, child protection, housing, corrections and post-release support. First Nations women and families should not be required to navigate systems that are unsafe or culturally disconnected. WAGEC recommends that implementation of the Bill be co-designed with Aboriginal community-controlled organisations, including guidance for public authorities on how rights-based decision-making should operate in practice for First Nations women, children and families.

### Women exiting custody and the justice system

WAGEC supports women exiting custody through specialist housing and case management responses. This experience demonstrates how closely human rights are connected across

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<sup>3</sup> NSW Bureau of Crime Statistics and Research, *Record remand numbers drive growth in NSW prison population*, 12 February 2026.

<sup>4</sup> Keeping Women Out of Prison Coalition, *KWOOP Strategy 2025–2028*.

systems. Many women are criminalised in the context of poverty, trauma, homelessness, family violence, mental ill-health and limited access to support. For Aboriginal women, this sits within a broader pattern of systemic over-representation. In NSW, Aboriginal adults made up 33.9 per cent of the adult prison population in December 2025, despite Aboriginal people making up around 3 per cent of the NSW population. The Keeping Women Out of Prison Coalition (KWOOP) has also reported that Aboriginal women in NSW are imprisoned at a rate 22 times higher than non-Indigenous women.<sup>5</sup>

For women leaving custody, the period immediately before and after release is often where rights are most at risk. Without coordinated release planning, a woman may leave prison without safe housing, income, identification documents, healthcare, parenting support or clear parole arrangements. This can increase the risk of homelessness, unsafe relationships, family separation and return to custody.

The Bill's rights relating to humane treatment when deprived of liberty, fair hearing, liberty and security, housing, health, family life, children's rights and dignity all have practical relevance in this context. WAGEC strongly recommends that implementation of the Bill include specific attention to women in contact with the criminal justice system, particularly Aboriginal women, mothers, pregnant women, women with disability, women experiencing mental ill-health and women with histories of violence and trauma. A human rights framework should help ensure that release planning begins early, is coordinated across relevant agencies and supports women to live safely in the community.

The Bill also applies to children and young people in the criminal process. WAGEC supports the principle that children should only be deprived of liberty as a last resort and for the shortest appropriate period of time. This principle should be taken seriously in implementation, particularly given the disproportionate impact of criminalisation on First Nations children and families. In December 2025, Aboriginal young people made up 56.4 per cent of the NSW youth detention population, underscoring the need for rights-based approaches that reduce unnecessary contact with custody and strengthen community-based support.<sup>6</sup>

### Privacy, technology-facilitated abuse and safety

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<sup>5</sup> NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly update December 2025*, 12 February 2026.

<sup>6</sup> NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly update December 2025*, 12 February 2026.

The Bill's recognition of the right to privacy and reputation is increasingly important in the context of domestic and family violence. For victim-survivors, digital privacy is often a safety issue. A compromised account, shared password, location setting or connected device can allow a perpetrator to monitor a woman's movements, access private information, threaten her, impersonate her or continue patterns of coercive control after separation.

Technology-facilitated abuse is now a common part of the violence experienced by women and children. Perpetrators may use spyware, social media platforms, banking apps, surveillance systems, children's devices and other technologies to maintain control. In this context, privacy cannot be treated as a narrow data protection issue. It is directly connected to safety, dignity and a victim-survivor's ability to rebuild independence.

Public authorities also hold and share information that can affect a victim-survivor's safety. Decisions about information-sharing need to be made with care, particularly where a perpetrator may use systems to locate or continue controlling a woman or child. Public authorities, and organisations operating digital platforms that affect victim-survivors' safety, should be expected to take reasonable steps to protect privacy and prevent foreseeable harm.

WAGEC recommends that implementation of the Bill include clear guidance on digital privacy and safety for public authorities working with victim-survivors of domestic and family violence. This should include guidance on technology-facilitated abuse, safe information-sharing, consent, safety planning and the risks of unintended disclosure in an increasingly digital world.

### **Accessibility and complaints pathway**

WAGEC supports the establishment of a NSW Human Rights Commission and a complaints pathway under the Bill. However, this mechanism must be accessible in practice to work for women and children experiencing violence and homelessness, as well as other vulnerable groups.

The women WAGEC support confront immediate safety risks, trauma, poverty, caring responsibilities, legal processes and unstable housing. Some have limited English, limited digital access, disability, mental health concerns or deep mistrust of government systems because of previous experiences of harm. A complaints pathway that depends on legal literacy, confidence, stable contact details, written communication and time will not be easily or equally accessible.

The Bill should therefore be implemented with strong attention to trauma-informed and culturally safe practice. The Commission should be resourced to provide practical assistance to complainants, including the use of interpreters, support for people with disability, and be

designed to work safely with victim-survivors, including by partnering with trusted community organisations. It should also be able to identify systemic issues where individual complaints reveal broader patterns of rights breaches.

WAGEC supports the Bill's provisions allowing complaints about systemic issues. Many of the problems experienced by women and children are not isolated incidents. They often arise from policy settings, eligibility rules, service gaps, inconsistent practice or the failure of systems to work together.

### Implementation and resourcing

While WAGEC supports the Human Rights Bill 2025, we recognise that its impact will depend on how it is implemented. Public authorities will need more than a general understanding of the law. They will need practical guidance that reflects the real circumstances in which rights are affected, including the decisions made when a woman is escaping violence, when a family is at risk of homelessness, when a mother is trying to reunify with her children, or when a woman is leaving custody without a safe place to go.

The NSW Human Rights Commission will also need adequate and ongoing resourcing to provide education, respond to complaints and identify systemic issues as they emerge. Community organisations will have an important role in helping people understand their rights and use complaints or review processes safely. For women and children in crisis, human rights protections must be understandable, safe to use and connected to real outcomes, rather than being a framework that remains out of reach in practice.

### Recommendations

WAGEC recommends that the Committee support the Human Rights Bill 2025 and strengthen its implementation so that the rights it recognises can be understood, accessed and exercised by the people most likely to need its protection.

WAGEC recommends that the Committee:

1. Support the passage of the Human Rights Bill 2025, including enforceable obligations on public authorities to act compatibly with human rights and properly consider relevant rights in decision-making.
2. Require practical implementation guidance for public authorities, with specific attention to decisions affecting women and children experiencing domestic, family and sexual violence, homelessness, family separation, criminalisation and systemic disadvantage.

3. Embed rights-based decision-making across the systems most relevant to women and children's safety, including housing, policing, courts, corrections, child protection, health, education and social services.
4. Strengthen the practical operation of the right to housing, including through clear guidance on how housing rights should be considered in decisions affecting people experiencing domestic and family violence, homelessness, release from custody and family separation.
5. Ensure the NSW Human Rights Commission is adequately and sustainably resourced to provide education, handle complaints, identify systemic issues and support meaningful remedies.
6. Design the complaints pathway so it is safe and accessible in practice, particularly for people experiencing crisis, trauma, unstable housing, disability, limited English, digital exclusion or distrust of government systems.
7. Co-design implementation of the Bill with Aboriginal community-controlled organisations, and ensure First Nations self-determination is central to guidance, training, monitoring and review.
8. Resource community organisations to support people to understand and exercise their rights, recognising that many women and children will need trusted, trauma-informed assistance to navigate complaints, reviews and public systems.
9. Require the statutory review of the Act to include meaningful consultation with specialist domestic and family violence services, homelessness services, Aboriginal community-controlled organisations, legal assistance services, disability organisations, migrant and refugee organisations, and people with lived experience.

## Conclusion

The Human Rights Bill 2025 offers NSW an opportunity to strengthen how public systems recognise and respond to the dignity, safety and rights of people whose lives are most affected by government decisions.

For the women and children WAGEC supports, human rights are a constant in everyday interactions with systems. They are present when a woman seeks safety from violence, when a child needs stable housing and schooling, when a mother exiting custody needs a safe place to live, when a victim-survivor needs her privacy protected, when a First Nations family needs culturally safe support, or when a woman facing poverty needs public services to respond with fairness rather than suspicion.



A Human Rights Act will not resolve every service gap or remove the pressures facing public systems. It can, however, create a stronger foundation for decision-making, accountability and prevention, and help ensure that the rights of women and children are considered before decisions are made, rather than after harm has occurred.

WAGEC urges the Committee to support the Bill and to ensure that its implementation is adequately resourced, practical, accessible and informed by the experiences of people most likely to rely upon its protections.