SUBMISSION
TO SCRUTINY OF ACTS AND REGULATIONS COMMITTEE
VICTORIAN PARLIAMENT

REVIEW OF VICTORIA'S CHARTER OF HUMAN RIGHTS

Preamble
The Victorian Charter of Human Rights (and Responsibilities—an after-thought addition to the title nowhere apparent in the title) is a flawed document, which should be repealed or drastically amended. Reasons why it should be repealed are both generic and specific.

1. Such charters are unnecessary in free countries, where rights are already protected under common-law, and were formerly more often to be found in countries where citizens' rights are honoured in the breach.

2. More recently, such charters have been foisted on free countries by left-liberal governments (such as the former government of Canada) and have proved to be cumbersome, expensive and troublesome for their successors, with no benefits for ordinary citizens.

3. Most important, such charters exclude some rights by specifying certain rights and implicitly disregarding other rights which are not included.

4. Such charters give judges the power and obligation to read down any legislation in the light of the charter, over-riding the purpose of the legislators and those who elect them.

5. Such charters include idealistic but cruelly misleading "rights" such as not to be homeless, which are in general unenforceable.

6. The Victorian Charter is a political document, reflecting the agenda of a group within the former government, the members of which committed themselves to social engineering.

7. The Victorian Charter was introduced in a clandestine fashion, the whole consultation process having been carried out with radical and alternative lifestyle groups, without the general public being notified of the process. This was reflected in the submission acknowledgements appended to the draft document. Of the several hundred submissions, fewer than ten were from conservative and Christian organisations, members of which had only accidentally learned of the process. This was in contrast with the Federal process, which was widely advertised and well attended by community groups of all kinds.

In Response to the some of the Committee's Terms of Reference.
1. Whether the Charter should include rights under international conventions.
   The selective approach to such documents is apparent in the charter is apparent when we look at the Convention on the Rights of the Child and the International Convention on Civil and Political Rights. The former convention specifically includes the unborn child under its protection, while the Victorian Charter specifically excludes him or her, stating that human rights begin from the birth of the child. Furthermore, the Victorian Charter contains no protection for the late-term aborted children who survive abortion and are currently left die or are assisted to die. Under US law such protection exists.
The latter International Convention on Civil and Political Rights prohibits capital punishment for pregnant women, in the interest of the child, which is another internationally recognised right to which Australia is a signatory.

2. The Right to self-determination.

In Victoria at present the right to self determination is threatened by a coercive so-called Safe Schools program which students and parents have no choice but to suffer, should the school implement it. Under the guise of anti-bullying education, students are educated to embrace same-sex attraction, same-sex marriage and other non-traditional arrangements as mainstream. This is contrary to the values and religious beliefs of many families, and can only be described as coercive.

A similar situation where rights are outraged exists under the 2008 Abortion Law Amendment Act, under which medical professionals may be forced to act against their consciences. In prospect of this legislation, the Victorian Charter specifically provided for the legality of such a departure from human rights.

5. Effects

In general, the only publicised effects of the Charter in the criminal law has been in the realm of frivolous attempts to avoid prosecution where the evidence has been overwhelming, as in a recent drug charge. This lends weight to the British and Canadian observation that this sort of charter is actually a "villains" charter.

Thanks for considering this late submission which I am completing at 9.00am, making me late for work.

John Morrissey,