

Social Questions Committee
Catholic Women's League of Victoria and Wagga Wagga Inc.

17 July 2023

To the Committee Secretary
Senate Standing Committees on Legal and Constitutional Affairs
Parliament House
Canberra ACT
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**Submission to the inquiry into the
*Australian Capital Territory (Self-Government) Amendment Bill 2023***

We support the federal Senate Inquiry Bill into the *Health Infrastructure Enabling Act 2023* (ACT). This bill is of critical importance for all religious institutions which deliver social and health services. This is the first time that a government in Australia has conducted a hostile takeover of a Church-run institution. In a pluralist society multiple systems should co-exist.

Background

Calvary Hospital is the second largest hospital in Canberra. It had belonged to the Catholic congregation, the Little Company of Mary, on land leased from the government in 1971. With regards to the land, the ACT uses the 99-year leasehold system. In 2012 the land was transferred to a Crown Lease. The hospital opened its doors in 1979. It had been running for 44 years and had a 76-year-lease contract which was terminated by the ACT Government. Whilst Calvary Hospital receives contributions from the government, this is not its only source of funds.

There was been a suspension of normal parliamentary oversight in the ACT. Standing orders of the ACT Legislative Assembly require bills to be referred to a committee inquiry, then a report to be issued and finally that the bill be debated. As there is no upper house in the ACT, standing orders provide extra scrutiny to ensure a fair democratic process.

On 10 May 2023 the ACT Labor-Greens coalition announced their decision to compulsorily acquire Calvary Public Hospital and the following day raised the Health Infrastructure Enabling Bill 2023 in the Legislative Assembly with the aim to takeover Calvary Hospital's operations, assets, services and staff on 3 July 2023. The transition timeframe was extremely short. Former Prime Minister John Howard has stated that passing legislation to sever the government's long-term lease was "without any real justification." This is a strong condemnation and raises concerns.

There are 1800 employees of Calvary Health Care impacted by this hostile takeover. Their employment has been taken over by Canberra Health Services, which has a vastly different workplace culture. A 2019 independent review commissioned by the Health and Wellbeing Minister in 2018 to investigate systemic and institutional issues in public health workplaces¹ was scathing of the culture at Canberra Hospital. A few years later, some issues had been resolved but bullying and harassment remained as outlined in a report released in November 2021.²

The impact of transitioning services at the North Canberra Hospital from Calvary Healthcare to Canberra Health Services will put further pressure on the struggling health system.

On 23 March 2023, the Minister for Health tabled the report “Culture in the ACT public health system: Third and Final Annual Review.”³ It is difficult to align a hostile takeover facilitating the recommendations made in the report:

... satisfied and engaged employees deliver high performance outcomes and increase patient safety and quality of healthcare. The connection between culture and clinical care is not a new concept and good clinical care is associated with a robust culture of safety, where everyone feels empowered to speak up, and respect is the basis of all interactions.⁴

The takeover will also affect private health providers.

Unanswered questions

According to the ABC 7:30 Report, the ACT government states that fires in December 2022 which took out all seven of Calvary Hospitals' operating theatres exposed problems with managing public hospital capacity across two systems.⁵ An undeniably unfortunate event however sharing the load between these two public hospitals has been successfully taking place for 44 years as the CEO of Calvary Health Care responded.

There are many unanswered questions an Inquiry would address:

- Why was a “single operator” public hospital model necessary?
- In what ways will this takeover result in a more efficient public hospital system and improve workplace culture?
- Was the current Calvary site the best location to build a new hospital?
- Is the compensation on “just terms”?

1. [Independent Review into the Workplace Culture within ACT Public Health Services. Final Report 2019](#)

2. <https://canberraweekly.com.au/public-health-services-workplace-culture-improving-but-bullying-still-a-problem/>

3. [Workplace Culture within the ACT Public Health System. Third and Final Review. January 2023](#)

4. Ibid p 1

5. [ACT government's planned takeover of Calvary Hospital sparks backlash | 7.30](#)

Ideological motivation for Calvary Hospital takeover?

Catholic hospital care is a world leader in quality and personal care. Yet there appears to be an attitude that an institution with a religious ethos is unsuitable to provide healthcare. The ACT government conducted an inquiry into Abortion and Reproductive Choice in the ACT. The recommendations were released on 18 April 2023 by the Standing Committee on Health and Community Wellbeing.

Recommendation 14 states:

That the ACT Government advocate Calvary Hospital to provide full reproductive health services in accordance with human rights.

Surgical abortions are not a standard service offered at Canberra Hospital either.

The ACT Standing Committee on Health and Community Wellbeing submission highlighted Catholic Health Australia's Code of Ethical Standards that Catholic facilities should not provide, nor refer for, abortions.⁶

The Committee also stated that they had "learned of a distressing experience of a patient at Calvary Public Hospital in Canberra who was refused critical medical treatment":

... the ACT Government needs to address what the Committee perceives as an ethically fraught dependence on the Sisters of the Little Company of Mary for provision of health services.⁷

However, Calvary Hospital did provide that type of medical treatment and there was no refusal of service. Subsequently, the Assembly's Standing Committee on Health and Community Wellbeing swiftly issued a media release and tabled a corrigendum - a correction - to their report of the Inquiry into Abortion and Reproductive Choice in the ACT:

On 24 April, the Committee received correspondence from Martin Bowles, the National CEO of Calvary Health Care. ... As a consequence of its review, the Committee agreed to issue a corrigendum, which comprises amendments in the report's chapter concerning Calvary Public Hospital Bruce. These amendments include additional evidence concerning the limitations on reproductive health care services that Calvary Public Hospital Bruce provide.

6. Government submission to the Inquiry into Abortion and Reproductive Choice in the ACT, Legislative Assembly for the Australian Capital Territory, Standing Committee on Health and Community Wellbeing, 6 September 2022, p 5

[Submission 47](#)

7. [Inquiry into Abortion and Reproductive Choice in the ACT](#), Report, Legislative Assembly for the Australian Capital Territory, Standing Committee on Health and Community Wellbeing April 2023 p. 26, item 3.103

*Specifically, the corrigendum notes that a Canberra patient who made a submission to the Committee's inquiry was not directly refused post-miscarriage care by Calvary Public Hospital Bruce.*⁸

Nevertheless, the Committee added an unrealistic recommendation in its corrigendum:

*It is the committee's view that this unease can only be resolved if Calvary Public Hospital Bruce provides full reproductive health care.*⁹

It is common knowledge that Catholic-run hospitals will not offer abortion services.

The Minister for Health Rachel Stephen-Smith has stated that the Government was looking to expand the scheme with “our service providers, including general practices and our non-government community partners.”¹⁰ As of April 2023, Canberrans have become eligible for free medical abortions up to 9 weeks and surgical abortions up to 16 weeks. The 2022-2023 ACT budget includes \$4.6 million over four years to improve accessibility and affordability of abortion services.

Ethical End-Of-Life Care

Clare Holland House Hospice, Canberra's only specialist palliative care facility, was also acquired by the ACT Government from Calvary Health Care. It was a cherished part of the community, with an excellent reputation.¹¹

The ACT Government will introduce a euthanasia (Voluntary Assisted Dying) bill into the ACT Legislative Assembly before the end of 2023. The government intends to propose to allow teenagers as young as 14 to access the euthanasia system.¹²

8. [Media release](#) - Corrigendum tabled for the Inquiry into Abortion and Reproductive Choice in the ACT - ACT Legislative Assembly

9. [Corrigendum](#) - Inquiry into abortion and reproductive choice in the ACT. 21 June 2023 p.2, 3.105

10. ACT Government and Open Government - [joint media release 20/4/2023](#)

11. Dr Patrick McArdle: Faith's freedom narrows after Calvary. [Catholic Weekly](#), 5/7/2023

12 <https://canberraweekly.com.au/calls-to-extend-voluntary-assisted-dying-to-act-teenagers/>

Healthcare professionals with conscientious objections to ending life

It is a fundamental principle of a pluralist society that healthcare professionals with a conscientious objection to participation in the process of abortion or euthanasia have a right to not be coerced.

Calvary had opposed the introduction of euthanasia and refused to implement the scheme if legalised. In their submission to the Voluntary Assisted Dying Discussion Paper dated 6 April 2023, they make this critical observation:

A health professional may not want to administer the voluntary assisted dying substance, but may feel powerless to say no in the face of a person's request. It would be imprudent to unnecessarily put any clinician in this situation. The discussion paper does not address the additional pressures this might place on a small healthcare sector, although this concern is noted elsewhere in the document.¹³

Christian Commission and Vocation.

Christianity calls upon each professing Christian to act when they see a need. That is why there are so many social services. Hospitals and universities were first instituted by the Catholic Church. The League's first General President in 1916 of the Catholic Women's Social Guild (now the Catholic Women's League of Victoria and Wagga Wagga). was Doctor Sister Mary Glowrey. In 1919, at age 32 - by then a qualified doctor - Mary wrote to her mother that she had a calling to go to India to help the poor especially for women who would not want to be consulted by male doctors.¹⁴

Jesus was concerned about people's physical and spiritual ailments and injuries, and Christians are required to do the same. This parable explains the ethos behind Christian's civic duties:

Then the King will say to those on his right hand, "Come, you whom my Father has blessed, take as your heritage the kingdom prepared for you since the foundation of the world. For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you made me welcome, lacking clothes and you clothed me, sick and you visited me, in prison and you came to see me."¹⁵

13. [Submission to the ACT Government regarding Voluntary Assisted Dying](#) 6 April 2023
Calvary p 12

14. [Dr Sr Mary Glowrey JMJ: 'God's Good for Nothing' | Melbourne Catholic](#)

15. Matthew 25:34-36:

“Secular health care” is a misnomer

There is false narrative around what is considered “secular healthcare”. As Calvary succinctly wrote in its submission to the ACT Government regarding voluntary assisted dying:

No one health service provides all services.

Secular doesn't mean the absence of religion.

There is a universal right for religious based social services to practice healthcare. Catholic philosophy is driven by loving our neighbour the same way as we love ourselves. The famous parable of the Good Samaritan in the Bible about a Jewish man assaulted and left half-dead on the road between Jerusalem and Jericho. Many fellow travellers pass him by - those of his own cultural group and traditional religious leaders of first-century Palestinian Judaism. Yet the man who comes to his aid is a Samaritan man, a traditional enemy of the Jewish people. Christians are called to serve everyone whilst living in accordance with their beliefs.¹⁶

Absence of a Federal Religious Discrimination legislation denies protections

This compulsory takeover of a Catholic-run hospital is a symptom of a failure by successive Liberal and Labor federal governments to safeguard against Religious Discrimination since the passing of the redefinition of marriage in the Marriage Act 1961 in December 2017. This must be addressed immediately.

Recommendation

It is the responsibility of the Territory government to provide evidence to the Australian public that seizing a Catholic-run institution was not based on an ideological policy to increase accessibility to abortion and euthanasia and was necessary for adequate healthcare in the Territory. The latter is a requirement for compulsory acquisition.

The inquiry into the *Australian Capital Territory (Self-Government) Amendment Bill 2023* will put in place that which should have taken place before the takeover of Calvary Hospital but was bypassed to the detriment of the rights of all Australians to government accountability.

16. Luke 10:33-37