

Bundaberg Hospital *Commission of Inquiry*

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28 July 2005

The Premier of Queensland
Hon. Peter Beattie, B.A., LL.B., M.A., D.Sc. (hc), D.Univ. (hc)
Executive Building
George Street
BRISBANE Qld. 4000

Dear Mr. Premier,

Re: Progress of the Inquiry

By the end of this week, the Commission of Inquiry will have conducted public hearings for a total of 30 days: 14 days in Brisbane and 16 days in Bundaberg.

Given the public importance and urgency of the matters under investigation, we have adopted extended sitting hours, as compared with the sitting hours normally adopted by law courts and other tribunals. Sittings have regularly commenced at 9.30 am and continued to 4.45 pm, with a lunch break of between 60 and 90 minutes. When necessary, and especially to accommodate the convenience of witnesses and the parties' legal representatives, even longer sittings have occurred – commencing as early as 8.30 am and concluding as late as 10.30 pm.

Over 30 days, the Commission of Inquiry will have heard evidence from more than 50 witnesses. Most of these witnesses are:

- former patients of Dr Jayant Patel (Patel);
- friends of such patients, or members of their families;
- nurses involved in caring for such patients; and
- medical practitioners involved in treating such patients.

In addition, the we have heard evidence from:

- an opposition Member of the Legislative Assembly who was involved in first bringing to light concerns regarding Patel;
- three representatives of the Medical Board of Queensland;
- a representative of the Australian Medical Association (Queensland);
- five members of the administrative staff at Bundaberg Base Hospital (BBH);
- four medical practitioners employed as administrators within Queensland Health;
- the principal of the placement agency which was involved in Patel's recruitment;
- the principal of the travel agency which handled Patel's travel back to the United States in April of this year;
- several senior medical specialists who formerly worked at BBH;
- a senior medical specialist who recently vacated the position of Director of Emergency Medicine at Rockhampton Base Hospital; and
- a senior forensic pathologist, based in Bundaberg, who performed the autopsy on one of Patel's patients.

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The evidence taken by the Commission of Inquiry to date occupies over 3,000 pages of transcript. In addition, over 200 documentary exhibits have been received.

Of course, the work of the Commission which takes place in the public spotlight – principally at public sittings – is just the “tip of the iceberg”. An enormous amount of time and effort is involved in interviewing witnesses and potential witnesses, reviewing public submissions, and obtaining and reviewing records from Queensland Health and various hospitals throughout the State.

Whilst we are principally concerned with the tragic history of events at Bundaberg, especially involving Patel, we have also found it necessary to receive evidence of matters which have occurred at other hospitals throughout the State, essentially for two purposes:

- to ascertain whether issues and problems identified at BBH are unique to that hospital, or are the result of systemic factors which operate State-wide; and
- thereby to inform ourselves (in accordance with our terms of reference) whether “Any necessary changes to the Queensland Health practices and procedures” are required, not merely with reference to BBH, but with reference to hospitals throughout the State.

The work of the Commission has been handicapped by various distractions, including what we perceive to be a campaign of disinformation emanating from a few disgruntled individuals within Queensland Health, and collateral proceedings brought by Dr Darren Keating and Mr. Peter Leck in the Supreme Court involving allegations that we are the subject of a “reasonable apprehension of bias”. We are pleased to be able to report that the campaign of disinformation appears to have come to an end in recent days, and we are optimistic that the issues raised in the Supreme Court will be resolved – one way or the other – next week.

Recently, Mr. Premier, you re-stated your desire, and that of your Government, that this Commission of Inquiry should complete its work and finalize its report within the time initially allocated to it, by 30th September 2005. May I assure you that all of us – myself, the two Deputy Commissioners, the three counsel assisting, the four lawyers attached to the Inquiry, and all other staff – are working diligently towards that end. Subject to factors outside our control, such as the outcome of the pending Supreme Court proceedings, we remain confident of achieving that target.

At the same time, Mr. Premier, you indicated that you would consider making more resources available to the Commission of Inquiry, if necessary to achieve that deadline. We have been extremely cautious in the expenditure of public funds, and I believe I can confidently say that we have delivered on my initial promise to conduct a “lean” inquiry. For example, the resources which we have utilized are a tiny fraction of those which were made available to the seminal Fitzgerald Inquiry.

However, in light of your intimation, we have closely reviewed our situation, and there is one area where I feel that a modest increase in resources would significantly enhance our prospects of finishing on time.

Our Senior Counsel Assisting – Mr. David Andrews SC – has borne the brunt of seven weeks' of intensive public sittings, as well as overseeing the investigative and evidence-gathering work of the Commission. His efforts have been tireless. Over recent weeks, he has been deprived of the assistance of his first lieutenant, Mr. Errol Morzone, who has been seconded to provide whatever assistance may be required by the Attorney-General's Department and the Solicitor-General in relation to the pending Supreme Court proceedings. Whilst Mr. Andrews is a man of remarkable industry and resilience, I am (quite frankly) concerned that he is grossly over-worked.

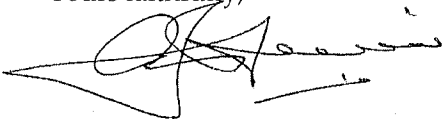
I have discussed the matter with Mr. Andrews, and whilst he is cheerfully willing to continue the Herculean efforts which he has made to date, he accepts that some additional assistance can only improve the efficiency and effectiveness of the Commission.

I have made preliminary contact with a highly respected member of the private bar, Mr. Richard Douglas SC, and ascertained that he would be willing and available to join the Inquiry team for the final (anticipated) weeks of public sittings. The choice of Mr. Douglas has the unanimous support of Mr. Andrews SC, the junior Counsel Assisting (Mr. Morzone and Mr. Atkinson), and the whole of the Inquiry's legal team.

I therefore seek your approval, Mr. Premier, to add to the Commission's resources by engaging Mr. Douglas SC for a maximum of three weeks' participation in the Inquiry's public sittings, together with a maximum of ten days for reading and preparation. Although Mr. Douglas is technically senior to Mr. Andrews, he has agreed that Mr. Andrews will continue as "team leader", and has also generously agreed that (if his engagement is approved) he will accept remuneration at the same rate as Mr. Andrews.

Mr. Premier, I ask that you give favourable consideration to this proposal.

Yours faithfully,



Anthony J H Morris QC
Chairman