



Democratic Labour Party (ACT)

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Senate Standing Committee on Legal and Constitutional Affairs
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Submission Regarding Australian Capital Territory (Self-Government) Amendment Bill 2023

The Democratic Labour Party (ACT) is very grateful for this opportunity to make a submission to the senate inquiry regarding *the Australian Capital Territory (Self-Government) Amendment Bill 2023* and to state our strong support for this critical piece of legislation.

The Democratic Labour Party (DLP) is a long-established Australian political institution that arose as a result of a split in the Labor Party and continues to fight for traditional family values and a better deal for working people. We regard ourselves as the legitimate heirs of the labour movement and the true successors to the Labour Party of John Curtin and Ben Chifley.

The DLP is a registered political party in the Australian Capital Territory.

The *Australian Capital Territory (Self-Government) Amendment Bill 2023* seeks to require the ACT Government to conduct an inquiry into its own *Health Infrastructure Enabling Act 2023* which provides for the compulsory acquisition by the state of the Calvary Private Hospital. In so doing, the *Australian Capital Territory (Self-Government) Amendment Bill 2023* only seeks to require the ACT Government to comply with its own normal legislative processes and probative standards. Not only should that be uncontroversial but should be supported by anyone interested in ensuring transparent democracy, procedural fairness and due process.

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In the case of this forced acquisition, the ACT Government disregarded its own normal legislative procedures, refusing to hold any kind of parliamentary inquiry into the proposed legislation but instead used the combined Labor and Greens parliamentary numbers to ram through an enabling Act late at night, brushing aside all cries of concern and all prudent calls for due process. Only a few weeks were allowed from the passage of the Bill to the ACT Government taking possession of the Calvary site.

Even supporters of the takeover expressed shock and dismay at the apparently wilful disregard for due process, with the ACT Government's actions being opposed not only by the Catholic Church and other Christian groups but also by the ACT Opposition, the Australian Medical Association, the Australian Nursing Federation and even some Labor MPs.

Efforts by Calvary Health Care to appeal to the Supreme Court were brushed aside not only with an initial adverse decision by a bench of Labor-appointed judges but with the ACT Government apparently advising Calvary that even if court decisions went against the state, it would extinguish any rulings of legal entitlements by further legislation.

In true Orwellian doublespeak, the ACT's government's so-called *Health Infrastructure Enabling Act 2023* does not actually enable the provision of infrastructure at all, but rather provides for the effective confiscation of private infrastructure by the state. It both unilaterally cancels a ninety-nine year contract with Calvary Health Care to provide health services to the ACT which was signed only 13 years ago, but it also provides for the seizure of the Calvary Hospital property, all without any specified compensation.

While the Commonwealth Government is legally obliged by Section 51(xxxi) of the Constitution to provide compensation on "just terms" for any private property it seeks to acquire, we understand that the ACT Government is not legally bound by this and with legislation already passed, any terms of settlement will have to be negotiated only after the takeover had taken place.

Far from being anything to do with "efficient delivery of health services" or any of the other disingenuous claims by the ACT Health Minister, we believe that the ACT Government's forced acquisition of Calvary Hospital has been ideologically driven by the Greens who sought this several years ago in order to force all hospitals in Canberra to carry out abortions and euthanasia. While publicly opposed by former Chief Minister (now Senator) Gallagher at the time, we believe that ACT Labor has now agreed to implement this forced takeover, despite knowing it to be unjust, as a condition of their coalition agreement with the bourgeois socialist Greens. If true, this is indeed a Faustian pact by the ALP and a final act in the fall from grace of a once great workers' party.

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This contention would appear to be supported by the ACT Government's first actions on taking over the hospital, which were not to meet with concerned workers or to organise an orderly transfer of hospital records, but instead to rip off crosses from hospital walls and to have a crane tear down the cross on the top of the building, like something anarchists did in the Spanish Civil War.

In fact, the DLP submits that the forced takeover of the Calvary Private hospital by the ACT Labor-Greens government is a calculated and deliberate attack on both private property and freedom of religion.

This presents as perhaps one of the most shocking assaults on the foundations of our plural liberal democracy that we have seen in this country.

Along with freedom of speech, the inviolable status of private property and the support by the state for the honouring of lawful and mutually agreed contracts are key principles that differentiate a democratic capitalist economy from Soviet style socialism.

Once upon a time, the ALP was a staunch defender of these principles, but apparently not any more.

If an Australian government can seize private property based on ideological hostility to the views of those who own it, the DLP contends that all Australians should be asking "what's next?"

If a hospital can be seized by the state for failing to carry out late term abortions or to euthanize elderly and vulnerable people, or indeed to euthanize children as young as 14 as the ACT Government has foreshadowed, are private schools that teach that traditional families are the foundation of society or who deny that men can be women also going to be seized?

There seems little doubt that the forced takeover of a religious institution and the seizure of religious property is an attack on religion generally, although it seems a legitimate question to ask whether Calvary would have been seized by the ACT Government if it were run by, for example, by the Red Crescent Society rather than the Sisters of the Little Company of Mary and so perhaps it is more an anti-Christian than an anti-religious move.

While sadly Australia lacks the explicit constitutional protection for religion provided for by the First Amendment to the US Constitution and the Morrison government reneged on its promise to create an Act to protect religious belief, our nation does have international legal obligations that protect the rights of people of faith and as such, the ACT Government's actions may be in breach of Australia's international treaties.

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Australia is a signatory to the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Under article 18 of this United Nations Treaty, the Australian government is obliged to protect freedom of religion.

The DLP contends therefore that if indeed the forced takeover of Calvary Catholic Hospital is an attack on freedom of religion, then the failure of the ALP Federal Government to act to prevent the ACT Government doing so may be a breach of Australia's international treaty obligations under this Covenant.

In conclusion then, whether or not Committee members agree with the state takeover of Calvary Hospital, the DLP contends that they should still support the sensible and measured *Australian Capital Territory (Self-Government) Amendment Bill 2023* because passing it will only ensure that the ACT Government fulfils its obligations and holds a proper inquiry into the legal provision for its takeover as would normally occur with all ACT legislation.

If indeed the Federal Government does not accept that the Calvary seizure is an attack on private property and freedom of religion, then it should have no qualms about allowing the passage of this Bill to simply require the ACT Government to comply with its own usual legislative processes and hold an inquiry to confirm that this is not the case.

However, were the Albanese Government to oppose this Bill, the DLP submits that it may be acting in breach of its treaty obligations pursuant to the International Covenant on Civil and Political Rights and may find itself subject to a complaint and investigation by the Office of the United Nations Commissioner for Human Rights and the just opprobrium of the civilized world.

The DLP strongly supports this Bill and urges the Legal and Constitutional Affairs Committee to commend it to the senate.

Yours faithfully

Richard Howard
Secretary
Democratic Labour Party (ACT)

14 July 2023