

Dear Mr. Young,

My submission contains suggestions on how the Charter could be strengthened.

- Declarations of inconsistent interpretation and the role of courts
 - The power to make declarations of inconsistent interpretation should be extended to members of VCAT. Upon appeal, the Supreme Court may overrule a VCAT member's declaration.
 - The requirement in s39(1) that, to bring legal proceedings under the Charter, one must also have a claim "otherwise than because of this Charter" makes enforcement of Charter rights difficult and, consequentially, should be removed.
 - In order to further enhance the separation of powers, and to encourage people to exercise their rights under the Charter, statutory declarations found to be inconsistent with the Charter should, to the extent they are invalid, be void.
- Override declarations
 - Override declarations, as described in s31 of the Charter, should only take effect if passed by a supermajority of both houses, and should be in effect for no more than one year.
 - Parliament should not be able to re-enact override declarations, after or before their expiry, without a referendum on the subject.
- Clarification of various rights
 - The restrictions on freedom of expression in s15 are too broad. "Public order" and "public morality" could be taken to mean almost anything.
 - The phrasing "eligible person" in s18 appears to give Parliament the ability to arbitrarily deprive a person or a class of people of their right to vote and stand for election.

Yours sincerely,

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