6 June 2011

The Chairman,
Scrutiny of Acts and Regulations Committee,
charter.review@parliament.vic.gov.au

SUBMISSION - CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

I write as a former member of the Victorian Legislative Assembly on the review by your committee on the above Act.

In the 150 years of the Victorian Parliament from 1856 to 2006 the elected representatives were very capable of determining the rights of citizens without a Charter of Human Rights and Responsibilities.

Victoria has always had legislation on a citizen’s rights and responsibilities in some form or another and has modified those rights to reduce them where they impinge on other citizens.

These laws have been modified to reflect changes in attitudes, to outlaw and sometimes criminalize cases where abuse of rights has impacted on the wider community or Victorian citizens. This would be very clear to current parliamentarians as it was to former parliamentarians like me.

The fact that the Victorian Parliament is reviewing the Act should clearly indicate that the current Charter can be altered and the current rights as determined by new legislators may be different is an argument against the need for a Charter.

If there was ever a need for a Charter the correct approach would be to have it voted by the community to which it applies.

Victorians are Australian citizens and have proven that the Australian Constitution, which can only be amended by the Australian community by popular vote, has provided rights and responsibilities that have stood us in good stead.

What make Victorians think that they have more rights or responsibilities than any other Australians?
What makes Victorians think that they have legislated rights and responsibilities that can’t be changed by later generations based on political whim and without full consultations with the community?

Surely real human rights cannot be changed by political whim?

Why has Victoria gone it alone in determining what is a right and what is not a right?

It is my contention that real human rights are universal and cannot be localized to one state or territory.

As has been proven by the past, legislated human rights are inviting citizens to use legal means against other citizens when what should happen is the parliament should legislate to determine when rights should be modified. For example there is no absolute right to free speech as the parliament has enacted laws of libel.

This Act always was unnecessary as the parliament must determine the provisions relating to every circumstance.

**RECOMMENDATION**

That the Charter of Rights and Responsibilities Act 2006 be repealed.

I would be happy to provide you with any further information on this matter.

Yours Sincerely,

David Perrin