

Can they override our Human Rights and mandate face masks?

Mandating the wearing of face masks is a human rights violation:

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 - SECT 10

Protection from torture and cruel, inhuman or degrading treatment

A [person](#) must not be—

- (a) subjected to torture; or
- (b) treated or punished in a cruel, inhuman or degrading way; or
- (c) subjected to medical or scientific experimentation or treatment without his or her full, free and informed consent.

They can only do this if our State Parliament issue an Override Declaration to override the Charter of Human Rights and Responsibilities.

Here are the provisions required for an Override Declaration:

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 - SECT 31

Override by Parliament

(1) Parliament may expressly declare in an Act that that Act or a provision of that Act or another Act or a provision of another Act has effect despite being incompatible with one or more of the human rights or despite anything else set out in this Charter.

(2) If an override declaration is made in respect of an Act or a provision of an Act that declaration must be taken to extend to any subordinate instrument made under or for the purpose of that Act or provision.

(3) A member of Parliament who introduces a Bill containing an override declaration, or another member acting on his or her behalf, must make a statement to the Legislative Council or the Legislative Assembly, as the case requires, explaining the exceptional circumstances that justify the inclusion of the override declaration.

(4) It is the intention of Parliament that an override declaration will only be made in exceptional circumstances.

(5) A statement under subsection (3) must be made—

(a) during the second reading speech for the Bill that contains the override declaration; or

(b) after not less than 24 hours' notice is given of the intention to make the statement but before the third reading of the Bill; or

(c) with the leave of the Legislative Council or the Legislative Assembly, as the case requires, at any time before the third reading of the Bill.

(6) If an override declaration is made in respect of a statutory provision, then to the extent of the declaration this Charter has no application to that provision.

Note

As the Charter has no application to a statutory provision for which an override declaration has been made, the Supreme Court cannot make a declaration of inconsistent interpretation in respect of that statutory provision. Also, the requirement under section 32 to interpret that provision in a way that is compatible with human rights does not apply.

(7) A provision of an Act containing an override declaration expires on the 5th anniversary of the day on which that provision comes into operation or on such earlier date as may be specified in that Act.

(8) Parliament may, at any time, re-enact an override declaration, and the provisions of this section apply to any re-enacted declaration.

(9) A failure to comply with subsection (3) or (5) in relation to any Bill that becomes an Act does not affect the validity, operation or enforcement of that Act or of any other statutory provision.

Division 3—Interpretation of laws

I cannot find any evidence of any Override Declaration of our Human Rights related to this false pandemic anywhere, and I don't think the police will be able to find one either.

So, if the police try to enforce mandatory face masks, make sure you ask them to verify their actions by asking for the evidence of an Override Declaration to the Charter of Human Rights and Responsibilities Act 2006.

If they cannot provide verification to you then politely say, "until you provide the evidence to validate your claim, I will not be wearing a mask".