

Submission to the
Legal & Constitutional Affairs Committee
Inquiry into the
ACT (Self Government) Amendment Bill 2023

From:

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Compulsory Acquisition

There are times when governments need to compulsorily acquire land or a property for the overall well being of the community. The Commonwealth constitution provides that the parliament has the power make laws for...

the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws; Section 51(xxxi)

The City of Gosnells, where I serve as councillor, always first seeks to purchase land or property by negotiation, and as far as I am aware, only used compulsory acquisition once in my time on council. We did this reluctantly out of respect for the private property rights of the owner. We eventually used the state's compulsory acquisition law to purchase a site for the well being of the City as a whole.

Each state has laws that must be followed for the compulsory acquisition of land/property. The ACT also has such a law, namely the Land Acquisition Act 1994.

What is of great concern is that in the case of acquiring the Calvary Hospital in Canberra, the ACT Government chose to bypass this legislation, and introduce stand-alone legislation (The Health Infrastructure Enabling Bill 2023) for the specific purpose of acquiring the hospital, without needing to go through the previously legislated process. This should send alarm bells ringing for anyone who values freedom. The fact that the Health Infrastructure Enabling Bill 2023 did not go through a parliamentary committee process, but was rammed through the legislature, suggest that the ACT Government did not want its actions scrutinised.

Reason for Compulsory Acquisition of Calvary Hospital:

While the word 'unprecedented' is a much-overused word, I consider the actions of the ACT Parliament to compulsorily acquire the Calvary Hospital to be unprecedented: From all accounts, the hospital was well run, staff morale was good, and it was paying its bills and providing a much valued and appreciated service to the community.

The ACT government appears to have been motivated to take over the hospital simply because it refuses to provide abortion services, and has publicly stated it would not in participate in euthanasia, if it were legalised in the ACT.

To have a well-functioning religion-based institution experience a hostile takeover by a government that does not agree with the moral position taken by the institution, does have the appearance of a serious attack on religious freedom. The official 'efficiency' reason given for taking over the Calvary Hospital lacks credibility, given that the Calvary Hospital appears to have been functioning better than the Health Department run hospital in the same city.

The Calvary Hospital take over has sent shockwaves through the various faith communities in the nation, including here in Western Australia, as it appears that a state government can

take over any religious school, hospital, or other institution with impunity, if the institution has an ethos that does not match the prevailing views of the government.

Conclusion:

A careful inquiry into the history and all the circumstances surrounding the Calvary Hospital takeover by the ACT Government is needed to determine the real motivation for the takeover.

I therefore urge the Committee to recommend to the Federal Parliament that the Australian Capital Territory (Self-Government) Amendment Bill 2023 should be supported.

Respectfully submitted

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