



Human rights by name censorship by effect

The NSW Human Rights Bill 2025 would make public expression increasingly conditional on official approval

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A bill that restricts

The phrase 'human rights' has an understandably noble sound. Australians rightly value human dignity, equality before the law, freedom of religion and freedom of expression. In fact, all these ideas are deeply rooted and grounded in the Christian worldview. It is Australia's Christian heritage that has given us such wonderful freedoms and protection to enjoy life.

The Greens' Human Rights Bill 2025, introduced into the NSW Legislative Assembly by Jenny Leong MP, seeks to legislate and order these 'human rights' in so doing she is creating an unending list of legal battles and unintended consequences. It is a private member's Bill, presently referred to the Legislative Assembly Committee on Community Services. Its advocates present it as a framework that will bring rights together in one place and require public officials to respect them.^[1] But a Bill

must be judged not merely by the rights it announces, but by the machinery it creates, the conflicts it invites and the institutions it empowers to decide who may prevail.

The Bill promises a generous catalogue of rights. It also creates a statutory system in which

- a. rights are balanced through open-ended ideas of 'dignity', 'equality', 'freedom' and 'reasonable limits';
- b. public authorities face new legal duties; courts are directed to interpret legislation through the new framework;
- c. a new Human Rights Commission may receive and investigate complaints; and
- d. proceedings may be brought in NCAT or the Supreme Court.^[2]

While freedom of speech and protest is listed in this Bill, unpopular speech can be re-described as harm, a discriminatory act or as insufficiently justified thus our freedom of speech ultimately rests in the hands of lawyers or the newly created Human Rights Commissioner. In that

setting, freedom of expression remains on paper while becoming more costly, more precarious and more conditional in practice. The Bill establishes the architecture of restricting freedom of speech and thus worship.

Thirty-one enforceable rights: a blueprint for government control

The NSW Human Rights Bill 2025 would create 31 enforceable rights, not merely the traditional protections against government abuse, such as freedom of speech, religion, association and due process. This bill would create a sweeping set of claimed entitlements to things such as education, housing, social security, cultural participation and an "adequate standard of living". This is not a modest human-rights measure. It is a blueprint for radically expanding the authority of government, tribunals, commissioners and courts over matters that have traditionally been decided by Parliament and ultimately by the Australian people.

There is a fundamental difference between a liberty and an entitlement. Freedom of speech requires government not to silence citizens. Freedom of religion restricts the government from punishing people for worshipping, teaching or living according to their faith. A right to housing, or an 'adequate' standard of living demands that somebody provide it. Homes must be built and if those homes are being built by the government, they will be funded by the taxpayer. That means you being compelled to fund housing for other. This is not charity, this is the extremes of government redistribution. The State cannot manufacture these things by passing a law. It can only take more money, regulate more heavily, redistribute more aggressively and direct more economic activity.

That is why this Bill represents a serious break with the Anglo-Australian legal tradition. Under the Westminster system, difficult questions of taxation, welfare, public spending and economic priorities are contested at elections. Governments make choices, voters judge them, and governments can be removed. The Bill instead invites courts, commissions and tribunals to turn political demands into legal claims. Once food, housing and an "adequate" living standard are enforceable rights, activists will not merely argue that a government has made poor policy; they will argue that it has breached human rights.

The likely result is not greater freedom but greater control. Bureaucracies will gain another reason to interfere in our daily lives. It could enable them to direct resources and regulate private institutions. Businesses, taxpayers and community organisations will be expected to carry the cost of promises politicians cannot realistically guarantee. The danger is that government will increasingly displace the families, churches, charities, employers and private enterprises that actually create wealth, build homes and supply goods.

Christians are called to care for the poor. But compassion is not advanced by pretending that government coercion is the same as charity. We cannot pretend

that rights written on paper can replace productive work, personal responsibility and voluntary generosity upon which a healthy society depends.

The freedom that matters is the freedom to dissent

Free speech is not tested when people repeat what the powerful woke lobby wants to hear. When protesters are repeating the fashionable cosmopolitan talking points, such as abortion being healthcare they are protected. When universities fall in line with the bureaucratically approved opinion they face no resistance. Freedom of speech is needed when one steps outside of the globalist approved opinions, when a Christian stands up for the Biblical definition of marriage, or someone refuses to be confused about what the differences between a man and women are, those individuals need free speech protection. A society that protects only agreeable speech does not possess meaningful freedom of expression.

The Bill's proposed section 24 recognises a right to hold opinions without interference and to seek, receive and impart information and ideas. Proposed section 22 likewise protects thought, conscience, religion and belief, including the freedom to manifest religion or belief in public or private through worship, observance, practice and teaching.^[3] These words are welcome. Yet they cannot be read in isolation.

We have seen in Australia the alarming example of Kirralie Smith, who was fined \$95,000 for "misgendering" someone. Simply put, in Australia you can now be fined for calling a man a man. Biology 101 is dangerous. This Humans Rights Bill introduced by the Greens will only add fuel to the fire, making speech increasingly costly, for the individual who is out of step with the current progressive worldview.

For Christians, speech is not an optional extra. Christianity makes claims about truth, human nature, marriage, the family, sexual conduct, the sanctity of life and the authority of God. It is inherently communicative. 'And ye shall know the truth, and the truth shall make you free' (John 8:32). A legal

order that tolerates private belief while penalising its public articulation offers a right to believe in silence, not freedom of religion.

Speech cannot be free only after it has been sanitised

There is an important moral difference between speaking with cruelty and speaking with conviction. The duty of love does not require Christians to conceal truths that the culture has decided are unwelcome. Nor should the state have the power to determine what opinions are authorized and allowed. Causing offence should not see someone investigated and hit with a nearly six-figure fine.

An adult should be able to hear an opposing case about marriage, sex, parenthood, abortion or religion without claiming a right to silence the speaker. In a democracy, disagreement should not result in you paying damages to an offended party. It should be considered an ordinary part of living among people, that there will be different convictions.

Once law and bureaucracy begin treating offence as evidence of harm, the safest speech is speech emptied of moral content. A pastor will choose ambiguity rather than clarity. A teacher will avoid a question rather than invite trouble. A parent will hesitate before challenging a school policy. These are not dramatic acts of censorship, which is precisely why they are easy to miss. They are the slow habits of self-protection that make a free people less willing to speak. This chilling effect is well documented in Victoria, a state that has been leading the way in curbing speech and religious expression.^[5]

The defence of free speech is therefore not a licence for vice. It is a defence of the citizen's capacity to reason, persuade, disagree and seek the truth. A State that distrusts adults to encounter contested ideas will eventually use its power to decide which ideas may be encountered at all.

The escape hatch: "reasonable limits"

Proposed section 12 allows a human right to be limited only to the extent that the limitation is reasonable and

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demonstrably justified in a free and democratic society based on human dignity, equality, freedom and the rule of law.^[6] This sounds good, but now the courts must decide;

- What is 'dignity' when a Christian teacher states that marriage is the union of a man and a woman?
- What is 'equality' when a Christian school seeks staff who will uphold its religious ethos?
- What is 'harm' when a minister teaches that God created mankind male and female?

These are not hypothetical abstractions. They are precisely the kinds of public questions on which religious conviction increasingly collides with the prevailing woke secular creed.

In each case, one party will call the speech religious teaching or honest moral conviction; another may call it exclusionary, discriminatory or harmful.

The danger is more structural: it makes the legal status of such expression dependent on the Human Rights Commissioner and the courts.

If framed in the objective sense of reality, legally enforceable rights are meant to place some matters beyond the reach of passing political pressure.

They are weakened and self-destructive when they become mere interests to be weighed against any asserted aim or objective dressed in the language of dignity or equality.

Equality must not become enforced conformity

The Bill proposes equality before the law and protection against discrimination, drawing on the grounds in NSW anti-discrimination law.^[7] Equality before the law is indispensable. Christians affirm the equal worth of every person because every human being bears the image of God: 'So God created man in his own image' (Genesis 1:27). But equal human dignity is not the same thing as a legal right to never hear any disagreement, disapproval or a belief one finds confronting.

When equality is transformed from a shield against unjust treatment into a sword against dissenting speech, it ceases to enlarge liberty. It enforces uniformity. A Christian school cannot preserve its character merely by hanging a cross in the foyer. Its staff, curriculum, pastoral care and policies must be allowed to express a Christian understanding of life. The same is true of churches, charities, aged-care providers and

community organisations. Their ability to live according to their religious ethos is a vital aspect of being true to truth.

In the FamilyVoice submission on the Greens Bill in NSW, we rightly noted that instead of restricting and narrowing freedom, Australia needs more explicit protection for the institutional autonomy of faith-based bodies and for conscience protections.

This is why the Bill should not be assessed only by asking whether a preacher could technically still speak on Sunday. The more serious question is whether Christian schools, charities and service providers will remain free to operate according to their convictions on Monday.

Uncertainty is not neutral. It changes behaviour. Boards become risk-averse. Lawyers advise restraint. Insurers ask questions. Staff hesitate before teaching doctrine plainly. Policies are softened to avoid a complaint. It is not necessary for a court to ban a sermon before self-censorship begins; the credible prospect of protracted process is often enough.

Interpretation is power

Proposed section 45 requires statutory provisions to be interpreted, so far as reasonably possible, in compatibly

with human rights, or otherwise in the way most compatible with them. It also directs attention to international human-rights law and relevant decisions of domestic, foreign and international courts, tribunals and treaty-monitoring bodies.^[9]

Contested social questions have traditionally been fought in Parliament, where elected representatives debate, legislate and answer to voters. This Bill increasingly channels those questions through courts, tribunals, commissions and bureaucratic processes. That is not the removal of politics. It is the relocation of politics to institutions that are further away from ordinary democratic accountability.

A statutory charter may speak of freedom while altering the practical balance of power against those whose convictions are unpopular in elite institutions. Christian and conservative citizens have every reason to ask not merely what rights are listed, but who will define them, who will pay to litigate them and what cultural assumptions will guide their application.

Christian needs to be aware that shifting power away from parliament and towards courts carries with it enormous danger to our democracy and fundamental voices as citizens. The influence of common sense will diminish. As courts take on more power to interpret what has been legislated the elite opinion is more likely to snuff out the voice of the common person. This shift in power will reduce the effectiveness of our democracy. It Centralises power into the few hands of unelected lawyers and bureaucrats, and shifts accountability away from our elected representatives in Parliament.

When the process becomes the punishment

The enforcement provisions give this concern teeth. The explanatory material states that public authorities may act unlawfully if they make a decision incompatible with human rights or fail properly to consider a relevant right. The Commission may make inquiries, require information in relation to a complaint, conduct conciliation and

publish information about a finalised complaint.^[10]

The complains systems carry a predictable danger when they are used in ideological disputes. A respondent does not need to lose a case to be punished. There are legal bills, executive time, discovery obligations, publicity, staff anxiety, pressure from funders and the reputational stain of being accused of acting contrary to 'human rights'. We have seen this very clearly with the Kirralie Smith case.

The Bill's proposed costs rules heighten that concern. A successful applicant will ordinarily receive costs, while an applicant is generally protected from an adverse costs order.^[11] The policy by removing ordinary litigation risk can invite weak or strategic claims and make formal complaints an attractive weapon against unpopular speakers.

The phrase 'the process is the punishment' should not be treated as rhetorical excess. For a small school, local charity or faith-based service, months of correspondence and legal advice can be enough to change policy and silence staff. The result is a quieter public square not because an opinion has been disproved, but because defending it has become too expensive.

The warning is cultural as well as legal

Law does not operate in a vacuum. It is administered by people within institutions, and those institutions have cultural assumptions. Once a traditional Christian position is labelled a human-rights problem, ordinary debate is replaced by risk management. Overtime, an unelected rights framework becomes the default lens through which legislators and officials assess contested social questions. The question no longer becomes simply, 'What has Parliament chosen?' It becomes, 'What will the rights bureaucracy permit?'

A better way

The Human Rights Bill 2025 should not proceed in its present form. Its promise is human rights. Its practical risk is that the freedom to hold, speak and live by unpopular convictions will become

subject to approval by commissioners, tribunals and courts. New South Wales does not need a charter that teaches citizens to fear dissent. It needs laws that protect the liberty to speak, believe and serve without coercion. That is not an exception to human rights. It is one of their first conditions.^[12]

FamilyVoice Australia helped coauthor the first ever Australian Christian Freedom Index Report that documents the ever-growing list of discrimination and pressure on Christians. We need clear laws that protect our freedom of speech.

At the very least, any NSW legislation in this field must contain clear and positive protections for freedom of religion, conscience, expression, association and the institutional autonomy of faith-based bodies. It should make plain that religious belief and teaching are not to be treated as discrimination merely because someone disagrees with them. It should keep costs rules balanced, confine public-authority definitions carefully, and prevent complaint processes from being used as instruments of intimidation.

References

1. NSW Parliament, Human Rights Bill 2025, Bill details and status, accessed 13 August 2026.
2. Human Rights Bill 2025 (NSW), Explanatory Note, Parts 1–8.
3. Human Rights Bill 2025 (NSW), proposed ss 22 and 24.
4. International Covenant on Civil and Political Rights, arts 18–19; UN Human Rights Committee, General Comment No. 34 (2011).
5. Zimmermann, A. and Moens, G. (2025), 'In Victoria, Free Speech is Dead', *Quadrant*, 4 April 2025. Available at: <https://quadrant.org.au/news-opinions/free-speech/in-victoria-free-speech-is-dead/>
6. Human Rights Bill 2025 (NSW), proposed s 12.
7. Human Rights Bill 2025 (NSW), proposed s 14; Anti-Discrimination Act 1977 (NSW).
8. Human Rights Bill 2025 (NSW), proposed ss 8–9.
9. Human Rights Bill 2025 (NSW), proposed s 45 and Schedule 1.
10. Human Rights Bill 2025 (NSW), proposed Parts 3 and 6; Explanatory Note, pp 2–3.
11. Human Rights Bill 2025 (NSW), proposed s 50.
12. FamilyVoice Australia, Submission to the NSW Legislative Assembly Committee on Community Services inquiry into the Human Rights Bill 2025.

Further Reading

Australian Christian Freedom Index Report
- [AustralianChristianFreedomIndex.org.au](https://www.AustralianChristianFreedomIndex.org.au)