



RACIAL & RELIGIOUS
DISCRIMINATION
LEGAL SERVICE INC

Committee Secretary
Senate Legal and Constitutional Affairs Committee
By online submission

16 July 2023

Dear Sir/Madam

Inquiry into the *Australian Capital Territory (Self-Government) Amendment Bill 2023 (Cth)*

Thank you for the opportunity to make a submission to the Senate Legal and Constitutional Affairs Committee for this critically important inquiry.

Who we are

The Racial and Religious Discrimination Legal Service Inc (RRDLS) is a national community legal centre based in the Australian Capital Territory. RRDLS was established in 2022 in response to an increasing need for legal assistance regarding racial and religious discrimination and the absence of any free legal service to provide this legal help.

We exist to provide free legal education, information, advice, case work and systemic advocacy services for people experiencing racial or religious discrimination in Australia.

Our vision is for an Australia that is free from racial and religious discrimination.

Support for the *Australian Capital Territory (Self-Government) Amendment Bill 2023 (Cth)*

RRDLS unreservedly supports the *Australian Capital Territory (Self-Government) Amendment Bill 2023 (Cth)* as, in RRDLS' view, the *Health Infrastructure Enabling Act 2023 (ACT)* is incompatible with human rights.

The Human Rights Compatibility Statement accompanying the *Health Infrastructure Enabling Act 2023 (ACT)* identified the rights to privacy and reputation and work as engaged, but ignored the right to freedom of religion. It is RRDLS' strong opinion that the right to freedom of religion under section 14 of the *Human Rights Act 2004 (ACT)* was also engaged and should have been addressed in the Human Rights Compatibility Statement.

Section 31 of the *Human Right Act 2004 (ACT)* states that: "International law ... relevant to a human right may be considered in interpreting the human rights." The following are therefore relevant to the interpretation of the right to freedom of religion:

As set out in the 1981 Declaration of the General Assembly the right to freedom of religion includes the freedom:

- (a) "To establish and maintain appropriate charitable or humanitarian institutions;" (Art 6(b))
- (b) "To solicit and receive voluntary financial and other contributions form individuals and institutions." (Art 6(f))

The Commission on Human Rights resolution 2005/40 (paragraph 4(e)) and Human Rights Council resolution 6/37 (paragraph 12(h)) urged States: "To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom for all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected."

It is the submission of RRDLS that the *Health Infrastructure Enabling Act 2023* is incompatible with the rights of members of the Catholic religion to maintain a not for profit Catholic hospital.

We thank you for your consideration of our submission. We would be very pleased to answer any questions the Committee may have or to provide further information that may be of assistance.

Yours faithfully

Karina Okotel
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