

QUEENSLAND

COMMISSIONS OF INQUIRY ACT 1950

BUNDABERG HOSPITAL COMMISSION OF INQUIRY

STATEMENT OF GLENN DAVID TATHEM

- 1. I, **GLENN DAVID TATHEM**, A/Manager, Probity and Investigations, Compliance, Queensland Office of Gaming Regulation (QOGR), Queensland Treasury c/- 5th Floor, 33C Charlotte Street, Brisbane QLD 4000, acknowledge that this written statement by me dated 2nd June 2005 is true to the best of my knowledge and belief.
- 2. This Statement is made without prior knowledge of any evidence or information held by the Inquiry which is potentially adverse to me and in the expectation that I will be afforded procedural fairness should any adverse allegation be raised against me.

My Role

- 3. As A/Manager, I am responsible for overseeing the management of staff in the investigation of breaches of the various gaming Acts administered by QOGR. These Acts include Gaming Machine, Keno, Wagering, Lotteries and Casino Control. I am responsible for the direction of staff in the conduct of complaint and proactive investigations regarding non-compliance in regards to the legislative responsibilities of QOGR and where appropriate, make sound recommendations to Senior Management. I am also the contact person for Crown Law and Senior Management on matters of a prosecutorial nature.
- 4. From 4 June to 22 December 2004, I was on secondment to Queensland Health in the position of Principal Internal Auditor (Investigations) in the Audit and Operational Review Unit. As Principal Auditor, my role was to investigate suspected official misconduct involving staff employed by Queensland Health. I also made recommendations and reported on whether Health Service Districts were compliant with internal policies, procedures, Code of Conduct and legislation applicable to Queensland Health.
- 5. Attached and marked GDT1 is a copy of my current curriculum vitae.

Ethical Awareness Information Sessions

- 6. As Principal Internal Auditor (Investigations), I also conducted ethical awareness information sessions for Queensland Health employees. The ethical awareness information sessions were part of a state-wide roll-out of training to Health Service Districts to improve ethical culture and reduce

instances of official misconduct. In total, I believe ethical awareness information sessions were held in 37 Health Service Districts across the State in 2004.

7. Each information session was given by two officers from the Investigations Unit, being either Rebecca McMahon, A/Manager, Robert Sullivan, A/Principal Internal Auditor (Investigations), Adam Tozer, then Internal Auditor (Investigations) or myself.
8. The information sessions were designed for those employees who were responsible for the management of staff, such as line managers and supervisors in all roles including administration, operational, medical, nursing and allied health. Attendance by staff was at the District's discretion. In total, 801 employees attended information sessions provided by the Investigations Unit.
9. The purpose of the information sessions was to raise awareness amongst staff as to what constituted official misconduct and the ethical obligations placed upon all employees to report and the associated protections.
10. The basis of each information session was a power point presentation, which was prepared by Rebecca McMahon, and other than the slides of statistical examples which were substituted to relate to the relevant Health Service District, the content of the information sessions was generic.
11. The information sessions were structured so that one officer gave the presentation and expanded upon each of the points on the power point slides, while the other officer operated the laptop and assisted where necessary with questions and further discussion. The two officers alternated between roles for different information sessions.
12. I personally facilitated thirteen information sessions, namely:
 - Nambour Hospital, Sunshine Coast Health Service District on 27 September 2004;
 - Gympie Hospital, Gympie Health Service District on 27 September 2004;
 - Hervey Bay Hospital, Fraser Coast Health Service District on 28 September 2004;
 - Maryborough Hospital, Fraser Coast Health Service District on 28 September 2004;
 - Kingaroy Hospital and community Health Centre, South Burnett Health Service district on 29 September 2004;
 - Gayndah Hospital, North Burnett Health Service on 11 October 2004;
 - Biloela Hospital, Banana Health Service District on 12 October 2004;
 - Gladstone Hospital, Gladstone Health Service District on 13 October 2004;
 - Bundaberg Hospital, Bundaberg Health Service District on 14 October 2004;
 - Innisfail Hospital, Innisfail Health Service District on 15 November 2004;
 - Weipa Hospital, Cape York Health Service District, 17 November 2004;

- Thursday Island, Torres Strait and Northern Peninsula Health Service District on 18 November 2004; and
- Atherton Hospital, Tablelands Health Service District on 19 November 2004.

Information Session at Bundaberg Hospital

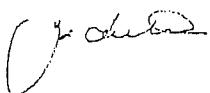
13. I have read paragraphs 130 to 132 of the Statement of Ms Toni Hoffman dated 22 May 2005 and pages 170 and 171 of the transcript of evidence for Ms Hoffman given on 24 May 2005 which relate to a "seminar" which was conducted by Queensland Health officers at the Bundaberg Hospital.
14. The information session which was given to Bundaberg Hospital took place on 14 October 2004 and was conducted by Adam Tozer and myself.
15. Our presence in Bundaberg was not as a result of any specific incident or complaint. Further, at the time the information session was given, I had no knowledge of Dr Patel or the problems which appear to have occurred at Bundaberg Hospital. Rather, as stated above, the information session was one of many ethical awareness information sessions which were given.
16. In order to facilitate the presentation of the ethical awareness information sessions, contact was made with the District Managers to confirm dates and discussion topics. A promotional flyer was also provided by the Investigations Unit to be placed around the hospitals to assist in attracting interest.
17. Attached and marked **GDT2** is a copy of the memo which was sent to Peter Leck, Manager, Bundaberg Health Service District from Michael Schafer, Director, Audit and Operational Review Unit regarding the proposed information session.
18. Attached and marked **GDT3** is a copy of the promotional flyer which was also provided.
19. Upon arrival at each hospital, as a general courtesy, the two investigations officers met with the District Manager. Such meetings also enabled us to meet the contact person at the Hospital who had arranged the room and facilities where the information session would occur.
20. Around 9:30am on 14 October 2004, Adam Tozer and I met with Peter Leck and some members of staff within senior management to introduce ourselves and briefly discuss the four main topics which we would be covering as part of the presentation. I recall asking if there was any area of particular interest for the District in addition to the topics already covered, however I made it clear that the training would only be a general overview and no specific issues or examples could be discussed. I do not recall being asked to cover any additional topics.

21. I did the actual presentation at Bundaberg Hospital, which started at 10 am and went for 45 mins to one hour. An additional 15 minutes was spent tidying up and answering any last minute questions from attendees.
22. At the beginning of the information session, attendees were requested to sign the attendance sheet and take a copy of the power point slides which were printed out six slides to a page. I introduced Adam and myself, stated the topic of the information session and informed the attendees that the presentation would be conducted in a workshop interactive style and everyone was welcome to seek clarification or challenge any of the content which was provided at any point. To get the attendees comfortable with participating in a group environment, I then asked for views on what the attendees thought "ethical behaviour" meant. The resulting discussion provided an introduction to the body of the presentation. At the end of the presentation, attendees were encouraged to contact either Adam or myself in the future and our contact details were provided.
23. Attached and marked **GDT4** is a copy of the notes which I used for each of the presentations I gave, including Bundaberg Hospital.
24. In relation to paragraph 131 of Ms Hoffman's statement, confidentiality and whistle blowing were two of the four areas of official misconduct which were covered in the information session, however with respect, Ms Hoffman has misinterpreted the information we provided.
25. By way of clarification, the presentation discussed the obligation of staff under s.63, now s.62A, of the *Health Services Act* not to disclose confidential patient information.
26. In relation to whistle blowing, attendees were informed that under s. 10 of the *Whistleblowers Protection Act 1994* ("the *WP Act*"), a complaint which amounts to a "public interest disclosure" can only be made to an appropriate entity, which is a "public sector entity" identified under the *WP Act*. This ensures that public interest disclosures are made to an entity that has the power to take appropriate action, and unfair damage is not caused to persons against whom disclosures are made by an inappropriate publication of unsubstantiated disclosures.
27. Pursuant to Schedule 5 to the *WP Act*, a public sector entity includes, relevantly, hospital management, the Director-General for the Department of Health, in practice the Audit and Operational Review Unit, or the Crime and Misconduct Commission. A public interest disclosure cannot be made to a union, the media or a member of parliament because they do not fall within the classification of a public sector entity. Such a disclosure may amount to a breach of the confidentiality provisions in the *Health Services Act*.
28. I do not specifically recall any discussion about the disclosure of information to unions and deny that either Adam or myself said "that it was impermissible for [staff] to tell [their] union anything about what goes on in the hospital or any hospital related business". Any conversation would have been in the

context of official misconduct and/or whistle blowing legislation and its protections.

29. Further, I do not recall any reference being made by either Adam or myself to "jail" or employees "losing their jobs". If in fact any discussion took place of this nature, it could only have been in relation to reprisals committed against a whistle blower under s.42 of the *WP Act*. This part of the presentation was to demonstrate and reinforce the protections afforded to people under the *WB Act* who may feel reluctant at times to report matters of suspected official misconduct or maladministration. The component on whistle blowing was specifically aimed at dispelling a number of myths regarding staff who report on wrongdoings i.e. that a whistle blower is a "dobber".
30. In relation to the references in paragraph 132 of Ms Hoffman's statement that "the talk scared the living daylight out of [her]" and in Ms Hoffman's evidence on page 171 of the transcript that "[she] was really frightened, [she] was very scared" as a result of the content of the information session, I am surprised by such statements and strongly deny that we conducted any of the information sessions in a way which would have intimidated, threatened or frightened staff.
31. As mentioned previously, Adam and I specifically conducted the information sessions in an informal and non threatening way, where feedback and questions were sought throughout the presentation. Whenever I was presenting, I actively invoked discussion to get people involved by asking for their views on particular subjects. For example, during the section on whistle blowing, I asked, "Some people think that people who complain are dobbers? Do you agree?" Further, my presenting style is such that I employ the use of light hearted comments and jokes to introduce or break up a topic and this is evident in some of the feedback which was received from the information session at Bundaberg Hospital.
32. Attached and marked **GDT5** is a copy of the feedback forms from Bundaberg Hospital.
33. Throughout the presentation, the atmosphere in the room was no different to any other presentation I have given, and in my view, the information session at Bundaberg Hospital was one of the better ones in terms of attendance numbers and feedback. I certainly was not aware of any verbal or non-verbal behaviour by anyone attending the information session which may have suggested attendees felt threatened or frightened by any of the content which was discussed.

Statement signed on 21st June 2005.



Glenn David Tathem