



Committee Secretary
Senate Legal and Constitutional Affairs Committee
Parliament House
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Submission:
Australian Capital Territory (Self-Government) Rights Bill 2023

Thank you for the opportunity to respond to the proposed *Australian Capital Territory (Self-Government) Rights Bill 2023*. The Health Care Consumers' Association believe that the Bill as proposed impinges on the Australian Capital Territory's Rights as established in the *Australian Capital Territory (Self-Government) Act 1988* and the *Restoring Territory Rights Act 2022*. The Bill risks setting a precedent that may negatively impact the ACT's right to self-govern and to act to meeting needs and priorities of its constituents without interference.

We believe that ACT Government review mechanisms are appropriate to review acts of self-government including the compulsory acquisition of Calvary Public Hospital and associated land and other assets.

We would be pleased to discuss our position on this matter.

Yours sincerely

Linda Trompf
President

6 July 2023

Health Care Consumers' Association

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HCCA SUBMISSION – The Australian Capital Territory (Self-Government) Amendment Bill 2023



SUBMISSION

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July 2023

About HCCA

The **Health Care Consumers' Association (HCCA)** is a health promotion agency and the peak consumer advocacy organisation in the Canberra region. HCCA provides a voice for consumers on local health issues and provides opportunities for health care consumers to participate in all levels of health service planning, policy development and decision making.

HCCA involves consumers through:

- ☐ consumer representation and consumer and community consultations;
- ☐ training in health rights and navigating the health system;
- ☐ community forums and information sessions about health services; and
- ☐ research into consumer experience of human services.

HCCA is a Health Promotion Charity registered with the Australian Charities and Not-for-profits Commission.

Introduction

The Health Care Consumers' Association (HCCA) does not support Senator Canavan's Australian Capital Territory (Self-Government) Amendment Bill 2023. HCCA perceives this Bill as designed to require the ACT Government to investigate the compulsory acquisition of Calvary Public Hospital at the behest of the Commonwealth Government.

HCCA is a member organisation and we acknowledge that some of our consumer members hold concerns about the compulsory acquisition – including around how the acquisition has been conducted and what it may mean for the provision of quality health care in the ACT. However, we are concerned that the referral of this Bill is intended not to probe the appropriateness of the decision-making process around the acquisition, but rather as a challenge to Territory rights more generally.

Jurisdiction of ACT matters

Any inquiry into the ACT Government's decisions to meet the needs of the ACT community, including to compulsorily acquire land or restructure public services, should be conducted at the level of government that holds jurisdiction to make the decision. In this case, it is an ACT matter. Any inquiry should be initiated by the ACT.

HCCA supports good public policy and that includes examination of the process which led to the ACT Government's decision to compulsorily acquire the land or the planned Northside Hospital. Our view is that this can be appropriately done using existing mechanisms. **We note that the legal standing of the compulsory acquisition has already been tested and upheld in the ACT Supreme Court.**¹

The Australian Capital Territory (Self-Government) Amendment Bill 2023 has the potential to set a precedent for interstate senators (not elected by the people of the ACT), or the Commonwealth more generally, to interfere in ACT Government issues.

Territory Rights

The Territory Rights the ACT enjoys are the outcome of a 25-year political battle and HCCA strongly believes these rights must be preserved. The people of the ACT have achieved a right to self-government and deserve to use this to make choices that meet the unique needs and priorities of ACT residents. We should not now be debating another bill to restrict these hard-won Territory Rights to meet the agenda of external parties.

Only last year, the Senate voted to uphold Territory Rights with the passage of the *Restoring Territory Rights Act 2022*². This is important legislation for the people of the ACT as it removed restrictions in the *Australian Capital Territory (Self-Government) Act 1988*³ that enabled the Commonwealth Government to veto ACT legislation around issues such as Voluntary Assisted Dying. In effect, preventing the ACT Government from enacting legislation in line with the wishes of their constituents.

HCCA support for Northside Hospital decision

¹ <https://courts.act.gov.au/supreme/judgments/calvary-health-care-act-limited-v-australian-capital-territory>

² <https://www.legislation.gov.au/Details/C2022A00095>

³ <https://www.legislation.gov.au/Details/C2023C00008>

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On 24 May 2023, HCCA released a statement on ACT Health Services. We consider the decision to compulsorily acquire the Calvary hospital site and assets to be focused on improving health services for a growing population.

Our statement reads:

HCCA is pleased at the announcement that a new northside hospital is to be built. This is a significant and necessary investment in our public health system and one that is needed to meet the needs of our growing community.

The new hospital will almost double the bed capacity of the current hospital and provide a state-of-the-art public hospital providing safe, high quality care. It is an opportunity to build a centre of excellence which enhances patient care, with a supportive environment for families.

The decision to build this new hospital on the Calvary Campus provides multiple advantages for northside community residents:

- ☐ *the northside is the fastest growing area in Canberra and home to many young families who will have better access to paediatric, maternity, and adult health services, closer to home*
- ☐ *the site is close to major arterial roads providing rapid access to Belconnen, Gungahlin and inner north residents and which will enhance public transport access to the hospital*
- ☐ *the northside hospital will be co-located adjacent to Calvary Private Hospital and specialist consulting rooms*
- ☐ *the bushland setting will carry forward the Calvary ideal of a healing environment where patients are able to see the bushland and hear the sounds of the bush*
- ☐ *there is scope to provide adequate parking for patients, visitors and staff and plan for ease of physical access to hospital services (from the carpark)*
- ☐ *families whose loved ones have an extended stay will have convenient access to shops, as the site is close to Belconnen Mall and Jamison Centre.*

The hospital's close proximity to the Faculty of Health Sciences at University of Canberra, Australian National University and Australian Catholic University provides opportunities for the education and training of the future health workforce. Student clinical placements in a state-of-the-art public hospital will build the capacity of our future health care workforce so they can contribute to quality patient care.

The Government's decision to acquire the land for the new northside hospital and end the Calvary Network Agreement is a significant change for the ACT health system. HCCA acknowledges this is a controversial decision for some sectors of the Canberra community. At HCCA, our focus is on ensuring a smooth transition and maintaining the quality and safety of health care for consumers. We can see merging two different hospitals will be challenging. HCCA is prepared to assist in any way it can with this merger.

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Calvary Public Hospital has been the local hospital for many Canberrans for over 40 years. We recognise that Canberrans will have a strong attachment to the hospital campus; babies have been born, friends and family have received treatment and care at Calvary Public Hospital.

The growing health care needs of the northside community mean that the current hospital is no longer adequate for the Territory's needs. Even without a change of provider there would need to be significant changes to the hospital. It will be a bigger and busier place, with an increased range of services and more staff. It is vital to maintain a culture of care to ensure consumers, carers and families get the care they need.

We know that this is an unsettling time for Calvary staff. We encourage all parties involved in managing the transition to work together to make sure that staff are looked after during this process. Consumers cannot get high quality, safe care if the workforce are not well supported in their work.

We also encourage the transition team to ensure that consumers are kept informed about developments and that their ongoing care will not be disrupted during the transition phase and in the longer term. At HCCA, our focus is on ensuring a smooth transition and maintaining the quality and safety of health care for consumers.

The new hospital is an exciting opportunity to meet the needs of our growing city.

Statement on Australian Capital Territory (Self-Government) Amendment Bill 2023

Noting the importance of the decision for the delivery of improved health services to the people of the ACT, the proposed *Australian Capital Territory (Self-Government) Amendment Bill 2023* is about much more than forcing an inquiry into this decision. It has the potential to place ACT Territory rights at risk for outside interference in future ACT Government decisions made to meet the needs and wishes of ACT constituents.

HCCA does not support this Bill.