To Mr Edward O’Donohue MLC,

At the heart of every democracy, is the expectation of certain fundamental rights that we have all come to expect. These have become the hallmark feature of Western nations, and are indeed something to be proud of. I implore the Scrutiny of Acts and Regulations Committee, and its respective well-intentioned members, to consider the Victorian Charter of Human Rights and Responsibilities Act 2006, as something to be viewed as not only as an accomplishment to be immensely proud of, but as a mark of democratic governance.

In a time where presently you have such legislation internationally as the US Patriots Act (2001), or the UK Terrorism Act (2006), and indeed nationally the Anti-Terrorism Act (2005), we have seen a degradation of what made Western liberal democratic states something to behold, what was the very fabric or premise which democracy was based upon.

I neither take for granted nor find it incomprehensible that a state has an obligation to first and foremost provide security to its citizens by justifiable means. We live in an unfortunate time in which there seems no other way to provide such security, without the existence of pervasive, ineffectual, misguided legislation which violates the very liberal foundation upon which the Western state is established. I am sure however, that the existence of this legislation is by far the greater of the two evils. I ask however, that you consider this degradation of human rights in light of your current review of the Charter.

Surely such sections as S.10 of the Charter seem close to what I am attempting highlight here, the ‘Protection from torture and cruel, inhuman or degrading treatment’. Further, S.21, ‘Right to liberty and security of person’. These rights are both premises which we seemingly have come to expect, these are rights which citizens view as naturally granted. Yet neither of these is guaranteed by the Australian Constitution, which is primarily concerned with political rights rather than the liberty we have come to expect.

I recognise that the Charter may be a flawed effort, the very fact that it is a piece of legislation is enough to justify that rights within this are neither inviolable nor fundamental, simply because of the ease with which legislation may be altered by parliament. In an ideal world, fundamental rights are enshrined. However until such a time, it is my belief that the Victorian Charter of Human Rights has great symbolic and protective value to Victorian citizens, and should continue to enjoy the support of government.

I thank you for your time.

Yours faithfully,

Justin Boyd