

Scrutiny of Acts and Regulations Committee  
Parliament House  
Spring Street  
East Melbourne VIC 3002

Dear Committee Members,

The Victorian Trades Hall Council (“VTHC”) writes to express its grave concerns with the *Summary Offences and Sentencing Amendment Bill 2013* (“the Bill”).

The Bill seeks to amend the *Summary Offences Act 1966* (“the Act”) in such a way that would infringe upon the human rights of Victorians contained in the *Charter of Human Rights and Responsibilities Act 2006* (“the Charter”). The Attorney General indicated in his speech to the Legislative Assembly that these changes were required to address “lawless behaviour in our streets”.

In the statement of compatibility accompanying the Bill, the Attorney General asserts that the Bill is compatible with the Charter but expressly admits that “*The amendments impose a limitation on an individual’s right to move freely within Victoria as set out in section 12 of the charter act and may, in certain circumstances, limit the rights to freedom of expression (section 15), and peaceful assembly and freedom of association (section 16).*”

Section 7(2) of the Charter requires any limitations of human rights within the Charter be “*reasonable limits as can be demonstrably justified in a free and democratic society*”. The VTHC submits that there is no basis to suggest that such amendments are justified or necessary and are therefore wholly incompatible with the Charter. It further submits that such changes are not only incompatible but against the intent and spirit of the Charter which was to protect and promote human rights. There is no evidence that the Government has explored other measures that may address the stated aims of the Bill but do not infringe upon rights included in the Charter.

The introduction of exclusion orders places an unnecessary and heavy handed restriction on Victorians’ right of freedom of movement within the state. Contrary to the stated intent to address “lawless behaviour”, the expanded move on powers in conjunction with the exclusion order scheme criminalise actions which are currently lawful and protected by the Charter.

Placing limitations on the human rights of Victorians is no trivial matter and the haste with which the Government seeks to introduce these changes is of deep concern to the VTHC. The Government’s failure to consult widely with the community about such an important issue belies the real intent of the Bill which can only be to silence dissent in an election year.

The human rights of the Victorian people are not playthings to be undermined or disregarded in the name of political expediency.

The failure of the Government to consult with relevant stakeholders is compounded by its lack of political mandate to introduce such amendments. The VTHC submits that no Victorian entered a polling place and cast a vote to have their human rights undermined in such a way. The introduction of the bill in its current form would constitute an abrogation of

the Governments duty to consult with relevant stakeholders and uphold the rights of the Victorians.

For these reasons, the VTHC opposes the proposed amendments that have the effect of placing limitations on Victorians rights to freedom of expression, peaceful assembly and movement. We also submit the following course of action before any further legislative action on this matter:

- 1. SARC should recommend that the Bill not be passed in its current form, given that it includes unreasonable and arbitrary limitations on human rights, which contradict the intent and spirit of the Charter.**
- 2. SARC should recommend that the Bill be subject to further community consultation to consider how to address concerns of “lawless behaviour in our streets” without infringing upon the human rights of all Victorians.**

The VTHC would welcome the opportunity to further discuss its concerns with committee members, including if possible, attending your next committee meeting.

Sincerely,

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