

The Bar Council RESOLVED to recommend the adoption of a charter of rights for NSW with the following features:

- (a) Maintenance of the sovereignty of the NSW Parliament;
- (b) Enactment by statute;
- (c) Protection of the following rights (taken from the Victorian Charter adapted in accordance with NSW law): equality before the law, right to life, protection from torture or cruel, inhuman and degrading treatment, freedom from forced work (slavery, servitude or compulsory labour), freedom of movement, protection of privacy and reputation, freedom of thought, conscience, religion, belief, expression, peaceful assembly and freedom of association, protection of families and children, right to take part in public life, cultural and property rights, right to liberty and security of the person, right to humane treatment when deprived of liberty, right to a fair hearing, rights in criminal proceedings, right not to be tried or punished more than once, rights in relation to retrospectivity of criminal laws ('Human Rights');
- (d) Public authorities and those exercising a public power be required to act in accordance with human rights unless required by statute to act otherwise;
- (e) Requiring a Member introducing a Bill to deliver a reasoned statement to Parliament as to whether the Bill is compatible with human rights or not; and
- (f) Incorporating a review mechanism no later than five years after commencement to ascertain whether rights in the charter should be reviewed, whether human rights might more adequately be enforced and whether a right to damages should be added to the charter.