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INQUIRY INTO THE CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES
SUBMISSION

Further to my submission of 9/6, I note the extension of
time, which has provided opportunity for additional
consideration, but without examining laws in detail.

4. As a matter of principle, in an ever more complex world,
a widening and greater clarification of rights should
be under consistent scrutiny, as well as a review. As
times change, more examples of shortcomings in the field
of human rights can occur in a variety of ways, from
divine sources. Potential fields of discussion are listed
under Rights and responsibilities in the Charter.

- Public authorities' compliance should be a sine qua
  non, but, as a creation of men, infringements will happen.
  However, on the assumption that such authorities are
  acting in accordance with best practice, not subject to
  undue influence, I see little merit in regular audits,
  although further provision for remedies may be
  fortuitous. It can be argued that experience shows
  matters of concern do surface in the public arena, though
  sometimes tardily; it is difficult to conceal in modern
society.

As to the effects of the Charter on statutory provisions, courts, etc., as postulated in the Terms of Reference, I see no insurmountable difficulties, only perceived obstacles. Wedding democratic processes, principles, and legal requirements in a Charter or otherwise should be within the wit of capable persons/organizations, with the required degree of expertise and integrity. If it takes some time and effort, that is a worthwhile price to pay to protect human rights of minorities and the more vulnerable.

The benefits of the Charter are manifest and essential. Again as to costs, they should be commensurate. Contemplating savings measures, when dealing with a person's well-being and life, should be considered minimal in a civilized society.

As previously stated, Section 38 requiring public authorities to act in accordance with human rights, 9
does not consider poses a significant problem. However, when government services are, shall we say, contracted out to other organizations, there is greater chance of infringement, which may run foul of the Charter.

Different cultures can apply. How rules will work in such areas (gray?), as well as "private acts" and "religious bodies", needs to be examined.Transferring responsibility, or providing exemptions, which are contrary to the ethos of human rights, are matters needing greater focus. The exception are a laws leaving the public authority with no reasonable choice, should be re-examined, if
only to determine what is reasonable, as happens in courts of law.

It is important to ensure that the Charter is enforceable; that it reflects today's values, not turning back the clock; that it is there to protect people, treated as normal law-abiding citizens. To perceive otherwise is prima facie discrimination.

Thank you. Apologies for the writing.

[Signature] (ma)
8th. 6. 11