

Features

LETTERS TO THE EDITOR

2277 words

19 July 2008

[The Australian](#)

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English

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Wrong anti-rights case

IT'S disappointing that James Allan's critique of bills of rights ("Don't entrust liberty to madcap judges", Opinion, 17/7), based on a recent Canadian case allowing a challenge to parental discipline (a father's refusal to allow his daughter to attend a school camp), misrepresents the case.

The case was a dispute between divorced parents and was based on a Quebec statute, not the Canadian Charter of Rights and Freedoms, as Allan implies. The Quebec law allowed disputes between parents over the exercise of "parental authority" to be referred to the courts for resolution. Whatever one thinks of the court's decision, it is important to note that it was simply following the legislature's direction to decide such disputes "in the interest of the child".

A perusal of the judgment in the case reveals a rather bitter family dispute, with the mother supporting the child's right to attend the school camp, and an attempt by the judge to mediate between the parents' differing views. Views on the value of bills or charters of rights differ of course, but it is important that arguments are made informed by solid evidence and analysis.

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