29 June 2011

Mr Edward O’Donohue  
Chairperson, Scrutiny of Acts and Regulations Committee  
Parliament House  
Spring Street  
EAST MELBOURNE VIC 3002

Dear Mr O’Donohue

Re: Review of the Charter of Human Rights and Responsibilities Act 2006 by the Scrutiny of Acts and Regulations Committee

The Police Association [*"the Association"] has become aware that the Scrutiny of Acts and Regulations Committee [*"the Committee"] are undertaking an inquiry into the Charter of Human Rights and Responsibilities Act [*"the Charter"] Specifically, we understand that the areas of the inquiry are:

• "first four years of operation of the Charter", and
• "The affects of the Charter on:
  (a) the development and drafting of statutory provisions;
  (b) the consideration of statutory provisions by Parliament;
  (c) the provision of services, and the performance of other functions, by public authorities;
  (d) litigation and the roles and functioning of the courts and tribunals; and
  (e) the availability to Victorians of accessible, just and timely remedies for infringements of rights.

It is the Association’s view that the intention of the Charter is in principle, well meaning and in accord with the International Human Rights protocols. However, we are concerned that the Charter in its current form does extend to affording previously unavailable rights to those persons who have criminally offended to the detriment of our members and, by default, the wider community.

It is the rights of these classes of persons which we believe the Charter should not preserve or enhance. Convicted persons have seized upon opportunities where they can display their “rights” (as created by the Charter) may have been violated and use the perceived non compliance with the Charter to initiate litigious action against our members and potentially, other public authorities.
This is an area of the Charter that needs to be examined and reviewed to ensure that those persons rights which the Charter was intended to preserve, are maintained and not those who in effect relinquish theirs by their criminal behaviour.

There is no doubt that the vast majority of 'rights' created by the Charter are intended to favour the element of our community who would prey on the innocent. Conversely, comparatively few 'rights' are bestowed upon victims of crime, including police officers.

We thank you for allowing us the opportunity to provide our views to the Committee. Should you wish to further explore our views, please contact me directly at the Association on 9468 2600 or alternatively, Mr Anthony Walsh Manager, Legal is familiar with the matter.

Yours sincerely

GREG DAVIES
Secretary