Review Committee:

I place before you the following statements of my opinion as a SUBMISSION to the Review Committee on the Victorian Charter of Rights.

I have attempted to keep within your Guidelines, therefore:

I submit:-
1. Other Victorian or Federal Laws/Statutes and Rulings on the areas covered by this Charter already safeguard the Rights of the Citizen in Victoria. This Charter is therefore an 'overlay' which is unnecessary and confusing.
2. Other than by full Parliamentary repeal, the Charter removes from the elected citizens to non-elected persons, rulings on critical ways of life and culture that should be the preserve of only elected representatives.
3. Because the Charter is only a piece-meal incorporation of an International Covenant, I submit that it is inadequate to fulfill its stated intention, and further, it is more appropriately a Federal rather than State matter for legislation because such rights should be nationally applied, or even treated through a Constitutional amendment.
4. Rulings, interpretations and decisions under the Charter have led already to contentious issues that have denied rights, rather than enhance them. For example, a) destruction of an unborn child at 39 weeks is now apparently acceptable, whereas it is murder when it is born! and, b) It has forced respected citizens to act against their conscience - thereby restricting their own inherent rights (doctor's referral issues).
5. There is little proof that the Charter has had any significant positive impact since established other than on the incomes of lawyers.
6. The Charters stated aims when passed into law have not been the result in either financial or outcome tests.
7. It has been used to limit inherent freedoms, rather than protect them: Example: religious freedoms.
8. The costs of enactment and implementation of the Charter on both Government and Judicial purses is significant for such little positive impact.
9. The costs of compliance and controls are an unnecessary burden for business both large and small - for little proven benefit.

In view of the above, and many other aspects of the Charter, I submit that the Committee should:
- seriously consider recommending the repeal of the whole Charter; and
- the dismantling of all the structures set up to support it; and
the Committee should also resolve or recommend that:
- consideration be given by Government to examination, and where considered desirable, to reversal of rulings made to date under the Charter.

Thank you for your consideration.

Graham Starkey