



Future of Clare Holland House is in your hands

There's no reason to tie the sale of the hospice to the Calvary sale, **PETER O'KEEFFE** writes

The consultation for the Calvary/hospice deal ends on Thursday. Undisclosed for eight months until April 2009, the legitimacy of the deal has been questioned in the past six months despite continued secrecy. Though Actew released 1000 pages about the Cotter Dam, the Government has released nothing but an intriguingly recent legal opinion – on October 30, 2009. Competent advice, it's silent on the chicken and egg dilemma in the 1979 Calvary Agreement.

If the Little Company of Mary "decides to discontinue the conduct of the hospital", rights and duties crystallise – LCM must surrender its lease with no right to compensation for taxpayer-funded assets. How then to buy the balance of the lease and LCM's right to occupy the hospital before their duty to surrender and vacate crystallises? Only by the Government first waiving its rights so that the LCM can "decide to discontinue". How to dress that up? First, sell them the hospice so that in consideration for LCM buying it, the Government can waive its Calvary rights.

That's not the only anomaly. Commentators from Jack Waterford to

Michael Moore rationally support the transfer of Calvary but are silent on the fate of the hospice. Though ACT Health Minister Katy Gallagher has elevated it to a condition of the sale, it's obvious the hospice has no legitimate role in the Calvary deal except as an inducement, additional to the \$68 million, designed to get LCM out. The Government's consultation documents are threadbare and ludicrous in their attempts to justify the nexus. "LCM wishes to purchase CHH [Clare Holland House] and, through the sale of Calvary strengthen its commitment to Canberra." That's it – not a word about long-term hospice and palliative care planning, because there was none and it was irrelevant to the more valuable role of the hospice as a bargaining chip.

Community anger is ignored by a tough-minded, third-term, minority government, supported by Greens of whom many believe they will never take a decision on its merits but only in return for something green. An auditor-general's inquiry was blocked.

Even the Minister's community forums were made too difficult for the community to attend. And they had scarcely begun before she

announced that even "massive" public opposition would not deter her. In contrast, as party secretary Elias Hallaj told us, massive opposition from Labor party members put paid to the sale of the Labor Club (" 'Back to basics' for new ALP boss", October 19, p1).

Meanwhile, the LCM funded a questionable survey of which many don't expect to hear more unless it supports their selling Calvary and buying the hospice.

Seriously underestimated is the proposed palliative care service contract "for a term of not less than 30 years". This would be immensely valuable. Without underpinning health policy or planning, and without tender, the Government will sell a unique hospice to the incumbent contractor (LCM) with a 30-year service contract. LCM won the first and only tender for hospice services in 1994 (for Acton Peninsula). The Government's intention is obvious – exclude all other palliative care competitors from public funding for at least 45 years. This anti-competitive proposal demands attention from the Australian Competition and



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Consumer Commission. There are only a tiny number of LCM Sisters left in Australia. The LCM Corporation in Canberra is not an organisation of 500 or even 50 dedicated nursing nuns emptying bedpans. That work is done by trained nurses.

The LCM is a huge, wealthy, corporation. They would receive \$77 million for surrendering Calvary. And they want the community hospice on remarkable terms rather than use their money to build their own facility and extend palliative care outreach. The Minister and LCM are locked in a tandem parachute jump in which the Minister secretly and shamefacedly made our hospice the ripcord of the deal. It mustn't be.

If LCM wants to sell its hospital and the government solicitor can draft contracts to pay for something valuable, I say let them – they are all consenting adults. LCM, in its willingness to sell up, may have damaged its reputation as a Catholic

hospitaller. It can't credibly try to re-establish itself in a deteriorating Calvary even if it elected to stay.

But every argument in favour of making Calvary public is also an argument for keeping the hospice public. There has never been a more opportune time for the community to speak truth to power and demand that the nexus between the Calvary sale and our hospice be broken. No one loses. LCM, with the government solicitor's assistance, gets its \$77 million to make a new beginning.

Meanwhile, the community hospice, a secular institution, ecumenically rich in religious, spiritual and humanitarian inspiration, remains in the hands of those who inspired and created it – you, the people of Canberra.

■ **Peter O'Keeffe is a lawyer with a long-standing interest in the hospice. There is a public meeting on the hospice sale at Ainslie F.C. at 6.30pm on Thursday.**