

## Commonwealth Government Covid-19 Response Inquiry Submission

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I am writing to you on the matter of the disparity of restrictions between the Victorian hospitality sectors and churches during the COVID-19 period. The metropolitan hospitality venues were able to host 20 people indoors, and regional Victorian venues could host 40 people indoors. Yet churches in either area were not allowed to hold indoor services. These restrictions were discriminatory; they interfered with the Victorian people's human rights; and, showed a complete lack of compassion and empathy for the community's mental health and wellbeing.

The Victorian Equal Opportunity and Human Rights Commission states, *"In a state of emergency, some limitation of human rights may be necessary, but any such limitation must be necessary, justifiable, proportionate and time-bound."* No specific epidemiological justifications were given by the public authorities, the limitations were unnecessary, not proportionate and no time-frame was given. Instead, the only justification for these restrictions, according to the Former Premier of Victoria, is that hospitality venues are heavily regulated. Allowing 40 strangers to wine and dine without masks, but zero members of a Church community inside their own building is reasonable? For many years, Churches have cooperated with governments and complied with various laws and practices on child safety, food, hygiene, fire safety, emergency management. And, they were able to open in a COVID-safe way, just like the hospitality sector.

Not only did these restrictions on Faith venues interfere with the Victorian people's human rights, but they are also unconstitutional. The COVID-19 Omnibus (Emergency Measures) Act 2020, Section 34A states the Act applies except where it is contrary to the Victorian Charter of Human Rights and Responsibilities and the Constitution Act 1975, which are the highest laws of the State of Victoria and Australia. The Victorian Charter of Human Rights and Responsibilities, Section 14, 15 and 16 states as follows:

### **14 Freedom of thought, conscience, religion and belief**

(1) Every person has the right to freedom of thought, conscience, religion and belief, including—

(a) the freedom to have or to adopt a religion or belief of his or her choice;  
and

(b) the freedom to demonstrate his or her religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.

(2) A person must not be coerced or restrained in a way that limits his or her freedom to have or adopt a religion or belief in worship, observance, practice or teaching.

### **15 Freedom of expression**

(1) Every person has the right to hold an opinion without interference.

(2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether—

(a) orally; or

- (b) in writing; or
  - (c) in print; or
  - (d) by way of art; or
  - (e) in another medium chosen by him or her.
- (3) Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary—
- (a) to respect the rights and reputation of other persons; or
  - (b) for the protection of national security, public order, public health or public morality.

## **16 Peaceful assembly and freedom of association**

- (1) Every person has the right of peaceful assembly.
- (2) Every person has the right to freedom of association with others, including the right to form and join trade unions.

Furthermore, the Constitution Act 1975 Section 109 Inconsistency of laws states: “When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.”

Finally, the Universal Declaration of Human Rights, of which the Commonwealth of Australia is a signatory, states in Article 18, 19 and 20:

### **Article 18.**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

### **Article 19.**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

### **Article 20.**

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

Churches and Faith groups are an essential service to all of Victoria. They provide refuge, counselling, community welfare support, mental health services, encouragement and hope.