A Response to the Vic Gov enquiry into charter of Rights by the SARC

While the Victorian Charter of Rights and Responsibilities is admirable for its general intention of upholding individuals by protecting, amongst other things, their freedom of thought, conscience and religious belief, it has inadvertently (as predicted before The Charter was introduced) provided a vehicle for those with a selfish intention to seek to uphold their particular rights at the expense of others.

This is the basis of my objection to the very existence of the Charter, dependent as it is on the related laws of Equal Opportunity and Discrimination. At the same time, it would appear to be an admirable intention of the Act to provide a benchmark against which proposed legislation can be measured.

The solution to this dilemma would appear to involve limiting or eliminating the activities of the Scrutiny of Acts and Regulations Committee that allow it to unilaterally investigate and question whoever they wish, without even a complaint being made against the party being investigated. This type of operation of the SARC makes Victoria start to become the dreaded ‘Police State’. I believe that the activities of the SARC should be limited to only commenting on current and proposed legislation with regard to our freedoms (or rights with responsibilities).

With regard to item (e) of the present enquiry, I would suggest that alleged ‘infringements of rights’ are usually highly exaggerated and generally unnecessary, as to it’s effect on the community. It seems to me that those parties that bring these allegations are merely using the Charter as a means of advancing their particular cause at the expense of the party so alleged.

I would doubt the wisdom of extending the scope of the Act in the social and economic areas etc as indicated to the committee of enquiry. I would suggest that the existing areas of coverage are more than adequate.

Overall, I have seen that the Charter has been abused by people who wish to undermine the law by putting one person’s views against another. (This too was predicted prior to the introduction of the Act and is an expected hazard of trying to provide legal benchmarks for one’s personal activities ) All you have to do is allege ‘discrimination’ as opposed to permitting the other party to exercise their freedom or right. In this way, I believe one’s freedoms are effectively being reduced and not protected by this sort of use of The Charter.

If the exclusion or exemption clause has now been removed, then at least one anomaly will have been removed. Fancy a religious organization being hindered from freely choosing who they wish to employ when many other organisations are traditionally allowed the freedom to do so. One only has to think of the entrance requirements of such groups as political parties, trade unions,
professional bodies to realize that discrimination in those cases is quite logical and reasonable. And yet legal provision through a mere reference to the Victorian Charter of Rights has been made for these sorts of freedoms to be disputed.

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