



## Transcript of Proceedings

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MS MARGARET VIDER, Deputy Commissioner

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MR D ATKINSON, Counsel Assisting

IN THE MATTER OF THE COMMISSIONS OF INQUIRY ACT 1950

BUNDABERG HOSPITAL COMMISSION OF INQUIRY

COMMISSIONS OF INQUIRY (No. 1) 2005

BUNDABERG

..DATE 17/08/200

..DAY 43

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THE COMMISSION RESUMED AT 10.02 A.M.

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COMMISSIONER: Mr Andrews?

MR ANDREWS: Commissioner, when I last spoke with Mr Scott, whose telephone is ringing now, I understood that the witness Mr Chase would be available at 10.30.

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COMMISSIONER: I see. So we have a little delay.

MR ANDREWS: Yes.

COMMISSIONER: All right. Well, we will adjourn until 10.30. I'm sorry if that causes anyone any inconvenience.

MR ASHTON: Not at all.

COMMISSIONER: Mr Ashton, nothing else you want to raise?

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MR ASHTON: No.

COMMISSIONER: 10.30 it is then. For those who came in it seems Mr Chase isn't here yet, so we're standing down until 10.30.

THE COMMISSION ADJOURNED AT 10.04 A.M.

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THE COMMISSION RESUMED AT 10.40 A.M.

COMMISSIONER: Mr Andrews?

MR ANDREWS: Commissioner, Mr Chase, in fact, came early and arrived at about 10 past 10. He is present, and I call him.

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COMMISSIONER: Thank you.

VIVIAN CHASE, EXAMINED:

COMMISSIONER: Please be seated, Mr Chase. You make yourself comfortable. Mr Chase, we may not have a bible available. Do you mind taking an affirmation rather than an oath?-- If you wish.

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Stand up then.

VIVIAN CHASE, ON AFFIRMATION, EXAMINED:

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COMMISSIONER: May I ask whether you have any objection to your evidence being filmed or photographed?-- No, it's okay.

There was also a request from someone in the media to place a tape-recorder on the desk in front of you. Is that-----?-- Yeah, no problem.

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-----acceptable? Thank you, Mr Andrews.

MR ANDREWS: Is your full name Vivian chase?-- It is.

Mr Chase, have you signed a statement sworn on the 26th of July 2005?-- Yes, I have.

Do you have a copy of it before you?-- Yes.

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Is that your signature which appears on the 6th page of that statement?-- Yes.

Are the facts recited in that statement true and correct to the best of your knowledge?-- Yes.

And are the opinions you express in that statement honestly held by you?-- They are.

I tender that document, Commissioner.

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COMMISSIONER: The statement of Mr Chase will be Exhibit 284.

ADMITTED AND MARKED "EXHIBIT 284"

MR ANDREWS: Mr Chase, what's your current occupation?-- Retired, sir. I still have a business that I run, but I am still virtually retired.

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You were once Mayor of Kolan Shire?-- That's correct.

Your statement observes that you are the chairman of the Bundaberg Health District Council and that you have held that position for four and a half years?-- That's right.

Are you currently, due to some health problems, taking a vacation from that position?-- Yes, I am.

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If a member of the public has a complaint in relation to the district is it your job to bring it to the attention of the Bundaberg Hospital management?-- Yes, sir. If it was a long time to the meeting we would take it to them direct. If there was a meeting within a day or two or week we may wait for the meeting, yes.

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As far as you recall before the publicity relating to Dr Patel were there many such complaints from members of the public?-- No, sir. We tried once, we put all our names in the paper and we got very little response, couple of the usual ones and we took them in and, of course, they would know all about them.

Do you recall a time when there were allegations published attributed to Mr Messenger and relating to Dr Patel?-- Yes, I'm aware of that.

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Shortly after that was there a meeting of the District Health Council held on the 23rd of March?-- There was.

Now, if one looks at your statement one sees that there are minutes of that meeting which appear at Exhibit VC1a, but they are probably more easily found by turning to page 9. Do you see on the 9th page there is the start of a number of pages of the minutes-----?-- I don't have a 9th page.

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You should see the pagination in the bottom right-hand corner?-- Oh, there is, yes, yes. That is the start of the meeting VC1a.

Yes, VC1a?-- Yes.

And you're there as chairman?-- Yes.

Noted among those present-----?-- Yes.

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-----the district manager Mr Leck?-- Yep.

And others?-- Yeah, all the executives, yes, sir.

If one turns to-----

COMMISSIONER: Well, I'm sorry, you said all of the executives, but we understand that the Director of Medical Services, Dr Keating, was on holidays at the time?-- I'm sorry, he was on holidays and so was Linda Mulligan. I think they were both on holidays.

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And so the minutes accurately record that they were not present at the meeting?-- That's right. Di Walls was Acting Director and it has no-one there as the Director of Medical Services, yes, you're right.

Thank you.

MR ANDREWS: If you turn to the 13th page, these minutes which appear do record certain things in respect of the topic of Dr Patel?-- Yes.

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Now, I won't ask you to go back to page 9, but on page 9 it did observe that the record at the meeting - it had in bold capitals "unconfirmed"?-- Mmm.

Do you know what "unconfirmed" means?-- They hadn't been to a

meeting. You see, they were a copy of the minutes of meeting, but as such they hadn't been confirmed. As you would imagine with Dr Patel's issue we didn't have a meeting for the next one and for the next one, and then it was overridden by Dr Fitzgerald being there and Steve Buckland. So we never had a meeting. So it was a while before it was confirmed.

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COMMISSIONER: Mr Chase, did Council go through the traditional process of having the minutes for one meeting confirmed at a later meeting?-- That's right.

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This is really the draft that was prepared by someone to go before a later meeting for confirmation?-- To go to the meeting, yes.

Yes.

MR ANDREWS: Now, looking at page 13, we see the topic of Dr Patel, we see a column headed "Discussion" and another column headed "Agreed Action and Outcome, Person Responsible, and Time Frame"?-- Yes.

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Under the heading "Discussion" one can read, "The DM has no evidence provided to him to date that substantiates the allegations." Now, from the context it appears that the allegations must be allegations raised in respect of Dr Patel?-- Yes, sir.

Where the meetings record that as being the discussion, does DM designate district manager?-- District manager.

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Mr Leck?-- Yes.

Are you able to say whether that part of the minute accurately records the substance of something said by Mr Leck?-- It does, and very disturbing, yes.

It is observed at the bottom of that column, "Dr Patel has indicated that he is very unhappy and may leave." Do you recall whether that was said during the meeting?-- Well, the fact that it's there I would say that it was said, yes.

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I gather from your answer then you don't recall whether it was said?-- I don't recall. I mean, I can't recall all those things, but the minutes should record what was said, yeah.

Now, the minutes should record what was said, but it seems that there was some concern expressed at a later meeting about what appears within these minutes?-- That's right.

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Now, would you look at page 13 at the same page from the minutes of the 23rd of March at the column headed "Agreed Action and Outcome, Person Responsible, and Time Frame". It suggests that it was moved Councillor Powell seconded Councillor Pyelinch-----?-- Pyefinch.

Finch?-- Pyefinch.

Thank you very much. "All in favour, that the District Health Council forward a letter of support to Dr Jayant Patel." Do you understand that at a subsequent meeting there was some dispute as to whether the motion was accurately recorded in this minute?-- It was only supposed to be that - for his right to natural justice. It was in reference to an AMA release - press release which Dr Powell had presented to the meeting and we said we would do the same, offer support for natural justice. However, the minute is incorrectly listed, so it was changed.

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And it's the case that at that very meeting of the 23rd of March you had insisted that Dr Patel hadn't yet been afforded natural justice?-- That was the feeling, yes.

COMMISSIONER: And, Mr Chase, no doubt that was a matter of great concern to you and in your responsible position when you had the district manager telling you that so far as he was aware there was no evidence to substantiate the allegations against Dr Patel?-- There was right, and we were very agro about it because we felt that he was being unfairly castigated and that we would have trouble replacing doctors if this was to go on. So we were quite - quite annoyed about it, yeah.

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Yes.

MR ANDREWS: Now, do you recall whether or not the persons present at the meeting suggested that a letter should be sent to the News Mail?-- I'm not aware that that was, but it has always been my - my duty as chairman to put in letters to the editor. I put in about the train crash, I put in about many things and, yes, I put a letter into the News Mail the next day which I'm sure was the feeling of how the meeting would want it and the meeting did agree it was okay at a subsequent meeting, but it was only that we suggested that he should have natural justice. It did not say that he was a good doctor.

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And that letter appears at VC2 on page 17 of your statement; is that correct?-- Yes, sir. Yes, sir.

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COMMISSIONER: Just going through that letter, Mr Chase-----?-- Yes.

-----the first point that you make is that you are disturbed by Dr Patel being attacked in parliament before the allegations were proved?-- That's right.

And do I take it that that's still your view, that a person should have the opportunity to defend himself before he's attacked in public?-- Always, yes.

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And then you go on and say you have great faith in the executive, including Mr Leck and Dr Keating, we might come back to that later, and then in the third paragraph you make the point that the situation should be assessed by Dr Patel's peers, but that is by other members of the medical profession?-- By the AMA or, yes, the Medical Board, yes.

And you still remain of the view that that's the way clinical issues of this nature should be sorted out?-- I would think so. They would have pretty more of an idea whether it was good or bad. I would not have an idea.

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Thank you.

MR ANDREWS: Now, when referring to the minute of the 23rd of March I recall when I read to you, "The DM has no evidence provided to him to date that substantiates the allegations." You said that was disturbing?-- I did, yes. I had great faith in Peter Leck. He was a great man, I felt at the time, and in all the executive I had great faith in them all, but then what has happened and I see this in the - yeah, in the minutes that we were not given the correct truth, for whatever reason. You know, you only rely - you are on the Board or the Council, you are only as good as your CEO. If he doesn't tell you what's going on you don't know, and that's disturbing.

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Do I take it that you believe there should be full, frank disclosure by a District Manager to those on the Health Council for that district?-- It has to be, otherwise what the heck are we there for, we're just there for show. No, we have to know what's going on and be responsible and be able to get out there and fix it up. We are the community, and that's what we're there - I thought we were there for that reason.

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The letter VC2, which was sent to the editor-----?-- Yes.

-----do you recall who drafted that document?-- I drafted the letter to - VC2 is mine. I drafted that, myself.

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Thank you. It hadn't been obvious from your statement?-- Oh, I'm sorry. Yes, I did that. All letters to the editor I did. Internal letters the manager did, except it was - when I congratulated the manager and the Director of Medical Services and all the staff that was trained after, I wrote that letter, otherwise all internal letters were written by the DM or his staff.

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COMMISSIONER: When you say written, prepared for your signature?-- Prepared for my signature, yes.

MR ANDREWS: At the subsequent meeting of the Council on the 4th of May it was agreed that the minutes of the meeting of the 23rd of March were inaccurate in one respect, that is, where they had suggested that there was a motion that a letter of support be forwarded to Dr Jayant Patel. Now, does one see the motion which reflects that concern at VC2a on page 18 of your statement?-- Yes, sir.

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I notice that in handwriting someone has written the words "natural justice"-----?-- Mmm.

-----on that page?-- That's what I would have written there, sir, yeah.

Were you present at that particular meeting when a motion

was-----?-- At this meeting I was, sir, yes.

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Yes. Was the Council at any time or at any meeting that you attended briefed by anyone at the hospital as to problems in respect of Dr Patel?-- Never sir, no, never.

COMMISSIONER: Mr Chase, in light of what's come out in the last few months, how does that make you feel?-- Very angry. I have led a life where I've been in the lime light a fair bit and I've always relied on CEOs to help me out and I've gone to other places and to see this happen it makes me look like a fool, as it does to all our other eight councillors. We're all very upset about it, that - why wasn't a mention made, even a little something or other, "We have a problem and we're trying to sort it out." We would have then wanted to go into it further but, no, we were left out. As Dr Thiele said we were dead ducks or something like that. We were there only for looks and that upset me, it does.

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Yes.

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MR ANDREWS: Mr Chase, I'm looking now at paragraph 13 of your statement and the first sentence seems ambiguous to me?-- Yeah.

It observes that, "At a Council meeting on 25 May 2005 members thereof, including myself, requested a letter in my name addressed to Dr Patel. My recollection is that we had heard about it from reports in the news." Now, those two sentences taken together suggest that you had heard in the news that there was a letter addressed to Dr Patel that was in your name?-- Yes. What had happened I have no recollection of ever signing that letter. I had not seen a copy of the letter that was signed, anyway, but I believe I would have signed it, but I would have done it going to another meeting, and I haven't read it and that, of course, is my mistake. I should read every letter, but I had never seen it until that day. I never actually read the letter.

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Should I take it that at the meeting on 25 May 2005 you were surprised to learn that you had written directly to Dr Patel and not just to the News Mail?-- No, no, we knew we were going to write to Dr Patel, but I am very surprised that - the letter was supposed to be the same as the letter I - similar to the letter I sent to the News Mail that we should be afforded natural justice. We apologise to him for the way things had gone. That is how it should have been written, however, it wasn't. It may have been written by one of the staff. It was very similar to the letter of Dr - Dr Keating. So, maybe, they just copied another letter and put my name on it.

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D COMMISSIONER EDWARDS: But you never signed that letter?-- Well, I - sir, I would say that I probably signed it without reading it. I can't remember ever seeing it. That's why I was so surprised in May when they got the letter in there and I read it and I thought, oh, my God. So - I can never remember seeing it, but it's quite possible I did sign it on a

way to another meeting in a hurry and the girl said, "Look, can you sign this letter", and I said, "Righto", I signed that letter, and then I have gone to the meeting trusting all the time the staff and the CEO and, of course, I get caught but it will never happen again.

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MR ANDREWS: Mr Chase, I gather you have never seen either the original which bears your signature, so that you are unable to confirm whether you ever did sign one. You simply assume that you - that you may have?-- That's exactly right.

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You have seen only copies that bear no signature at all?-- That's right.

In your statement you say you were shocked when you read it?-- Yeah, because it stated things in there, sir, that said we congratulated him for his - his - have you got a number for these?

Yes, page 21 shows Exhibit VC3?-- The first part would be okay, but "I would like to express my thanks for all your hard work while you were here and for the care you provided to the residents of our community", I'm not aware of that. I could not be aware of that. I could not have written that, myself, because I was not aware of the man as such and I would not have been able to say he had done a good job and that's exactly why, you know, I couldn't have done that, but it has got Peter Leck's name at the top, but I don't say that - Peter may not have written it. One of the staff may have written it. It's got my name at the bottom, but no signature.

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Now, you speculate as to who the author may have been?-- I do, yeah, I do. I have no proof of who would have done it.

And you say that the usual practice was for Mr Leck to draft letters?-- The internal staff Mr Leck would draft it, he would get his secretary to type the letter up, I would arrive at another meeting that would be one of their internal committee meetings, and they would give me the letter to sign and I would just sign it. A lot of times I wouldn't read it. Most times I would hope I read it. This time, of course, I don't remember reading it.

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How sure are you that you did not write this letter?-- I'm positive, sir. I would guarantee anything you want me to do, that I did not draft that letter. I did not write that letter, no way.

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Your statement does say Peter Leck wrote it?-- Well, in hindsight, looking back on it, Peter Leck was at the meeting and he's usually the person who does formulate the letters. However, he was in a bit of a state, I think, with the Patel Inquiry. He may have just given it to one of his staff and said, "Look, just write that letter up." I don't know. So I have never seen him write it but, as I say, it was usually - he was at our meeting and he would take it on himself to formulate the letter. Whether he did it or his staff, I cannot say.

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COMMISSIONER: Mr Andrews, do we not have a handwritten draft of the letter?

MR ANDREWS: No, Commissioner. I was misinformed. This morning I did tell you that my instructions were that such a letter may exist, but inquiries show that, in fact, there is no handwritten draft.

COMMISSIONER: Thank you.

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MR ANDREWS: Mr Chase, you have expressed some opinions about whether District Health Councils have teeth?-- Yes, sir, yes.

And it's your view that because they have no powers, they have no teeth?-- That's right.

What is your view on a suggestion that District Health Councils ought to have some power to - some power over the executive of regional hospitals?-- It was told to us by Dr Steve Buckland in Brisbane at our meeting of all the chairs, and I did write it somewhere, but he has told us to stay out of the running of the hospital, that it was fine for us - he spoke after the Minister and he said it was fine for us to take an interest in all of the hospital but to stay out of the running of the hospital. We find that that is a - is, I suppose - it worked, but if we had more input - if the nurse who had gone to the executive and got nowhere could then go to the chairman or to a councillor and put her case to them, we were then able to take it forward, then we would have had - probably stopped a lot of this trouble. They may feel bullied and not able to go to their executive because they will lose their job. If they came to a community body like ours and gave us a story and want to keep their name out of it, then we went to the meeting and said, "Well, look, hey, this is happening. Tell us all about it.", and if they got no answer from the DM, then you go to the Minister and give him an indication that there's a problem. I believe that's how it should work. But we haven't had that power.

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That meeting that you spoke of at which Dr Buckland spoke to the chairpersons of the different health councils-----?-- That's right.

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-----was the Minister present when-----?-- Yes.

-----Dr Buckland-----?-- All-----

-----said those things?-- Sorry. I am pre-empting you. No, what happened is the Minister came in. We all mingled and then he came and he spoke and told us to get out and get involved in the community, get out and bring more things back to Queensland Health that we'd want, and then he had to leave and then Dr Buckland got up and spoke, and I will admit, sir, that it sounded like it was slapping us on the hand and saying, "Just stay out of our way." I wasn't impressed. No, I was not impressed. We were told not to-----

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D COMMISSIONER VIDER: Mr Chase, how often did the District Health Council chairs meet?-- It's only happened twice in my four and a half years.

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So it was not a regular-----?-- No. We would like to have had it regular. We always asked for it to be regular but it was never acceded to. This was because there as all new chairs - a lot of new chairs, a new four year period, and we were all brought together to be spoken to by the Minister and by the DG and by other people. It was quite a big day, yeah.

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COMMISSIONER: Do you ever have the opportunity to speak informally with your opposite numbers in other districts, to telephone them or to meet them socially?-- No. We have nothing that gives us any indication. We could do that, though, I guess. If I wanted to speak to someone from the North Burnett, I guess I could. But we have no numbers, we have no correspondence. We have nothing that really lets us get together. We were sort of - try to keep us here in our little place and then don't get involved elsewhere. I would have always loved - I asked for the last time we met, before this last one, that we would get together with our DMs at least once a year and that we would be able to discuss matters. The DMs were at this meeting. They did accede to that request. But, no, they just didn't want to - well, who knows? They weren't - didn't want us to get involved or get organised. I mean, with local government you meet every year. In between that you had your own Burnett local government every three months, you had Bundaberg local government every three months and you were speaking to your opposite numbers all the time. Here you are left out and nothing happened.

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Mr Chase, another witness in these proceedings in a quite different context has used the expression "set up to fail", and I wonder whether these district councils really were set up to create the appearance of community involvement but given no powers, no funding, no resources, no control, whether in retrospect you feel you were set up to fail?-- It does appear that way. The original one was set up by the Borbidge government and I was elected to that one, the first one, and then it was kept alive by the Labor Party. I thought when they came in they were going to knock it but they kept it going. But, yes, it was - it does give us the feeling it was set up to fail. When you consider that there is a maximum of \$600 paid to each council member per year, that's \$50 a month, you look at some of the other boards and inquiries, they get 537 - \$911 a day to have a board meeting, or whatever it may be. So you can consider that there's less than \$200,000 spent

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on the whole of Queensland for District Heath Councils, so you can't feel that they really want you there, they - "Just be there and we will give you a little bit of money to keep you there". But it was never, ever enough for some to pay their fuel to get to the meeting. So you don't have a lot of faith that there was a feeling that, "We need you to be there. We want your input." It was a case of, "Well, yeah, we will tack you on to the side." Yeah, I was not very - I was not always impressed with that, no.

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Mr Chase, I will be candid with you. I have a very strong view that there should be community involvement and particularly regional community involvement with the conduct of regional hospitals, and I'd like your assistance in reviewing how we can improve the existing structure to make sure that it does have a genuine role on behalf of the community, which is obviously what you are telling us that you would have liked to see in place?-- Yes.

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One of the things that I think is very important is to give the district council or its equivalent some real control over what happens at the hospital so that it's not just a decision made in Charlotte Street or even a decision made by the zonal or district manager that gets implemented and that operative major decisions about the running of the hospital have to come across the desk of the District Council. How do you feel about that?-- I think that would be a great idea. More recognition of the council by the government would be good. Of all the time I have been there as chairman, I think there was once when the Minister came to town that I was invited to go to breakfast. Most other times the Minister arrives, the Premier arrives, and I hear about it in the paper the next day. To me, they do not respect and there should be some respect. If they are going to invite or the Minister's going to drop in, they should make a quick phone call and say, "I want chairman of the council here to meet with the Premier, the Minister", or whatever it might be, but we have never been given that respect.

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The second thought that I want to get your views on is this, Mr Chase. Like yourself, I have been on a number of boards and committees and councils over the years and normally the chief executive is someone who reports to and is responsible to the District Council. Now, what I'm going to ask you doesn't involve any criticism of any individual who held the position as District Manager, but it seems to me that unless you appoint someone with the right to hire and fire or at least have some line of authority control over that person, they can tell you as much or as little as they choose to tell you?-- Mmm.

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The reporting role just becomes purely nominal?-- That is right. That is actually how it is. It's how it's felt and it's not a good issue, yeah. You do-----

The third thing I wanted to canvas is - please understand, Mr Chase, this isn't meant as any criticism of you, but you have made the point that when it came to medical issues you

really didn't have any basis for making decisions or for forming opinions, and it seems to me that it would be very desirable if the chairman of such a body was a person with a medical background. I know you had medical people on your council?-- Yes.

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And it seems to me that you in particular as chairman were at a great disadvantage because you were dealing with medical issues about which you had no training and experience?-- That could be said, yes. But also it may be a failing to have medical people there in the same position. I'm not too sure whether you'd get an open and frank - I would think a nonmedical person there - not myself but anybody - with a bit of common sense would be far better, in as much that they - they would be open to the public. I mean, the community out there aren't doctors.

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Yes?-- And the community reps shouldn't be - shouldn't be all doctors or lawyers, or whatever. They should be ordinary people. I don't believe it should be a medical person, no.

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The fourth thing I wanted to canvas with you is this. At the time you reacted to Mr Messenger's remarks in Parliament in a negative way, and I'm sure we all understand why you took that position at the time, but in retrospect I think it's clear that Mr Messenger has done the whole community a great service by raising these things in Parliament and bringing these issues to the fore, and it seems to me that there would be some advantage in involving the local member in a District Council so that that person as an elected representative of the community and as someone with a reasonably high profile in the community is involved in the deliberations of the council and can bring to the council issues such as those which Mr Messenger raised in Parliament?-- I know Mr Messenger is here. What he did I am thankful for, though at the time I wasn't very - very thankful, Rob, but I am thankful that it has come out and I do appreciate that he's done that. On our council - I was a mayor when I was on council. We have the mayor of Isis, we have a councillor from Kolan Shire, the mayor of Mount Perry, we have a councillor from Miriam Vale Shire, we have a councillor from Bundaberg City, no-one from Burnett. But we do have a fair range of people in the community who would be able to know as much as Mr Messenger or someone in that position would be. I don't believe it would be necessary to have to have someone like it.

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I think-----?-- However, we're always open to him to contact us any time he wishes.

I wonder if perhaps the advantage that Mr Messenger and his colleagues in Parliament have is that they're in the spotlight a lot more than shire councilors and so when someone has a problem they can go to Mr Messenger, who has an office which is staffed all the time, where he's got electorate staff to take their inquiries, and I think it's fair to say also the grunt of being able to raise things in Parliament or directly with the government that perhaps members of the District Council and shire counsellors don't have in their own right?--

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Sir, I believe that - no, I disagree with you. I believe that if we need to have involvement by the Members of Parliament, the District Health Council would make the - would make the move to them and ask for their help. But I don't believe they should be on the board, on the council, no.

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I take the force of that. One final thing. This is a bit technical and please tell me if you feel that it's outside your realm to answer this, but in Queensland we have whistleblower legislation and in the context of the health system what that means, in effect, is that a member of the staff at the hospital, a doctor, a nurse, or anyone else, can raise issues with their line manager so they can go up to the person in charge, it might be the Director of Nursing, for example, or the Director of Medical Services, it can go on from there to the District Manager or the zone manager or to the Director-General or to the Minister. But the District Health Council's out of that loop?-- Yep.

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And I was wondering what your views would be about amending the whistleblower legislation to give hospital staff the right to report concerns to the District Health Council with all the protections of being a whistleblower associated with that?-- That would be ideal. That would be the first thing I think that needs to be changed. It definitely needs to be that they can come to the council and the people who are the community can then take it on for the community.

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Thank you for that. Sorry.

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D COMMISSIONER EDWARDS: Nothing.

D COMMISSIONER VIDER: Nothing.

COMMISSIONER: Mr Andrews?

MR ANDREWS: Mr Chase, one final topic, and that's raised at page 19 of your statement, it seems to be an extract from minutes of about April 2003, and the topic was, "Waiting lists." The discussion records, "Mr Leck advised the members that significant progress had been made with respect to general surgery waiting lists and praised the work of Dr Jay Patel and Dr Jim Gaffield." Now, the first question is whether those minutes accurately record the discussion and I suppose preliminary to answering that is whether you'd have any recollection of it anyway?-- No. I have no recollection at all. Having been called for the Inquiry, I went through some of my old minutes and I originally had made an affidavit that said I never even knew Dr Patel existed, and when I went through and I found this and another page, I thought, "Well, I better change my affidavit to read that I was not aware of him." I did not know him. That's why I included those because I had originally had said I never even knew he existed, but at the time Dr Patel's name would have come up and I would have known. But since then I have no recollection of him at all.

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Were the topic of waiting lists matters of much interest to

the council?-- We often had that, yeah. We had a copy of a waiting list, we had all sorts of copies, all sorts of summaries were given to our council meetings that told us about the people we were trying to employ, the ones we'd filled, the ones we hadn't, the ones we - ads in the paper for or overseas, we were given lists of people attending surgery, the reason they had not had the surgery - generally 56 per cent of it because the patient decided not to come. We had all those sort of lists. Yes, we did have them sir. They were given to us. We were to peruse them and talk about them in the meeting. Whether they meant a lot to us a month later, I don't know.

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Thank you, Mr Chase.

COMMISSIONER: Mr Chase, just on that last subject, you might have noticed in the press that recently this Commission of Inquiry found some more detailed statistics of which I have referred to as the waiting list for the waiting list of people waiting to see specialists. Were you and the council ever given that sort of information?-- No, sir, no.

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Again, how does that make you feel?-- I wonder if those lists are fair dinkum or what they are. I mean, the fact they say they were hidden, I don't know, but no-one knew they were there or else the DMs knew they were there. But there was nothing we could do about that anyway, other than talk to the Minister and say, "Look, you know, we don't like what's happening." But we had no control over it. I wondered - everyone - I mean, everyone ends up at the Base Hospital because you can go to a private hospital and they can refuse you, but the Base can't.

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Yes?-- So they end up with bigger and bigger and bigger waiting lists without enough doctors to be able to catch up on the waiting lists, and that all costs money, and I mean, they have got a 5.13 billion budget which is up 10 billion on 10 years ago - 1 billion on 10 years ago. So where do you stop? How much money can you put into health?

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I suppose, Mr Chase, my concern is this. You have said many times about you being the representatives of the community?-- Yes.

But if you as the representatives of the community aren't told the full truth, then you are not in a position to approach the Minister or approach anyone else and say, "We need to do something about this."?-- That's right, yes, you are right.

One of the difficulties with waiting lists, as you'd understand, is that many people make a conscious decision whether or not to go to pay the price of private health insurance and it may be that someone has to make a very difficult decision for their family, whether, for example, to spend money on education for their children on a holiday or a bigger home or spending it on private health insurance, and maybe if people were told there's 105,000 in the queue in front of them to see a specialist, that would put them in a

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fairer position to make that decision?-- I would think that politics got involved in there somewhere.

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Yes?-- But it's - yeah, it isn't nice, and I know there's so many waiting lists but what is a fair amount?

Yes?-- Zero, I guess, but-----

Yes. Mr Chase, there's something else I wanted to ask you about. We have seen a couple of examples attached to your statement of letters that you wrote in the sense of actually preparing them at your own home or your own office?-- Yes.

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And you have told us that internal correspondance was normally prepared in the executive office of the Bundaberg Base?-- That's right, sir.

I just want to ask about the correspondence prepared at the Bundaberg Base. Was it always the case that when a letter was prepared at the Base Hospital someone else drafted it and merely gave it to you for signing, or did you ever do your own draft and get it typed at the base?-- No, I never did a draft, that I'm aware of.

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Yes?-- Never done a draft for a letter for anyone internal. As I said, the one was - about the train smash, I did do that. There was one sent to Sue Vandenberg, who was the recipient of the May award. I am sure they were all done internally, sir.

I want to ask you about a passage in the previous evidence. This is at page 366, for the benefit of counsel, commencing at about line 15. A question was asked and the answer reads, "I wouldn't recall what's done for the District Health Council chair. He and - he occasionally writes letters. My secretary does that up for him. He usually drafts them himself."?-- Jesus Christ.

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Is that true or false?-- No, sir, that's not true. That's not true.

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Thank you, Mr Andrews.

MR ANDREWS: Commissioner, I am reminded there may be some other material within the transcript. May I have a look at it to see-----

COMMISSIONER: Of course, yes.

D COMMISSIONER VIDER: Mr Chase?-- Yep.

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Can I just ask you a question? It's really to do with the health - the District Council meetings?-- Mmm-hmm.

You then, from what I'm hearing you say, did not have a lot of input into the agenda for the meeting as to what would be on the agenda?-- The agenda was done for us by the District Manager. If there was anything that I wanted put in it could be done. When we are given the minutes, and it would

have - list of the agenda of what's going to happen, or reports, and then of course down the bottom it has - you know, "Items by the District Health Council", and underneath that it has, "Items by the executive", so that we all had input into something at the meeting. So the agenda, let's say, whilst it was a similar format all the time, at the end it was always a chance for any councillor to bring up different items or the executive. Every executive was asked one by one - Peter Leck was always last - if they had any issues. So-----

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Then further to some of the comments by the Commissioner about the inclusion of clinical staff on councils, would you think it an advantage to have had some people with current clinical knowledge and experience in the hospital sitting on the council? I know you have a medical practitioner on the council, but I'm looking at someone that might be familiar with how hospitals work on a daily basis that would have been able, from the council's perspective to, have challenged some of the statements?-- Mmm.

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For example, you have said that, you know, you would be given information which you would accept and you would then accept whatever explanation was given-----?-- Yes.

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-----to accompany that?-- On our committee - on our council last year we had another lady, Jan Tallon. She was an ex-nurse, so she had a lot of clinical experience. Also Councillor Pynefinch was a registered nurse. If any issues came up on that they were very quick to tell us. If it came up on a doctor issue, we had two doctors on the Board, on the council, and they would give us their views on it. We were a very well balanced council, I believe. We had a few of everyone on it. So, no, I think what we had last term was perfect. But-----

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So you were able to have the opportunity to challenge-----?-- Oh, yes, yes, well, they were. It got a little bit hard there when nurses actually would challenge doctors. That always happens, of course, doesn't it, but they - they were there. They had their say and we were swayed by what they were saying.

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I notice that the template for these minutes possibly is influenced by the Australian Council on health care standards requirements?-- Oh, yes.

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Because you have got headings down one side "L & M" and "C of C", that is leadership and management and continuum of care?-- I attended all those matters.

Then you were involved when the accreditation people were in town?-- They came to our meeting and spoke to us about it. I wasn't very happy about the fact we never received full accreditation, we only got it for one or two years. They told me that no hospital gets it, so I believed them.

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Thank you.

COMMISSIONER: Mr Andrews?

MR ANDREWS: Mr Chase, there's another item I would like you to comment on, and it begins at the very bottom of page 369 of the transcript. There's a comment, "The person that sent this letter", and it - the comment's about the letter to Dr Patel?-- Mmm.

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The person that sent this letter is the chair of the District Health Council, one of the things they want to do is to give appreciation to the people that work in the district. Now, I understand your evidence that - as to how it was that you came to sign that letter, but the second part of that observation, that one of the things they, that's the District Health Council, want to do is to give appreciation to the people that work in the district. Is it a fair observation that the District Health Council wants to write letters of appreciation to doctors for the work that they have done?-- Well, yes, it has been. We have written letters to the Emergency Department. We have written letters about the - their performance.

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Do you ever recall writing letters of appreciation to doctors who have departed the hospital?-- No, no, I don't sir, no.

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The occasion when you believe you may have signed that letter to Dr Patel, is it possible that you, when receiving the letter for signature, said, "It's probably not exactly what I would have said, but that will do"?-- No, sir, I don't know where that comes from. No, that wouldn't be - I have never read that, and where has that statement come from?

We may hear another witness?-- All right. Fair enough.

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COMMISSIONER: Mr Chase, I want to follow up - feel free to take a seat, Mr Andrews. I just want to follow up an issue that you may or may not be able to give us any assistance on, but since you are here it's probably worth asking you. You will realise, of course, that Dr Patel came to-----?-- Can I break-in a moment, please?

Yes?-- That statement, what I said was, "It's not what I

would have written" - is what I would have said at a meeting in May to the councillors. I would have said to them not when I signed the letter, but I would have said on reading the letter "It's not what I would have written." Is that what it says or-----

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MR ANDREWS: No, indeed, it - a Ms Dooley, Joan Dooley, has been asked in the last 24 hours to recall what conversation there may have been at the time that the letter was presented to you and Ms Dooley's recollection is that you stated, "It is probably not exactly what I would have said, but that will do"-- Well, there you go, sir. I trust Ms Dooley. I don't remember ever reading the letter. I don't ever remember making that statement, but I trust Ms Dooley. Anyway - yep. I don't remember that at all, not at all. Sorry, sir, you were speaking to me?

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COMMISSIONER: Thank you. You are aware, I guess, that Dr Patel came to Bundaberg on the basis that it was an Area of Need?-- Mmm.

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And you have mentioned things in your statement that you were often told by the executive about difficulties in attracting medical staff to Bundaberg and the need to keep staff. You would be aware from your own knowledge that there are two private hospitals operating in Bundaberg?-- Yes, I am.

And you would be aware that there are some, apparently, highly respected Australian surgeons practicing in this city or who have practiced in this city in the past, people like Dr Brian Thiele that you would know of, Dr Anderson, Dr Kingston, you may have heard of and people who were here previously like Dr Charles Nankivell and Dr Sam Baker. You know those names?-- I have heard them, yes, sir.

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When it came to the appointment of Patel as Director of Surgery, do you recall the executive ever raising with you why it is that you are getting this overseas trained doctor coming to Bundaberg as Director of Surgery rather than making arrangements to utilise the services of some of these eminent Australian trained surgeons who are right here in Bundaberg?-- Sir, it would have come up to the meeting, but I have no recollection of it, no.

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Thank you for that. Mr Mullins?

CROSS-EXAMINATION:

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MR MULLINS: Thank you. Mr Chase, my name is Mullins. I appear on behalf of the patients. I just want to take you to the meeting of 23 March 2005, which is document, I think, number 13 or page 13 in your documents?-- Yes, sir.

And you have the topic Dr Patel?-- Mmm.

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Firstly, the district manager gave an overview of the issues reported in the Bundaberg News Mail: That was the first issue discussed to your recollection?-- Mmm.

That followed by Councillor Powell giving an overview of coverage on local television news and advised that the local media community supported Dr Patel.

COMMISSIONER: Local medical rather than media. 10

MR MULLINS: Sorry local medical. Now, is Councillor Powell a doctor?-- Yes, she is.

And did she work at the hospital?-- No.

The next dot is Chief Health Officer-----

COMMISSIONER: Sorry, before you move on, Mr Mullins, do you now recall whether in making those remarks Dr Powell was talking about support for Dr Patel generally or was she talking about this issue of natural justice?-- She was referring to the AMA media release which spoke of natural justice. 20

Right?-- That's what she was referring to.

MR MULLINS: The next dot point says that the Chief Health Officer and his assistant have undertaken a review, which is a complex and time consuming process. To your recollection was it Mr Leck who was again addressing this point?-- Yes. 30

And the next point, the hospital implemented strategies to ensure patient safety was assured whilst the review is being undertaken. That's again Mr Leck?-- Yes.

Now, the patients were an obvious concern to the Council at the time, given these allegations had been made; that's correct?-- Yep. 40

And Mr Leck addressed that issue. Can you tell us exactly what he said the strategies were that had been put in place to ensure patient safety?-- No, sir, I can't.

Did he give - can you recollect when he said those strategies had been put in place? Did he say they had been put in place now for a number of months or in the last week or-----?-- No, sir.

Did you have any knowledge at that time or had you ever been advised that patients might have died unexpectedly-----?-- No. 50

-----after surgery by Dr Patel?-- No, we weren't advised.

Had you been advised that patients died unexpectedly after surgery by Dr Patel would you have investigated that and intervened?-- I would have guessed that if we had - of the

doctors in - on the committee would have said we better do something but no, sir I have no recollection of us being involved in that at all.

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Thank you, Commissioner.

COMMISSIONER: Thank you, Mr Mullins. Mr Chase, if you turn up again page 21 in your bundle which is the file copy of your - of the letter bearing your name, if I can put it that way?-- Mmm.

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Do you see in the top right-hand side it has inquiries to Peter Leck, district manager?-- Yes, sir.

Are you able to say whether or not that was the usual practice for letters typed in the executive office for you to sign?-- Well, I have only noticed one the other day, and it had my name up there. I'm not sure, sir. I never read them, never read that far.

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Mr Andrews put to you something from a statement we've recently obtained from Joan Dooley, who you say you trust?-- I do trust her, but I can assure you, sir, I don't remember ever making that kind of statement, but I trust Joan Dooley.

All right. Well, I want to read a slightly longer passage and ask whether you have any comment on this. "I was aware of the existence of the letter from Viv Chase to Jay Patel dated 5 April 2005 prior to release by the media. As far as my recollection the letter was drafted (handwritten) by Peter Leck as a result of the resolution passed at the District Health Council meeting on 23 March 2005. I typed the draft correspondence, phoned Mr Chase to advise the draft was ready for his perusal, approval/changes and signature. As I recall when Mr Chase presented to Executive Services to sign the document he stated, 'It is probably not exactly what I would have said, but that will do.' Mr Chase signed the letter and I put it in the external mail for posting. A copy was then filed on relevant file." Do you have any comments on any of that?-- I can say, sir, I do not honestly remember ever making that statement. However, if Joan has got it there it's like the signature - I don't ever remember signing it, but if she said I had then it's quite possible, but I - I can't imagine - oh, anyway, I still rest on the case that I did not remember ever seeing that letter. I do not ever remember making a statement about it. However, it's something that I would say if I have it here - I don't think it is - why would I have signed it if I said that? I don't know. It's one of those things, sir, I'm sorry.

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Yes. Mr Ashton?

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CROSS-EXAMINATION:

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MR ASHTON: Thank you. Mr Chase, my name is Ashton. I'm counsel for Mr Leck?-- Yes.

Can I just ask you about something in your statement at paragraph 8? You refer there to attending a meeting with Mr Leck and the chairs of the other District Councils. Do you see that?-- Yes.

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And you have - in fact, you have already referred to this meeting in your evidence, as well. Do you remember when that meeting was?-- I think it was on the 16th of March, wasn't it?

I see. So it - you see, I was just unclear. You say right at the end of that paragraph, "I was too busy at the time dealing with matters related to Patel", when you were referring to following up issues of that meeting, but the meeting itself was before the Patel issues?-- Yes, it was way before, sir.

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Thank you?-- What had happened was I did a report for the councillors from that meeting and I think it was the 16th of March, yes.

Yes, all right. Thank you. I just wasn't quite clear on the meaning of that. Thank you. Now, you had been the chair of the Council for four and a half years-----?-- Yes.

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-----you have told us. What's been your volume of business in the sense of - you've told us a little bit about correspondence and you sounded as if you had written to the newspapers quite a lot, and that sort of thing. What's the nature of the job? How busy is it?-- Well, you know, there's not a lot of - as far as being the chair and running a meeting. It sometimes runs for two hours. It's all done for you by the DM, but I was involved in all of their internal committees. It was the community and consumer participation committee.

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Are these hospital committees?-- Hospital committees.

Yes?-- The improvement performance committee the leadership and management committee, the ISAP meeting and intergraded strategy and planning, we did those of a daytime meeting for a few months. We had a CAP program with the local AMA in which we were trying to get doctors to attend the specialist meetings for specialist days for, probably, two or three hours to learn what each specialist would like them to send in with their patient instead of a patient arriving and needs a blood test and has to go away and come back for another - another time to the doctors. They were trying to do - that was a CAP program. There was many more. We had hospital foundation every two months. I got fairly involved internally with the hospital.

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And did you have correspondence to deal with arising from these various roles and responsibilities?-- No. No, sir, I did not.

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Well, the correspondence to, for example, the press, we've heard about some of that. You sometimes wrote to staff?-- No, no, no. I'm not aware - I'm not aware of ever writing to staff. It was always left to Peter Leck to do that.

Well, when you say left to him to do it do you mean in his own name or to prepare something for yourself?-- As the DM and the - and at our meetings - he was always at our meetings on my right-hand side and, I guess, the CEO and he was asked to do those, yes.

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So you didn't correspond with any of the staff?-- You know it's been a long time. I can't say I never corresponded with any of the staff. There may have been something where I did, but I'm not-----

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Dr Wakefield, for example?-- I could have, yes. I could have, yes. As I said, I could have sent those to the staff.

And Glennis Goodman?-- When she left, yes, you are right.

Did you thank-----?-- Are they in my letters?

Well, I'm just asking you to answer the question?-- I'm pretty sure they were written for me.

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I see. But did they go under your name?-- Possibly under my name. Yeah, it would be under my name as chairman, yes.

And did you thank them for their efforts?-- Yes, they would have.

What clerical or secretarial assistance did you have at the hospital?-- What secretarial service did I have?

Any clerical or secretarial assistance?-- Mainly Joan Dooley.

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And how did she assist you?-- Well she sent me the minutes each month for me to confirm, sign them and send back to her, yep. I guess in many other ways, but I can't remember.

You've had matters put to you as being proposed evidence of Ms Dooley?-- Yeah.

Can I put this to you and see what you say about it, "There were two different processes utilised for preparation of district health correspondence. The Council would request Peter Leck, District Manager Bundaberg Health Service District to draft correspondence on their behalf which was then faxed to Viv Chase, chairperson. Once approved I would prepare a final version and notify Mr Chase it was ready for signature. Mr Chase would then present to Executive Services and sign the relevant correspondence"?-- Yeah.

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"Once signed I would mail the final version and place the relevant copy on the relevant file"?-- Yes.

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She's mentioned two different processes, the second one, B, "Mr Chase would prepare draft correspondence on behalf of the District Health Council, and on occasion ask Peter Leck to proof read it and if necessary, suggest changes. As far as I'm aware the final version of correspondence drafted by Mr Chase was typed by me as Executive Support Officer and put on health service letterhead for signature by Mr Chase. Once signed, I would mail the final version and place a file copy on the relevant file." Do you accept that?-- Yes, I accept that.

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Yes, I see. And later, "All correspondence from the District Health Council was marked 'Inquiries to Peter Leck, district manager'?-- Oh, yeah.

It seems that there were two systems; sometimes you would draft letters which Ms Dooley would type, sometimes Mr Leck would do so. Do you accept that?-- Mmm.

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You don't suggest, I think, do you, that Mr Leck - setting aside this particular letter to Dr Patel you don't suggest, do you, that Mr Leck ever drafted correspondence for the District Health Council other than on instructions to do so?-- I would say not. I would say he wouldn't have done that, no.

Can we just go-----?-- May I say that I had a good relationship with Peter Leck.

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COMMISSIONER: Yes?-- He did a good job and I was very surprised when this came up. I still hold no grudges against Mr Leck.

Yes.

MR ASHTON: Thank you, Mr Chase. The letter which is VC1, I think that's the - and - I think you have said that you drafted that letter?-- Which one?

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That's the one of the 24th of April?-- What page is that on, sir?

I think that would be page 7 of your statement.

COMMISSIONER: Page 8, I think you will find.

MR ASHTON: I'm sorry, page 8. My numbering could be wrong?-- Yes, sir, I wrote that letter.

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And who typed that? You did?-- I typed that.

Did you dispatch it?-- Yes, I did.

Did you show it to Mr Leck?-- I may have, sir, yeah I may have sent it to him for his perusal.

And what about the letter in VC2, that's at page 9, I think; did you compose that letter?-- I haven't found the letter. I would have. I'm just trying to look at it.

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I'm sorry, you haven't found it. It's - VC2?-- Oh, yeah, the one to Patel.

Letter to the editor about Patel?-- Yeah, yeah, I think there was a letter to the editor also. The first one is a letter to the editor.

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I'm looking at VC2 specifically, which is page 9?-- Yes, sir, I did that.

Thank you. Well, you composed that and you dispatched it?-- Yes, sir.

Did you show that one to Mr Leck before dispatching it?-- I don't think I would have, sir, I'm not sure but most of these I do - I cannot be sure.

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You wouldn't disagree with me that you didn't on this occasion?-- All right, I wouldn't disagree with you.

Thank you, Mr Chase. Can we just go to the meeting of the 23rd of March? That was held at the hospital, was it?-- Yes.

Just pausing for a moment, it was the custom to meet monthly, with the Council?-- Yes, except for January.

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Right. And you didn't have a meeting in January at all?-- No.

And minutes were kept, of course?-- We met sometimes at Mount Perry once a year, Gin Gin once a year, Childers once a year, and the rest was at Bundaberg base.

All right?-- We were going to go this year to Agnes Waters because we now have a person on the Council from there.

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You kept meetings from these meetings?-- They were all kept.

The custom was to confirm them at the following meeting?-- Always.

The minutes of the 23rd of March meeting, which are VC1a to your attachment - to your statement, I think they start at page 10 or 9 - page 9?-- Yep.

Now, they refer to the next meeting, being the 27th of April?-- Yep.

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Would you have a look at the last page and see the next meeting, 27th of April?-- What page was that, sir?

The last page of the exhibit, page 16?-- Page 16, yeah.

See at the bottom, "Meeting closed 8.05 p.m. next meeting 27th

of April." Was that meeting held on the 27th of April?-- No, sir. Because of the Patel issue we had people all over the place and they decided it wouldn't happen. On the 4th of the 5th we had the meeting which was dated the 27th of April, and that was called the April meeting. Even in that way Mr Day was there as acting DM and took over the meeting. We never got a chance to, really, meet other than make that statement that the motion was incorrect.

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I see. We will come to that, that there was no, if I can describe it, no usual Council meeting?-- No usual Council meeting that night, no.

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Ordinarily you would have confirmed the or dealt with the confirmation of the March minutes at that April meeting?-- We would normally have, yes.

Now, at paragraph 10 of your statement you say, "I do recall however" - this is the second last and last lines, "I do recall however that Mr Leck said that Dr Patel was under review but there was no substance to the allegations against Dr Patel made by Mr Messenger." Can I suggest to you that that's not quite right?-- Oh.

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If you go to the minute - you were actually taken to this minute by my learned friend Mr Andrews?-- Page number?

13?-- Mmm.

You see, the minute records that, "The DM has no evidence provided to him to date that substantiates the allegations"?-- Yeah.

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That's a little different from saying there is no substance to them?-- Oh, right.

Wouldn't you agree?-- I guess, if you want to say that, yeah.

Wouldn't you agree that that's so?-- It's how I put it.

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Well, do you accept-----?-- No substance, and there is no evidence provided to him to date to substantiate. However you want to put it, sir. I'm sorry, but it would be just my way of putting it.

I see?-- If that is wrong you can change that.

Don't let me confuse things at all. Would you accept-----

COMMISSIONER: Mr Chase, you don't pretend to remember the precise words that were spoken?-- No, I don't, I don't.

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But you say the effect was along the lines of there was no substance or there was no evidence to substantiate, something of that nature?-- Something of that nature.

If Mr Ashton is putting to you that the version in the typed part of your statement is wrong and the version in the minutes

is right, you wouldn't disagree with that?-- I wouldn't disagree, no.

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MR ASHTON: Thank you, Commissioner. And please understand, Mr Chase, I intend no criticism, I just need to get these things clear. Did you understand that to be the state of Dr Fitzgerald's inquiry at that stage, that is to say, in terms of substantiation of allegations? You were told that there was an investigation going on, weren't you?-- We hadn't seen Dr Fitzgerald by then.

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I see. So what were you told about the state of his investigations and whether or not he had found substance to allegations?-- Well, it was nothing in the minutes, nothing discussed on that issue.

I see?-- Until later when Dr Fitzgerald and Steve Buckland turned up and then they told us about what it was.

And they reported then, did they, what Dr Fitzgerald was doing?-- Dr Fitzgerald is of the opinion that he was doing things outside his capability. That was basically what they said.

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I see. Thank you. Now, your letter of the 24th of March to the editor, the one we were looking at just a moment ago, your page 17?-- Mmm.

Can I suggest to you that there are four messages, really, in that letter?-- Oh, yeah.

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The first one is your outrage, if you like, at the denial of natural justice. That really appears in the first paragraph?-- It does.

The second is your expression of faith in the executive?-- Yes.

That's in the second paragraph. The third is statement that Patel has the support of Dr Nydam and the local AMA?-- Well, Dr Nydam had a letter in the paper and the AMA had this flyer which they sent out.

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And the Queensland division of the AMA's support?-- This is the Queensland division, and Dr Powell brought thoughts from the local AMA.

I'm just talking of the messages in your letter; do you agree with that?-- Yep.

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The fourth is a noting of staffing problems, that these kinds of things can cause?-- It has been proven it has happened but it always is a problem, yep.

You say at paragraph 9 of your statement you can't recall if it was agreed that such a letter be sent, but it did in any event contain messages that the Council supported?-- That's right.

I think you actually said members of the Council later expressed - approved the letter?-- They did. They told me - yes.

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You have also told us, I think, that it was certainly intended that a letter of support be sent to Dr Patel, but you have said that you were shocked at the content of the letter when it was more recently brought to your attention. Is that right?-- Yes, yes, yes, I - when I saw it in May. It's something I have seen earlier and I have forgotten all about it.

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Mmm?-- It's one of those things.

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So, that fact is reflected, isn't it, in the - I think you said it's in paragraph 9 of your statement, but it's also in the minutes, "Moved Councillor Powell, seconded Councillor Pynefinch", is it?-- Yes.

"All in favour that the District Health Council forward a letter of support to Dr Jay Patel"?-- I feel, without being critical, that the minute was not correctly written.

I know it was questioned later?-- That's right. It was questioned later. If someone wrote a letter on that minute, I wouldn't blame what they put in the letter because it was so open, wasn't it?

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COMMISSIONER: Yes?-- It says "a letter of support", and that's the letter that went - was the letter of support for Dr Petal which was what we felt should have gone.

If someone were ever to suggest that Mr Leck drafted this letter based on what was in the minute, you wouldn't have any-----?-- I couldn't argue with it, because the minute says "a letter of support".

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Yes?-- And if he looked at the copy of the minute and he was at that time under a bit of duress or stress, he could have just looked at the explanation and said, "Oh, yes.", and then put this down, and I have no complaint with that.

Yes?-- However, after the fact, it's an important issue.

40

Yes?-- But I have no complaint.

MR ASHTON: Thanks. At a meeting of the 4th of May, then, you say in your statement "tendered by Dr Michael Daly"?-- Yes.

What was his role at that time?-- The District Manager.

COMMISSIONER: Acting District Manager?-- Acting, yes.

MR ASHTON: Thank you. And you say that it was there raised that the minute might not be in correct terms?-- That's right.

50

Who raised that matter? Was it Dr Daly?-- No, no, it was raised by - I think it was Councillor Pynefinch who raised and Dr Powell, I believe - I am not sure if she was there - but I know it was raised by one of those two, but it wasn't - and we all agreed that, no, that was not correct what the meeting

felt, because the letter that I put in the letter to the editor - Dr Patel - the day after that meeting says that we were concerned about his right to natural justice.

1

Yes. So, you think it was Dr Pynefinch who raised this?-- Might have been Councillor Pynefinch.

I'm sorry, Councillor-----?-- Either her or Dr Powell, yes.

Dr Daly was to bringing this to the attention of the ESO. Who was that? What is that?-- I don't know. What page is that on?

10

It's on the same page?-- What number?

It's the-----?-- 19?

Page 18 of the statement?-- 18.

Yes. You see in the column headed, "Agreed Action and Outcome.", "Person Responsible and Timeframe."? Do you see that?-- Executive Services Officer would it be? I think it might be, Executive Services Officer.

20

Who was that?-- Joan Dooley.

She was the minute taker?-- She was the minute taker. But at that time she - at that meeting she wasn't there because it was all taken over by the Patel Inquiry or issues on the hospital and she was not at that meeting. But I believe it was to the attention of the Executive Services Officer, I think.

30

You refer in your statement, still in paragraph 10, about four lines - five lines from the bottom of page 4, "Accordingly, at the subsequent meeting Councillors Powell or Pynefinch motioned that the minutes of the meeting from 23 March be altered to reflect this.", and you then produce VC2A as a true copy, and that's the document we have just been looking at?-- Mmm.

40

Do you see that? Now, "the subsequent meeting", what meeting do you mean?-- What happened is that we had the meeting on the 4th - I am sorry, I couldn't find where you said that was.

If you go to the bottom of the page?-- Page-----

Sorry, it's about the fourth or fifth last line of paragraph 11?-- Paragraph 11, fourth or fifth-----

50

Fourth or fifth last line?-- Yes.

Starts, "Accordingly, at the subsequent meeting"-----?-- Yes.

-----"Councillors Powell or Pynefinch"-----?-- Yes.

-----"motioned that the minutes of the meeting on 23 March be altered to reflect this."?-- Yes.

1  
COMMISSIONER: You see, Mr Chase, I don't want you to be reading this out of context. You have got - paragraph 11 starts off with the minutes of the meeting of the 23rd of March?-- Yes.

Then the next sentence, three lines down, says, "At a subsequent meeting of the council on the 4th of May"?-- Yes.

So that's a subsequent meeting?-- Yes. 10

And then further down again it says, "Accordingly, at the subsequent meeting". So I would read the reference to "the subsequent meeting" as being the subsequent meeting mentioned a few lines earlier?-- All right.

This is the meeting of 4 May.

MR ASHTON: Thanks, Commissioner. That is what I am trying to clarify, Mr Chase. Is that meeting you are referring to the meeting of the 4th of March - 4th of May?-- No, no, no. I do not see anything wrong with that. 20

I'm not suggesting there's anything wrong with it, I just wanted to clarify by "the subsequent meeting", you mean the meeting of the 4th of May?-- Everything I have there, I believe, is correct. In the minutes of the meeting-----

COMMISSIONER: Mr Chase, just stop for a moment?-- Yes, yes. 30

If you go four lines from the bottom of the page it says, "Subsequent meeting Councillors Powell or Pynefinch". If we insert the words "subsequent meeting of 4 May 2000"-----?-- Put that in there. Righto then. Yes, yes.

Is that correct?

MR ASHTON: I am really wanting to clarify that's what you mean?-- About the meeting on the 4th of the 5th? 40

COMMISSIONER: Yes.

MR ASHTON: That's a reference back to - because you have mentioned two meetings at the top of the paragraph, one on the 23rd and a subsequent one of the 4th. Now, you say, "Councillor Powell moved" - sorry, "Councillors Powell or Pynefinch motioned that the minutes of the meeting", et cetera. Do you mean by that that it was one or the other, or are you suggesting one moved it and the other seconded it or-----?-- Sir, I did not go through - I don't have any records after the 4th of the 5th and I - at the next meeting, the 25th of the 5th, of the fifth month, they would have presented the minutes which would have had this involved and would have said exactly who moved the motion. But as I don't have those minutes, I can't tell you. 50

That's what I was going to ask you then. You don't have the amended minute?-- I don't have the amended minute. The

hospital does have it, but I haven't got a copy of it, no.

1

And can I put to you that in fact, the original minute, that is the minute of the 23rd of May 2005 - March 2005-----?--  
Mmm.

-----was actually confirmed by you by signature on the 25th of May?-- I can't guarantee, sir, whether I was at the next meeting that was confirmed or whether there was an acting chairman there. I cannot.

10

Perhaps if we just have a look at this?-- Yes, I can confirm that.

And if you go to-----

COMMISSIONER: But you confirmed it at a meeting where it was already resolved that those minutes had to be corrected?--  
Yes, it was.

20

Yes?-- Yes.

So when you confirmed it, you were confirming it subject to the correction that had to be made?-- That's right.

Yes. Mr Ashton, I'm not sure where you are going with any of this. I understood your client's evidence to be that he had nothing to do with the letter that was sent to Dr Patel.

MR ASHTON: Well, Commissioner, it's relevant, in my submission, and important to know whether the letter in the result in any event reflects the wishes or intentions of this council.

30

COMMISSIONER: Why?

MR ASHTON: In my submission, Commissioner, you have identified the question of a conflict of evidence. If it were found, for example, that there was some kind of error on Mr Leck's part, it would still be relevant to know whether that produced something in the nature of an outcome which conflicted with the council's intentions.

40

COMMISSIONER: Mr Ashton, if your instructions were that Mr Leck had written the letter, I would have no criticism of that. As Mr Chase has properly said, someone reading the minutes could fairly interpret them as supporting the writing of such a letter, and if we had heard testimony from Mr Leck that he wrote the letter in good faith, thinking that he was giving effect to the council's intentions, that would be the end of it. But that's not your client's case. Your client's case is that he had nothing to do with it. So I ask you again, why is this relevant?

50

MR ASHTON: Commissioner, it's further relevant to test the accuracy of this witness's recollection about this matter.

COMMISSIONER: Yes, all right. Test all you like then.

MR ASHTON: Thank you, Commissioner.

1

COMMISSIONER: Mr Chase, you have already told us that you don't pretend to have a word for word memory of what happened at the meeting in March?-- No. Unfortunately my memory's not as good as it should be. I don't have-----

Mr Ashton wants to test your memory. So we will see how you go?-- If I had a good memory I wouldn't have brought all this paperwork with me to remind me.

10

MR ASHTON: Mr Leck - Mr Chase, you have told us that at paragraph 13 of your statement that, "At a council meeting on 25 May 2005 members thereof, including myself, requested a letter in my name addressed to Dr Patel." Do you have that paragraph in front of you, 13?-- Yes, I do.

"My recollection is that we had heard about it from reports in the news." See that?-- Yes.

20

Now, this is at the meeting of 25 May, is it?-- Mmm.

You have said that at paragraph 13. Would you have a look at this document, please, Mr Chase? Can I take you to the fourth page of that minute?-- What page?

Page 4 or the fourth page?-- Yes.

"Councillor Chase expressed concern that the Commission receive a copy of letter of support from the council to Dr Patel." Do you see that?-- Yep.

30

So, the issue here seems to be not that there was such a letter, but that the Commission had received it?-- Yes, sir, I - it was in the new stages. I would have probably had done - would have probably said that, yes.

Yes. "Councillor Chase requested a copy of the letter of support that was sent to Dr Patel which was distributed to councillors"?-- Yep. At that time I really believed I had never seen it, sir.

40

I see?-- Yep.

The minute doesn't say that, but you-----?-- No.

"Councillor Chase acknowledged his mistake and apologised for saying it"?-- I did, yes. I noticed that I - I thought I'd signed the letter without reading it and it was my mistake and I apologised to the council for doing so.

50

I see. Did you tell them that you were shocked at its content?-- I was. I thought - it wasn't what I would have wanted to say. As I said, that letter that I wrote to the editor the day after the - after the meeting states that we wanted natural justice. It never said anything else about how good a doctor he was or he wasn't. And that was what I would

have thought the letter would have had that went to Dr Patel. 1

Did you tell the council at that meeting that you did-----?--  
I did tell them all that, yes.

Did you tell them that the usual practice, as you had  
previously said, I think, was for Mr Leck to draft a letter  
and present it to you? Did you tell them that?-- Well, yes,  
yes, usually it was his issue and the Acting DM there actually  
said this is - actually there were two DMS at the time, there 10  
was a new lady who was coming on board and the present one who  
was still there. She - they said that was normal for the DMS  
to do the letters for the council and then for the council  
just to sign them. Yes. It's happens everywhere.

At any rate, these matters aren't in the minutes, but you did  
inform the council of those matters?-- Yes, I did.

Now, there was then another meeting on the 15th of June and  
that was a meeting which sought to replace you as chairman, I 20  
think; is that right?-- Yeah, I'd heard something about that,  
yeah. I'd heard that, yes.

Yes. There was matters of no confidence and so on?-- Yes,  
well, I heard something about it, but I had nothing official.

You didn't attend that meeting; no?-- No, I didn't.

You knew that was the purpose of the meeting?-- I had applied  
for a leave of absence----- 30

Yes?-- -----on the 11th to the Minister and I felt I had no  
more obligation to attend any meetings until that term was  
over.

COMMISSIONER: In fact, you got that leave of absence dated  
the 14th of June, the day before the meeting?-- Yes, I had.  
You see, at the time - I am diabetic. I am sure you are aware  
of that. 40

MR ASHTON: Yes?-- At the time my readings were 18.1, 16, 15  
and 14s and I felt that it was about time that I give it a  
miss. My doctor advised me to give it a miss, let my stress  
level come down and to rethink my future.

At any rate, you weren't in attendance at that meeting?-- No.

Nonetheless, I would like to ask you to have a look at the  
minutes. Can I take you first to the fourth page?-- Mmm-hmm. 50

You see the last dot point?-- Yeah.

It's got there, "Councillor Powell acknowledged she had moved  
the motion for the letter. She expressed concern with  
leadership in the formation of the letter and thought the  
letter was representative of the council at that time.  
However, the Chair should have realised that this was a  
politically sensitive issue, therefore should have given

careful consideration to what happened with the letter between the meeting of 23 March 2005 and when the letter was signed on 5 April 2005. Councillor Powell expressed concern with Councillor Chase's leadership."

1

COMMISSIONER: Mr Ashton, what's the point of, firstly, showing that to the witness and then, secondly, reading to the witness something in the minutes of a meeting which he didn't attend?

10

MR ASHTON: I want to put something to the witness.

COMMISSIONER: Well, go ahead and put it.

MR ASHTON: All right. I need to finish my preparation.

COMMISSIONER: No, just put your question.

MR ASHTON: Yes, Commissioner, thank you.

20

COMMISSIONER: You will have your chance to make as many speeches as you like, but your function at the moment is to ask questions.

MR ASHTON: I was laying the foundation for the question, with respect, Commissioner.

COMMISSIONER: I will stand down for five minutes. Excuse me, Mr Chase.

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THE COMMISSION ADJOURNED AT 12.21 P.M.

THE COMMISSION RESUMED AT 12.26 P.M.

VIVIAN CHASE, CONTINUING CROSS-EXAMINATION:

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COMMISSIONER: Yes, Mr Ashton, you were wanting to put to Mr Chase something from the minutes.

MR ASHTON: Yes, thank you, Commissioner. I just wanted to take you then, Mr Chase, to page 2 of those minutes.

COMMISSIONER: Sorry, you were putting to Mr Chase the statement by Councillor Powell. Had you finished what you wanted to do with that?

50

MR ASHTON: No, I hadn't Commissioner.

COMMISSIONER: All right. Continue with that.

MR ASHTON: It's connected to the amended minutes on page 2. 1

COMMISSIONER: All right.

MR ASHTON: Mr Chase, you see on page 2 in the right-hand column the third dot point?-- Yes, that should be, sir-----

Yes. But I'm wondering about that because, you see, Councillor Powell is saying - seems to be saying on the one hand that he thought the letter was representative of the council at the time in what I read to you before, or had you read, but then the amendment is quite different?-- Yep. 10

And do you see if that amended minute were the intent of the original minute, there would be no need for letters of any kind, would there? See, it's simply noting the support of the local medical community?-- Mmm-hmm. But it was amended - the letter would be sent in conveying that was what was meant. However, what the minute said, I believe, was open. 20

I understood there was - you know, some revisionism going on here, some reinvention of history that was leaving you out on a limb?-- Yep.

Do you agree with that?-- Well, no. I was at that first meeting and I was aware what Dr Powell meant to say. I was aware what - what Councillor Pynefinch seconded. I was aware that that meant natural justice, the same as the AMA - similar to the AMA release. It was never meant to be a letter of congratulation. The vein of what they meant to say was this motion that eventually got in the minute. 30

COMMISSIONER: So you reject Mr Ashton's suggestion that there was some sort of revisionism, as he calls it, going on?-- It was - no. It was exactly - this reflects what this should have been, what Mr Daly had done the first time, but he didn't, he just said - reviewed it, it should be changed. This is what should be in the first minute and is what should have been revised on the 4th of the 5th and eventually was done here. 40

Yes?-- This is what was meant, because otherwise my letter that I put in to the editor would have been different or my letter to the editor was saying we wanted natural justice and this is what they meant. That's what I said in the letter to the editor. I believe that's what they wanted to say.

MR ASHTON: Let's go to the letter?-- I think one of the reasons you were sure that you didn't write it or compose it is that you were shocked when you saw it?-- Well, so I am told I was, but I don't remember ever seeing that letter. 50

No, I'm sorry, when you saw it at the meeting?-- Oh, at the meeting, yeah.

Yes. Can I just ask you what it was that shocked you about it? It's not the first paragraph?-- No, no. When I say "shocked", I guess I should refer that to - I was shocked that

it had that paragraph in it, that we from the feeling of the meeting would have only liked to send a letter that said, "We would like to see you have got natural justice", and, of course, it says that in the first part which is "deciding to leave Bundaberg", which was really saying you haven't got natural justice. But the bottom part, of course, when I read it on the 23rd of May, I thought, "Well, yes, that's not what I would have said", protocol, you know. I wouldn't have said that.

1

That says, "Thanks for your hard work and for the care you have provided to the community."?-- Which - I don't know what side of the fence you look at it, but it was a letter you probably would always send to a doctor that was retiring or leaving, I guess. Having known the history, it shouldn't have been sent.

10

That is what was going to be put to you?-- Mmm.

There's nothing intrinsically shocking about it?-- No, no. At the time he wrote it, I guess, that's what he felt, that-----

20

Yeah. What was shocking to you about it?-- Well-----

It was shocking because of what you then knew about Dr Patel?-- Yeah, well, you could be right. You could be right. Before we were aware what was said, maybe it's something that you would say, well, that's the way to write a letter. That's the way an executive would write a letter to the retiring doctor. Once you know the full sense of it, then I guess it becomes a shocking part of a letter. So I guess when it was first written it wasn't. Yeah, I guess that, but it's not what I would have said.

30

Well, I put this to you nonetheless. You think against the background of what you have had put to you this morning and what Ms Dooley apparently says, and having the benefit of looking at all the minutes and having acknowledged to me that the letter itself is not intrinsically shocking, do you think it may be that you are mistaken about whether or not you composed that letter?-- Oh, no, no, I'm not mistaken about that one. No, sir, no, no. No, I'm not.

40

Do you think you may be mistaken about whether you read and approved the letter?-- My original thought was I never, ever seen it, but apparently it's been said that I made a comment which - you know, I can't say yes or no. I can't remember signing it, so - you know, these were things that worry me, that that can be done and you not know. But, no, as you say, at the time that the letter was written, I guess it goes by what the minute says. The minute says to write a letter to Dr Patel and I think they have done just that. But-----

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All right?-- In hindsight, yes, but I would never have put that on there because I wouldn't know. I have no clue who's a good or bad doctor or thank you for this, thank you for that.

You were asked some questions about what information you were given on the council-----?-- Mmm.

1

-----by the executive. Did they brief you on strategic planning issues and direction issues?-- Yes. They did brief us on some of the points, yes.

And about the service agreements?-- Yes.

Did they brief you - if, for example, they were recruiting a member of the executive, would you be informed about that as well?-- Yes, I would be informed. I had been on a couple of committees before with executives, with Dr Darren Keating and the like, yes.

10

And you were embarrassed to learn from the press rather than from the executive, I suppose, about the matters reported by Mr Messenger in Parliament?-- Yeah.

I think you said and it's natural that you would have preferred to hear that from the staff?-- Yeah. I would.

20

What you were, though in fact, then told was that the Nurse Unit Manager had made a complaint. You were aware of the content of that complaint because that was what was released in Parliament?-- Yeah, no, I'm not aware of it. No, I didn't get involved in it.

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What, even at the time when the release was reported?-- No.

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Did you not read of the nature of the matters she complained of?-- Yes, I did, I read those, yes.

They included suggestions that there had been unnecessary deaths and complications?-- Yes, I read all of that, yes.

COMMISSIONER: I don't think it had come out at that stage that Toni Hoffman was the source of that information.

10

MR ASHTON: No, it may not, Commissioner. In fact, I'm sure it hadn't. I shouldn't have put it to you that it was her complaint but a complaint?-- Yes.

Now, you being aware of those things you were then told that - I think this appears in your statement, you were told that there had been a complaint by the nurse unit manager?-- Yes.

Which was being investigated by Dr Fitzgerald?-- Yes.

20

You were satisfied with that?-- Yes.

As being the appropriate treatment?-- Well, I guess under the present system it was the only way it could happen, yeah.

But you don't suggest that - I mean, with the knowledge that we've agreed that it would have been better to hear about this sooner, but when you did you were satisfied that what was being done was appropriate?-- I would say yes, yes.

30

Thank you. Commissioner, I would like to tender the minutes of those meetings, perhaps as a bundle and then I have no further questions, thanks, Commissioner.

COMMISSIONER: All right. I will mark as Exhibit 285A, B and C, the minutes-----

MR ASHTON: I'm sorry, Commissioner, there's one other matter, may I just clarify-----

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COMMISSIONER: Let me deal with this first.

MR ASHTON: Yes, okay.

COMMISSIONER: Minutes of the Bundaberg Health Services District Council meetings of - I'm sorry, I said A, B, and C. I have two copies of one of them. A will be - Exhibit 285A will be the minutes for the 23rd of March 2005.

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ADMITTED AND MARKED "EXHIBIT 285A"

COMMISSIONER: B will be the 25th of May 2005.

ADMITTED AND MARKED "EXHIBIT 285B"

COMMISSIONER: And C will be the 15th of June 2005.

ADMITTED AND MARKED "EXHIBIT 285C"

COMMISSIONER: Whilst those are marked as exhibits, obviously only particular highlights from them are relevant and I will ask inquiry staff to ensure that before they're published on the Internet or otherwise that they are confined to material which is of relevance to the inquiry. Yes, Mr Ashton?

MR ASHTON: Thank you, Commissioner. It's just a matter of, I think, tidying up what is on its face I suspect an error and keeping the record straight. Would you just have a look at this minute, please, Mr Chase? It purports to be a minute of the meeting on the 25th of May.

COMMISSIONER: Is that different from the one we just looked at?

MR ASHTON: Yes, but I think it's simply a mistake, Commissioner, and that's what I just want to clarify with the witness. Now, if you just have a look at that, Mr Chase. It's said to be a meeting of 25th of May 2005?-- Yes.

But it's actually been signed by you at the foot on the 25th of May and I just wanted to draw to your attention - I think it's in all other respects identical with the minutes of the 4th of May.

COMMISSIONER: And, in fact, Mr Chase's signature at the foot of each page is adjacent to the words moved as a true and correct record of discussions held on the 4th of May 2005.

MR ASHTON: Yes. Do you see that at the foot where you have signed it?-- Yes. I'm sorry, I put the - yes.

It appears to be another copy of the 4th of May minutes mistakenly dated the 25th of May?-- It would be the 4th of May. There's nothing in it. As you see all the way through it's carried over. That's another mistake of mine.

I probably should tender that, Commissioner, for completeness.

COMMISSIONER: All right. I will mark as Exhibit 286 the minutes of the BHSD Council meeting dated 25 May 2005, but referable to meeting of 4 May 2005 just so there's no confusion.

ADMITTED AND MARKED "EXHIBIT 286"

COMMISSIONER: And my comments about the other minutes apply to this one, as well, that they will be edited to restrict it to relevant matters.

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WITNESS: Mr Morris, these minutes you will be aware that I have never seen those minutes, the one from Wednesday 25th of May and Wednesday the 15th of June, I have never seen those minutes.

COMMISSIONER: I understand that?-- I'm still the chairman of the Council until, you know, my time runs out, but I haven't received those.

Aren't you sent the minutes even though you are not attending meetings?-- I should be. I have requested them, but I haven't received them.

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Do you have anything further, Mr Ashton?

MR ASHTON: No.

COMMISSIONER: Any re-examination, Mr Andrews?

MR ANDREWS: No.

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COMMISSIONER: Mr Chase, it has been my custom to thank witnesses for their evidence. You will understand that we're in a slightly delicate position that your evidence may conflict with other evidence given by other witnesses. I don't want to give the impression that I am favouring your evidence over anyone else's, but I do appreciate that you are not a well man and that you have had to travel to come here and give your evidence today. We appreciate that effort and your involvement, and I think it's appropriate to say at this stage that whatever the outcome we're grateful for your assistance. Thank you, Mr Chase?-- Thank you.

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WITNESS EXCUSED

COMMISSIONER: You are formally excused from further attendance?-- Thank you very much.

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WITNESS EXCUSED

COMMISSIONER: Mr Andrews?

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MR ANDREWS: Commissioner, we need to activate the star telephone and to alert Mr Farr of counsel that Joan Dooley is about to give evidence.

COMMISSIONER: All right. We will take a ten minute break to set that up, if that's convenient.

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THE COMMISSION ADJOURNED AT 12.41 P.M.

THE COMMISSION RESUMED AT 12.45 P.M.

COMMISSIONER: Mr Farr, this is Tony Morris speaking. Can you hear us all right?

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MR FARR: Yes, I can, Commissioner. Thank you.

COMMISSIONER: Thank you. I just wanted to note for the record that you are present during this evidence by telephone and if at any time you want to take an objection or anything else, just speak up.

MR FARR: Thank you, and whilst we're waiting for the witness can I put on the record that I seek leave to appear for her and, secondly, she has indicated to me that she would prefer her evidence not to be taped or video recorded.

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COMMISSIONER: Thank you for that. We will ask the cameraman to leave.

MR FARR: Thank you.

COMMISSIONER: Yes, Mr Andrews?

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MR ANDREWS: I call Joan Ellen Dooley.

JOAN ELLEN DOOLEY, EXAMINED:

COMMISSIONER: Please make yourself comfortable, Ms Dooley, and we have noted your request not to be photographed. I don't think we have a bible handy. Do you mind taking an affirmation?-- No, that's fine.

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If I can ask you to stand up, and after I make this statement if you agree with it say, "I do."

JOAN ELLEN DOOLEY, ON AFFIRMATION, EXAMINED:

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MR ANDREWS: Ms Dooley, is your full name Joan Ellen Dooley?--  
Yes, it is.

Have you prepared a three page statement and signed it  
witnessed by a Commissioner for declarations?-- Yes, I have.

10

Would you look at this document, please? Does that bear your  
original signature on each of the three pages?-- Yes, it  
does.

Ms Dooley, are the facts recited in that true to the best of  
your recollection?-- To the best of my recollection, yes.

And where you express an opinion is it honest?-- Yes, it is.

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I tender that document?-- Exhibit 287 will be the statement  
of Ms Dooley.

ADMITTED AND MARKED "EXHIBIT 287"

MR ANDREWS: Do you have a copy of that with you, Ms Dooley?--  
Yes, I do.

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Commissioner, before it continues I can't hear Ms Dooley's  
answers. Everyone else is clear and loud. Ms Dooley is hard  
to hear.

COMMISSIONER: There's a microphone in front of me, and I will  
ask that that be taken over to her desk.

Ms Dooley, do you mind saying something just to make sure  
Mr Farr can hear you?-- Hello, Brad.

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MR FARR: That's much better, Commissioner, and Commissioner I  
could hear your question quite clearly, as well.

COMMISSIONER: Thank you.

MR ANDREWS: Ms Dooley, at the end of your statement above  
your signature there appears some handwriting. I'm not sure  
whether Mr Farr has seen that. Does it read, "To the best of  
my recollection I would have collected the draft letter from  
the district manager's out tray"?-- Yeah, that's correct.

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Would you please look at Exhibit 284 on page 21 where you will  
see a - what appears to be an unsigned letter from Viv Chase  
dated the 5th of April 2005 to Dr Jay Patel?-- Yep.

Do you recognise that as a copy of a letter typed by you?--

Yes, I do.

1

Are you able to say whether you drafted that letter?-- I didn't draft the letter.

You have worked for quite a number of years, I see, as a secretary to Mr Leck-----?-- Yes.

-----with the title of Executive Support Officer?-- That's right.

10

During 2005 were you aware of the persons who would draw letters, that is, prepare the drafts-----?-- Mmm.

-----for Mr Leck or for Mr Chase?-- Sorry, can you just repeat that question?

During 2005 were you aware of the identities of any persons who would draft letters for both Mr Leck or for Mr Chase?-- It would be either Mr Leck or Mr Chase.

20

Did you ever draft letters for either - for either of them?-- No.

COMMISSIONER: Was there anyone else who drafted letters for Mr Leck or for Mr Chase?-- Can I just clarify are you referring to District Health Council issues?

Yes?-- Yes, no, not normally, not that I'm aware of.

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MR ANDREWS: Thank you. I have no further questions.

COMMISSIONER: Thank you, Mr Andrews. Mr Ashton?

MR ASHTON: Thank you, Commissioner.

COMMISSIONER: I'm sorry, Mr Farr, was there any further evidence-in-chief you wished to adduce?

MR FARR: No, no, thank you, Commissioner, not at this stage.

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COMMISSIONER: Thank you, Mr Farr. Mr Ashton?

CROSS-EXAMINATION:

MR ASHTON: Ms Dooley, Ashton is my name. I'm counsel for Mr Leck. You have mentioned in here the minutes of some meetings in paragraph 5 of your statement?-- Mmm.

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I'm interested in the second paragraph after the bold questions, "At the meeting on 23 March" - sorry, paragraph 5, second paragraph in the unbolded section, if I could call it that?-- Yes, yes.

"Moved Councillor Powell, seconded, all in favour that the District Health Council forward a letter of support to Dr Jay Patel." Did you record that minute?-- Yes, I would have.

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And that was correct as far as you were aware?-- Yes.

You've explained in paragraph 6 of your letter that there were two approaches used for district health correspondence?-- Yes.

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And, in effect, sometimes Mr Leck drafted and sometimes Mr Chase drafted it?-- That's right.

And you normally typed it?-- Yes.

The letter drafted?-- Yes.

You very fairly referred in your paragraph 8, very fairly added the qualification, for example, "as far as my recollection" in paragraph 2?-- Mmm.

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And in the handwritten section you say, "To the best of my recollection". Can I take it that you are prepared to concede that you can't be certain on these matters?-- Well, like I say, as far as my recollection the letter was drafted by Peter and then we talked about - this morning about the process for collecting correspondence that I would type and-----

I mean, this morning, this is the addition to your statement?-- Yes, this is the addition to the statement, and there was two different processes for that, and the normal process was he would just - his draft letters, they would just go in his out tray and I would collect them on a daily basis. That's - to the best of my recollection that's what would happen on that occasion.

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COMMISSIONER: I think what Mr Ashton is asking, though, is there any doubt in your mind that, in fact, Peter Leck was the one who drafted that letter as a result of the resolution?-- No, I don't think so.

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MR ASHTON: I just wondered because you have identified the two different types. It's not possible that you are mistaken - processes, I mean. It's not possible that you are mistaken as to which process occurred on this-----?-- I don't think so.

You don't on this?-- No.

Thank you, Commissioner.

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COMMISSIONER: Anything further, Mr Andrews? I'm sorry, again, Mr Farr. I'm not used to speaking to a piece of machinery. Have you got any re-examination?

MR FARR: No, I don't, thank you.

COMMISSIONER: Mr Andrews?

MR ANDREWS: No re-examination, Commissioner. May Ms Dooley be excused?

COMMISSIONER: Thank you very much, Ms Dooley, for your time. I'm sorry to have dragged you in here to give what turned out to be very brief evidence, but we appreciate your assistance and may I also place on the record my particular appreciation to Mr Farr as we are all aware it's a public holiday in Brisbane. He has come in on his day off to ensure that you have proper representation, and I am very grateful for that, and I am sure you are?-- I am. Thank you very much.

MR FARR: That's all right. Thank you.

WITNESS EXCUSED.

COMMISSIONER: Thank you, Mr Farr. We can now hang up, and I think that's the end of the Bundaberg sittings, is it?

MR FARR: Thank you.

MR ANDREWS: Yes, Commissioner.

COMMISSIONER: All right. Can I just record again my appreciation to the people of Bundaberg for the assistance that we have received throughout this inquiry. We weren't expecting to have to come back, but it is always a pleasure to come back to Bundaberg even on a day that is otherwise a public holiday. I think it's also worth mentioning that our witness yesterday in Brisbane, Dr Woodruff, made a very important point that what is going on at the moment in Queensland is a very rare opportunity to examine the entire health system in this state and that one of the important factors in that opportunity is the degree to which the press and media have supported the disclosure of information which is relevant to the community, and whilst here in Bundaberg I would like to pay particular tribute to the local media in this city which has been a very significant part in bringing to light the issues which we have had to review in the course of evidence, especially the local newspaper but also the local television channels and the local radio stations. Anything good that comes out of this commission of inquiry will owe a great deal to the press and media for bringing great issues to light. Thank you, ladies and gentlemen. That concludes the Bundaberg sittings and we will adjourn now until 9.30 a.m. tomorrow in Brisbane.

THE COMMISSION ADJOURNED AT 12.57 P.M. TILL 9.30 A.M. THE FOLLOWING DAY IN BRISBANE