



**New South Wales Society of Labor Lawyers
Proposed Amendments to National and State Platforms**

A. Amendments to National Platform

(Adopted at the Special Platform Conference on 30/31 March 2021)

Chapter 5, page 59 paragraph 39

Amend paragraph 39 as follows:

Labor will develop a national approach to children and the law, which will:

- a. recognise the best interests and wellbeing of the child as a primary consideration;*
- b. set standards for court procedures where children are involved as witnesses, victims or offenders;*
- c. set standards for support, counselling and rehabilitation services for child victims and offenders within the criminal justice system;*
- d. support research into the causes of juvenile crime; ~~and~~*
- e. continue to support the work of the National Children's Commissioner; and*
- f. work to harmonise and improve the child protection laws and systems of the federal, state and territory jurisdictions.*

Chapter 6, page 65 paragraph 33

Amend paragraph 33 as follows:

Labor embraces the rule of law and endorses the basic principles of justice. These principles include that:

a.

h. people convicted of a criminal offence shall have the right to appeal against conviction; and

i. evidence obtained illegally, by torture, coercive techniques or by improper investigative practice is inadmissible; and

j. civil and criminal trials should take place before independent courts open to the public, with suppression and non-publication orders only to be made in exceptional circumstances.

Labor believes that these principles apply to all Australians equally, and we will work to ensure that this is the case for those who have been marginalised by the justice system, including First Australians, women and young offenders.

Chapter 6, page 65 paragraph 35

Add a new paragraph after paragraph 35 as follows:

Labor believes that access to justice is strengthened by ensuring that class actions are available to members of a group who have an essentially common cause of action.

Chapter 7, page 67 paragraph 4

Add the words in bold to paragraph 4 as follows:

Labor will always work responsibly and constructively to improve our national security laws and to ensure our security agencies and police can employ the powers they already have, and can acquire such additional powers they may need to meet the changing national security threats we face as a nation. Labor will ensure those powers are consistent with the long-standing values and hard-won liberties that help to define Australia as a democratic nation that always upholds the freedom and privacy of its citizens. Labor will enhance existing mechanisms to ensure parliamentary and statutory oversight of intelligence agencies is commensurate with their increasing responsibilities and powers. Powers exercised by security agencies which impinge on the fundamental rights of citizens should wherever possible be authorised by warrant and reviewable by a court.

B. Amendments to NSW State Platform

(Proposed for NSW State Conference on 9/10 October 2021)

Stronger Democracy and Social Justice Chapter

Paragraphs 1 and 2 below be incorporated into the section on Promoting Civil Liberties:

1. *NSW Labor will adhere to Australia's international human rights obligations and seek to incorporate them into Australia's laws and administrative decision-making, including by constitutional, legislative or administrative changes as appropriate.*
2. *NSW Labor supports the introduction of a Charter of Human Rights and Responsibilities in NSW, similar to the successful legislation in place in Victoria, the ACT and more recently in Queensland.*

Paragraph 3 below be incorporated into the section on Criminal Law and Procedure:

3. *NSW Labor embraces the rule of law and endorses the basic principles of justice. These principles include that:*
 - a. *people accused of a criminal offence are not compelled to incriminate themselves;*

- b. people are not subject to prolonged detention without charge;*
- c. persons charged with a criminal offence are presumed innocent until proved guilty before an independent court;*
- d. charged persons are tried without undue delay;*
- e. accused persons are given a fair trial;*
- f. people charged with serious criminal offences are provided with legal representation if they are unable to afford legal representation of their own;*
- g. people shall not be found guilty of any crime, the elements of which did not constitute a crime at the time of its commission;*
- h. people convicted of a criminal offence shall have the right to appeal against conviction and sentence;*
- i. evidence obtained illegally, by torture, coercive techniques or by improper investigative practice is inadmissible; and*
- j. civil and criminal trials shall take place before independent courts open to the public, with suppression and non-publication orders only to be made in exceptional circumstances.*

Add new clause below clause 2.71, as follows:

NSW Labor is committed to an impartially selected judiciary that represents the diversity of the Australian community. NSW Labor will review the current process for judicial appointments in NSW with a view to further formalising the selection process for judges of all courts within this jurisdiction and formalising arrangements requiring the Attorney-General to consult with relevant heads of jurisdiction, legal professional bodies, and bodies representing legal professionals from diverse or minority backgrounds.