BY EMAIL

Dear Sirs,

The Victorian Charter of Rights and Responsibilities Act (2006)

I refer to the above Act and wish to convey my family's wish that you should support the repeal of the Charter.

The Charter is unnecessary because the common and statute law of Victoria already 'covers the field' in the areas for which the Charter purports to provide. For example, section 9 of the Charter provides that no person shall be arbitrarily deprived of life. The life of human beings is already protected under the common law and Crimes Act provisions for murder and manslaughter. Section 21, which provides that no person shall be arbitrarily deprived of liberty, is likewise covered not just by the Crimes Act but also by the common law of wrongful imprisonment.

The Charter is ineffective because its provisions are vague and uncertain. For example, what constitutes "arbitrary" deprivation of life or liberty?

If anything, the Charter actually damages the position of human rights in Australia. In Section 31 provision is made for Parliament to override the Charter at any time, if certain safeguard procedures are followed. Subsection 31(9) further provides that even if the safeguard procedures are not followed, the overriding legislation continues to be wholly valid. Section 29 has a similar effect. This enables Parliament legally to ignore the Charter at will. If all the human rights contained in the Charter can legally be ignored by Parliament, then they are now less effective than they might have been otherwise, enshrined in the common law or other statutes.

I believe the Charter is classified as a "bill of rights." This terminology is deceptive. It does not guarantee rights, because it does not bind Parliament. If anything it detracts from existing rights. It does not deserve to stand alongside other famous Bills of Rights such as that of 1689 in Britain nor that in the US Constitution. These Bills are part of the constitutions of their nations and bind their legislatures. The Victorian Charter is a toothless tiger which has so far only been used to justify the expending of millions of dollars on catching trivial breaches of the Charter in proposed legislation. The statute and common law of Australia already contain provisions just as effective, if not more so, than those contained in the Charter.

The Charter is an empty, if not actually detrimental, political gesture and should be repealed as soon as possible.

Yours faithfully,

Suzannah Rowntree
on behalf of

The Rowntree Family