

Submission –

From Peter Lawler, a long-time resident of Canberra and a lay member, in good standing, of the Catholic Church in Australia.

To the Assembly Committee Inquiring into the Future of Calvary Catholic Public Hospital Canberra (Calvary).

Preamble

This is a personal Submission made out of a long-term acquaintance with Calvary and its origins, and some direct involvement, at Archbishop Coleridge's request, in the Church's deliberations relating to the hospital over the last eighteen months. It is made being aware of the joint Submission lodged with the Assembly Committee by the CEO of Little Company of Mary Health Care Ltd (LCMHC) with Archbishop Coleridge and the CEO of Catholic Health Australia as co-signatories. My Submission also responds to urgings, by certain of my colleagues in Canberra, to lodge it.

I know there is a degree of support in the Canberra Catholic community, and the Canberra community generally, for new arrangements for Calvary such as I outline in the Submission. I believe this support is considerable..

The Submission is cast as though it is the Church speaking. I do this for a certain ease in mode of presentation. But also, I believe this mode better depicts the role Church has played and can continue to play.

I am grateful for the encouragement I have had from Archbishop Coleridge to address the whole Calvary issue and I appreciate his confidence in me when he gave me an authority "to act as you see fit without seeking my explicit support or approval". It follows that in this Submission I do not speak formally for the Archbishop.

Submission

The Church, as a party principal, -

- welcomes the fact that the future of Calvary, and thus of Health Services for the North Side of Canberra, are under timely attention by a Committee

- recalls that it was on the initiative of the Church that the Commonwealth Government in 1966 agreed to the establishment of Calvary. The Commonwealth, subject to certain conditions, provided a secure-tenure site-lease together with capital and recurrent funding in order to have the Church develop and operate a general Public Hospital and its associated facilities as part of the public health services of the ACT. The Church invited one of its long-established Catholic nursing Orders, the Little Company of Mary (LCM), to be responsible for the development and operation of this hospital. For its part, the Commonwealth had had regard to the fact that Catholic Public Hospitals had long been an accepted part of the health care landscape in State Capitals; it also saw merit in Calvary for the diversity it would bring to the public health system.
- reaffirms its acceptance of the conditions stipulated by the Commonwealth in the Prime Minister's letter to Archbishop O'Brien in 1966 and the regimen of government support and mutual understandings contained in the 1971 Agreement between LCM and the Commonwealth Health Minister which equally remains in force.
- declares its readiness, resolution and proven ability to continue to provide and develop first class public health services at Calvary, as it is committed to do under existing arrangements for the benefit of the whole community of the ACT and surrounding areas.

At this point, the Church has reached a firm view that it must effect certain basic changes with regard to the future governance of Calvary. It has reached this view taking into account the context described above and also the initiatives, over the last several years, of the ACT Government and LCMHC - the present operators of Calvary - to transfer Calvary to government operation. The Church believes the basic changes it contemplates will find favour with the ACT Government (and the Commonwealth in so far as it is involved) and will also find favour with the community of the ACT and its region. The changes are outlined below following certain relevant explanatory comment which the Church wishes to record.

Since the establishment of Calvary was approved by the Commonwealth in 1966 great changes have occurred which have impacted both public health services in the ACT and Catholic Public Hospitals and their governance. within the Church.

In view of this, and the manifest potential for further change, it is timely for the ACT Government (and the Commonwealth Government since it too is involved) together with the Catholic Church (as the other party principal) to review existing arrangements.

Perhaps the most dramatic change has occurred on the Church side. This is the general and continuing decline in membership of Catholic Religious Orders in Australia. The nursing Orders including LCM are no exception,. Thus LCM nuns no longer participate in Calvary's governance and workforce as they have done in earlier decades. Fortunately lay personnel have been able to fill posts previously occupied by religious and Calvary services have been maintained. Increasing reliance on the laity is reflected in the governance of health services adopted by LCM itself. In 1997 LCM's Australian Province found it necessary to set up a national management arm, LCMHC, now lay staffed and led. The offices of LCMHC are located in Sydney and its Board operates from there.

More recently a new instrument of governance for LCM itself – a pontifical Public Juridical Person (PJP) – has been authorised by the Holy See on request from the Order. The purpose of this new instrument of top management is to provide effective governance for the extensive health care facilities which LCM operates in Australia - otherwise, given the Order's declining membership, this governance would be problematic. The PJP will have a dominantly-lay membership. This agency is also to be located in Sydney.

While appreciating the need for the changes just described the Church believes that the interests of Calvary as an ACT Public Hospital are best served by a **representative local governing Board**.

Calvary is judged by public examining authorities to have continued generally to provide good cost-effective services and, by comparison, certainly measures up to the Government-operated principal Canberra public hospital at Woden.

However, Calvary has faced - and faces - particular challenges and problems.

One such is the private hospital (Calvary Private) presently located on the two top floors of the public hospital building. It has given rise to demarcation issues in administration and accounting. There is an irony in the fact that the private hospital arrangement was demanded by the ACT health authority in 1986 against the wishes of the then LCM Provincial Council which saw its Mission as

being in public hospitals. There is general agreement that Calvary private ought to be removed to a separate location as soon as practicable.

More serious has been the challenge posed by moves by the ACT Government and LCMHC during the last five years or so to have the operation of Calvary taken over by the Government. This long drawn out sequence reached a certain climax in the public consultations of 2009 and a definitive climax with the withdrawal from sale by LCM early this year and then the receipt by the ACT Government of the Price Waterhouse Report. This Report confirms, if it ever needed confirming, that there is no impediment to continued capital investment in Calvary by the ACT Government. Calvary is owned by Governments. LCMHC, under Church aegis, is currently the operator-in-possession under the secure-tenure site-lease, providing public health care services as agreed with Government.

Given the uncertainties generated in the to and fro on Calvary over the last several years – uncertainties which continue -, it is to the credit of Calvary staff and management that they have carried on in a professional way providing essential health care services, generally to a good standard and cost effectively. However the staff and management, as well as the community, deserve to have the uncertainties resolved as soon as practicable and to see Calvary given a secure and vital future.

The new arrangements to secure that future for Calvary and its people call for discussions by the Church (as a party principal) with a range of its agencies, with the ACT Government and with other stake-holders. This means that at this point the changes the Church proposes can only be stated as a general frame work. That, however, will be sufficient for the purpose of testing the extent to which they command support.

The new arrangements are presented on the basis that Calvary will continue to be conducted as a Catholic General Public Hospital. There will be no withdrawal by the Church. The occupancy and operation of the hospital by the Church and LCM will be subject to the conditions originally stipulated by the Commonwealth and the regime of funding support and oversight outlined in the same Commonwealth advice. Subject to that, in broad outline, the proposed new arrangements in mind are –

- The Church will use its best endeavours to ensure that Calvary develops as a general public hospital of exceptional quality which

- The secure-tenure site-lease issued by the ACT Government on behalf of the Commonwealth in 1999 for Calvary will now be “assigned”, by whatever legal steps are appropriate, to the local legal entity, the Trustees of the Canberra-Goulburn Archdiocese. [This identifies an ultimate local point of authority].
- **Calvary will be placed under the control of a local Board** with membership (including non-Catholic) coming dominantly from the ACT and its region and appointed by the Church in consultation with LCM (and/or the PJP) as appropriate. [This will mean that Calvary is removed from its present jurisdiction i.e. LCM’s national management corporation, LCMHC, but remains under the aegis of LCM.]
- The ACT Government to have observer status on the Board if it so wishes, [The Church believes the Government will welcome the provision of a local Board and the opportunity for the Government to have an observer on that Board.]
- The Board to have a fraternal relationship with LCM but to be ultimately answerable to the Church in the person of the Archbishop of Canberra-Goulburn or his nominee.
- As soon as practicable Calvary Private will be removed from the Calvary Public Building and relocated to a new site and building either on the Calvary campus or nearby. The Church undertakes to afford practical facilitation to this move.
- The Church will invoke the extensive Catholic health care resources existing in Australia and abroad to lend maximum support to the operation and development of Calvary to be a general public hospital the equal of any in the country in the quality of the services it offers.
- The Church envisages a further role for Calvary in the training of health professionals and in due course the establishment of

- The Church expects the ACT Government - in conjunction with the Commonwealth and in discharge of standing Calvary agreements - to provide capital and recurrent funding and support without discrimination, to enable Calvary to be developed to meet public health care needs identified by the Government for the ACT and its surrounding areas.
- Subject only to its ethical standards, the Church will ensure that there is appropriate cooperation with Governments and relevant Health Authorities in all matters which go to good governance and cost effective arrangements and management of ACT public health,
- The Commonwealth has an interest at several levels beginning with the original Agreement and now with new funding models for public hospitals, and the Church would want to ensure that the Commonwealth is kept informed as necessary about the development and operation of Calvary.

This personal Submission wishes the Committee well in its review of this whole matter and looks forward with interest to its Report. Meanwhile the author of this Submission stands ready to provide any elaboration of the Submission the Committee may wish to have or to answer questions which may arise in relation to it.

25 November 2010