25/07/2005 14:03 #021 P.001/022

# Bundaberg Hospital Commission of Inquiry

## AFFIDAVIT OF VIVIAN CHASE

- I, Vivian Chase make oath and say as follows:-
- 1. I reside in the Bundaberg District at an address I have provided to the Commission. I was born on 6 February 1940.
- 2. I am a retired Mayor of Kolan Shire. I held that position for six years. I was a member of that council for 15 years. Presently I am the Chairman of the Bundaberg Health District Council ("the Council"). I have held this position for about four and a half years. I was appointed to the position by the Health Minister. My role in the position requires me to chair meetings of the Council and act as its spokesman.
- 3. The Council was established by the Berbidge Government, It consists of leading members of the local community who are appointed by the Health Minister ("the Minister"). In essence, the Council's role in relation to the Bundaberg Health District ("the District") is a consultative one. In particular, the Council regularly receives, reports relevant to the District, and the District Budget, from the management thereof and provides feedback to that management in relation to those reports. For example the management provided the Council copies of, reports relevant to the Bundaberg Base Hospital accreditation process, and the "Press-Gainey Report". From recollection the Press-Gainey Report was a report from a survey that asked patients of the District about their satisfaction with the level of service from same. I cannot recall the deliberations and views formed by the Council in relation to the material provided to it by the management. I cannot recall the feedback the Council provided

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to the management in relation to that material.

- 4. The Council also seeks to bring the needs of the local public to the notice of the District Management. By that I mean that if I am approached by a member of the public who has a complaint in relation to the District I bring that complaint to the attention of the management. I can't really recall any such complaints from members of the public.
- 5. I am aware that the former Bundaberg Hospital Director of Medical Services, Brian.

  Thiele has described the Council as a "dead duck". I would not necessarily describe it that way, however if by dead duck he means the Council has no powers then I would say that he is correct in that view. The Council has no power to direct the management of the District. CV. INTERMAL
- 6. I recall that the present state member for Burnett, Rob Messenger, shortly after he was elected to parliament, made some public criticisms in relation to the state of mental health provided by the District. I remember feeling that these criticisms were unfair, particularly to the staff of the District. Accordingly, I wrote a letter dated 24 April 2004 to the editor of the local paper, the News-Mail. In that letter I responded to Mr Messenger's criticisms and I invited members of the public who have complaints against the District to contact the members of the Council, including myself. I provided contact details for the members of the Council to facilitate this. I felt that the Council supported my sending of this letter. Now produced and shown to me and marked "VCI" is a true copy of the said letter.
- 7. I recall only one response to my invitation to members of the public to contact the Council. That response was a complaint from Mr George Connelly in respect of treatment his wife had received at the Bundaberg Base Hospital. I brought that complaint to the attention of

Signed Vaican

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Peter Leck verbally. Peter Leck said, "we already know about Mr Connelly" and told me that it was under review by the Health Rights Commission. I accepted that and took the matter no

- 8. Earlier this year I attended a meeting with District Manager, Poter Leck and the Chairs of the other District Councils. At that meeting the Minister gave a speech during which he encouraged all the District Councils to get involved with their communities. He said the Councils were very important. After that speech the Director-General of Health, Dr Steve Buckland spoke. He expressed support for the views the Minister had just expressed. He also said that the management of the Districts is a matter for their managers and Queensland Health and not the Councils. I did not really have a chance to follow up the Minister's comments in relation to getting involved with the community. I was too busy at the time dealing with matters related to Dr Patel.
- 9. Following allegations against Dr Patel made by Rob Message and the state of the Council had a meeting on 23 March 2005. Now produced and shown to me and marked "VCIa" is a true copy of the minutes of that meeting. Peter Leck was present at that meeting. It was usual for him and the rest of the management of the District, including Dr Darren Keating and Linda Mulligan to be at the Council's meetings. This was in accordance with a view expressed by Mr Leck that the management of the District should attend all of the Council's meetings. I do not think Ms Mullis and the meetings. holidays at the time. At that meeting I insisted that Dr Patel had not been afforded natural justice and accordingly a letter of support to him should be sent. I cannot specifically recall

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whether it was agreed by those present at the meeting that such a letter of support should be sent to the editor of the News-Mail. However, a letter in those terms signed by myself was sent to the News-Mail the following day. Members of the Council later expressed their approval with the contents of that letter to me. Now produced and shown to me and marked "VC2" is a true copy of that letter,

10. I do not recall what Mr Leck specifically said in relation to Dr Patel at the meeting on 23 March 2005. I do not recall what he said in relation to the proposal for a letter of support to Dr Patel. I cannot recall whether Dr Patel's clinical competence was discussed at the meeting. 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.

11. In the minutes of the meeting on 23 March 2005 it is stated that Councillor Powell moved and Councillor Pynefinch seconded, a motion that the Council forward a letter of support to Dr Jay Patel. At a subsequent meeting of the Council or and Dr Michael Daly it was agreed that the minutes of the meeting on 23 March 2005, insofar as they stated that it was motioned that a letter of support be forwarded to Dr Jay Patel, was inaccurate. It was agreed that what had in fact been motioned was approval for an expression by the Council of public support for Dr Patel's right to natural justice. Accordingly, at the subsequent meeting Councillors Powell or Pynefinch motioned that the minutes of the meeting on 23 March 2005 be altered to reflect this. Now produced and shown to me and marked "VC2a" is a true copy of a document stating that such a motion occurred.

12. At no time was the Council briefed by the District management in relation to problems

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with Dr Patel. I would have liked to have been informed about such problems before they went public. I have reviewed the minutes of Council meetings and have only found three references in those minutes that refer to Dr Patel. Now produced and shown to me and marked "VC2b" is a true copy of those minutes. Apart from those references I am not aware of, nor do I recall, Dr Patel's name being mentioned to Council members such as myself. The Council was eventually given a brief in relation to Dr Patel by the Review Team led by Dr Matiussi.

13. 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. One of the Council's administrative staff retrieved a copy from one of our computers. I was shocked when I read it. At no time have I formed an intention to write a letter in those terms. Although my name appears at the bottom of it there is no signature. Peter Leck's name also appears on the letter. The usual practice in relation to Council correspondence addressed to District employees was for Peter Leck to draft them and then present them to me. I would then sign them. I do not recall signing the letter. However, I probably would have. I did not write the letter. Peter Leck wrote it. Now produced and shown to me and marked "VC3" is a true copy of that letter.

14. On or about I applied in writing to the Minister for leave from my duties as chairman of the Council. I did this because I was finding that stress related to my duties as chairman was exacerbating conditions I was suffering, including diabetes and heart problems. The Minister granted me leave from my duties as chairman under cover of letter dated X. Now produced

Signed Vision Chaze for Taken by:

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and shown to me and marked "VC4" is a true copy of that letter.

15. I believe that District Councils can be improved in the following ways:

- a) If they are to truly represent the community then they should have more input into Hospitals. For example, Councils should have access to staff who, have issues with, the running of, and clinical issues in relation to, Hospitals. Councils should then be able to take those issues to management and if dissatisfied with their response, take them to the Minister. Under the present structure I do not think that this works effectively.
- b) I also believe that Councils should be provided a greater opportunity to meet with clinical staff. I have briefly met some clinical staff at occasions such as breakfasts at the Hospital attended by the Minister. However, I would have liked an opportunity to really get to know those staff.

All the facts and circumstances above deposed to are within my own knowledge and belief, save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my Statement.

Deponent

Signed Deponent Laken by:

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From D.O.J. BUNDABERG HOSP COMM.

25/07/2005 14:08 #021 P.008/022

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## Ref." COMPLAINTS FROM HOSPITAL STAFF" (BAT 24TH Apr.) 2000

As Chairman of the Bandaberg Health Services District Council, I have read with great concern of the reports given by the Member for Burnett, at present and recently in the newspapers, which appear to give an opinion that the Bundaberg Hospital is in crisis.

It is not my intention, or the Members of the Council, to become involved in Politics, however, we have had a time when we were unable to recruit Sinff for our Hospital due to due to poor media reports associated with local politicking, and this could occur again!

There are 860 people on the payroll at the Base, and I guesa there will always be someone unhappy about their treatment by their superiors, which could lead to "horror stories" being told, but as we see some 115,000 patients each year there will always be some on the Staff, and patients also, who may be dissatisfied with the way the Hospital is being run.

Our wish as a Council is to be "proactive" not "reactive", and we are keen to get out there and find out more of what the Consumers concerns are, which to be effective, will require the help of the community.

However we will be "reactive" if anyone wishes to bring banes to our notice in an area that we are able to research and bring to the attention of the Manager, and I give the names and phone numbers of our present Council for your record. There is no "bierarchy" that you must ring first, as <u>ALL</u>. Councillors are equal and will bring your grievance to our meeting, or to the Managers notice if it is of an argest nature.

Mr Viv Chase, Chairman, 41516970; Cr Jim Rulling 6414737903; Dr Roger Plant, 41518551; Dr Danise Fowell, 41319090; Cr Lorraine Pyeffineh, 41529936; Mrs Janet Tallon, Cr Bill Trevor, ; Mrs Pat Whalley, 41593120.

Our Hospital is a good one saving many lives, and providing 24 hr service to you the Public, and I am sure that the majority are happy, however it is the minority who want to ruin what is an excellent service, but with your help the Bundaberg Base Hospital will become even better, by you having input into the areas of your concern.

The Staff at our Hospital need to have your strength behind them and your support, as with your help and confidence they will continue to achieve more and be happy to serve you in your times of need.

Viv Chase, Chairman Of the Bundabery District Health Council.



BUNDABERG HEALTH SERVICE DISTRICT

# RECORD OF WEETING (UNCONFIRMED

District Health Council Meeting of:

02-03/05

Macting No:

Date: Wednesday 23 March 2005

Start Turn: 0610

Councition Viv Cixase (Chairman); Councillor Joy Jensen; Councillor Jose Meng; Councillor Sonja Cheary, Councillor Dervise Power! (departed 7.00pm); Councillor Lorraine Pyefrisch, Peder Leck (District Manager); Tine Wellsce (DCAHS) , Peter Heath (DCS); Di Wals (A'DDONS); Jurish McDonnell (SD/ButHS) Present

Athendees:

Apologies: Councilor on Mullet, Councilor Bill Trevor

Confirmation of Minutes: Councilor Joy Jensen

Councillor Sonja Cleary

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P. Open/Closed			
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Discussion			•
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ObenClosed	Open	Closed	Орел
Agreed Action & Outcome, Person Responsible,	and I this Frame	Coundifor Meng and District Manages to prepare agenta	
	Executive summany reports to be confidentially tabled at next DHC meeting.  t	Revised schedule labled and andorsed  • Josle Mang in forward information regarding Agnes Weser meeting to the Diskrict Manager; departure time from Bundatherig to be 4.30pm  • The Chainperson reflerated that it is	important for Councilors to attend meetings Carried over
Topic	Cluality Report - Press Garrey Report	Mesting Dates 2005	West Monston DHC Model
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Lem No	3.6 3.6	01-02/n5 1.1	01-02/05

Chaleperson Statement – "Mored as a true and correst record of discussions held on 23 March 2005.

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Agreed Action & Outcome, Person Responsible, Open/Closed	Open Interested Councilions to contact Tima Welface	being	Closed	Chased	(Chairperson)
KS4010	DCAHS gave presentation on Community and Atted Heath Services     Councilior Powall emplained if the DHC whatester should perticipate in the 10,000 steps program, supported by Champerson     DMS presentation	Copies of newspaper articles to continue     to be included in agenda	Notes	• Noted	Chairperson Stalennan — "Moned as a true and correct necess of Alexanions hald on 23 March 2065
Total: D		Newspeper Aracles	Vecency Report	Monthly Theatre Seasture	Moned as a true and correct
C2-03/05   1.6 M	ਦ ਦ	02-03/06 L & M 3.2	3.3 3.3	02-03/05 C of C	drperson Statement

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	Closed		Closed
Agreed Action & Department of the Control of the Co			•
Discussion	palon •		Dik atvised that the District will undergo periodic review on 3 <sup>rd</sup> , 4 <sup>sh</sup> , and 5 <sup>ch</sup> August 2005     AGHS have raised the bar in relation to mandatory criteria
Tople	Financial Position	i di H	Control Market
Item No EQuip Topic	LAM	ت با ن	5
Item No	02-03/05 L.B.M 3.5	02-03/75	3.6

Openie: Joseph	Coree	
Agreed Action & Outcome, Person Responsible	and Time Frame	Countillor Cleary to prepare draft brochure     (Chafperner)
Members viz.	The DM advised that the Council is required to report on its activities and achievements on a quartenty basis     The Chairperson advised that the Consumer and Committee have requested the DHC to advise of any contacts they have with the committee have requested the DHC to the committee have requested the DHC to be committee that contacts they have with the committy.     Council to have the commended the Council take Dr Powel's suggested histative from 2004, to reward community groups for outstanding achievements.	Christoperson Statement - "Mond as a trace and correct record of discussions hald on 23 March 2805
Topic Discussion	District Heath Council Chairs Orianiefron	Horsdas a true and co
EQuip Function	포 •6 ~	Stolement
ttem No EQ	4.1 4.1	Chrairperson

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	Fuection	Discussion	Agreed Action & Outcome, Person Responsible,	Open/Closed
		connect defeits can be excessible to the community. Discussion took place regarding options eg PO Box, brochure; The DM suggested that a Councillor take on the bask of developing a brochure; SD/IMHS noted that the Chair of the West Morelon DHC would be very thappy to assist the Bundaberg DHC. Chaippeson tabled written report		
L & M	International Women's Day	Chairperson advised he attacked the function at Bundaherg Base Hospital		Closed
포 정 니	Dr Palei	02-03/05 L & M Dr Pale  of ksues reported in the Bundatery News Mail  News Mail  Councillor Powell gave an overview of coverage on local television news, and advised that the local medical community support-Br Pate  Chief Health Officer and his Assistant have undertaken a review, which is a complex and line consuming process The hyspital implemented strategies to ensure palient safety was assured whist to date that substantiates the allogators Noted that substantiates the allogators Noted that comments made in Perfament are not subject to risk of defamation  or Patet has indicated that he is very untappy and may leave	Moved Councilor Povell, seconded Councilor Pyelinch, all in favour, that the District Health Council forward a felter of support to Dr. Jay Patel	Doser Closed

nem no Ebally Function	Topic	Discussion	Agreed Action & Outcom	Agreed Action & Outcome, Person Responsible,	OperaClosed
		Discussion took place regarding     strakegies and options to address.	Cheipperson for Health	Chelippinson to discuss with the Minister for Health	
waan <mark>g ma</mark> gaala		negative publicity generated by Rob Meesenger. Countillor Jensen said that the Issue is a staff issue which has now	- Moved Count Councilor Cle	Moved Councilior Pyefrich, seconded Councilor Cleary that Councilior Powell	
		become public, and suggested that either Peter Leck or Councilior Chase discuss the Issue with the Orangitor Reath.		make gonzeci with Koo Messenger	
		Spekesmen  DOONS and DM have met with ICU staff and servior nursing staff today, however actinoswaters that it is van different to			
See a see as		infertify the person who released the infermation	***************************************		
2 T T T T T T T T T T T T T T T T T T T		Copy to be provided with agends	•		Closed
				•	
UZ-03/05   L & M 4.5	Minutes	Councillor Meng requested list of acronyms	•		Closed
Short Market			•	•	
		Councilor Pyefinch requested advice at the need meeting regarding pharmacy opening hours     Councilor Meng expressed concern that need patients are sometimes provided with limited medication when discharged, perfecularly on weekends, which can cause difficulties for the patient	• Erformation to	Exformation to be provided at next DHC meeting	Ореп
ocracom Sfatemen	h—"Moved as a true and	Chairparsan Statement — "Moved as a true and correct record of discussions held on 33 March 2685		(Cheltomen)	
	1			- Lundan Marian	

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03/05  N. C. C. Marie and Correct record of discussion field on 23 Maria 2045  (Chairpeange)	203485					
03/No.    Furnish   Person Statement - Moved as a fine and correct record of discussions held on 23 March 2045   Chalippenent   Chalippenent	i		See and the second second		•	
1930s  No. 1						
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No. EQUIP Topic Discussion Agreed Action & Outcome, Passon Responsible, and Time Frame and Softenant – Moved as a frace and correct record of discussions field on 23 March 2885						
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		,				CHB. CHB. CHB. CHB. CHB. CHB. CHB. CHB.

Agreed Action & Ottcarns, Person Responsible, and Toma Frame Chalipierson Statement - "Moved as a true and correct record of discussions held on 23 March 2005 8.05pm 27 April 2009 Function Meeting Closed: Next Meeting: 02-03/05 6.2 Nom No

71.9

From: D.O.J. BUNDABERG HOSP COMM.

25/07/2005 14:15 #021 P.017/022

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CHASEENTERPRISES. V. CHASE 8741516978

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## LETTER TO EDITOR & DR.PATEL

Our Hospital Council is sickened by the attack of Politicians in Parliament on Dr Potel, before the allegations have been proven, and this has a de-stabilising effect on our Staff.

We have great faith in the Executive (which includes the Manager Peter Leck and the Director of Medical Services Dr Darren Keating) to see that the Consumers of the Bundaberg Health District get the best and safest service possible.

Any statement at this rement should be by Dr Patel's peers, and I have seen one by Dr Kees Nydam in support of him, with the AMA support locally, and the Qid division of the AMA's support. I feel that if there was a problem that the AMA and his associates (not a third party) would call for an investigation, as they are his peers and it would do a lot of harm to their profession.

We have always had problems filting our vucuncies, which will be worse now , as many Doctors may not come to Bundaberg. This was the case a few years ago because of bad publicity, and will happen again.

So then this may lead to longer waiting lists, as the Doctors are the lynch pin to our providing of service to the public, and without them we cannot function.

Viv Chase JP chairman Lundaberg District Health Council.

CHUSEENTERPRISES. V. CHASE 21:91 Seez-Inr-9Z P18

COWW!

Open/Closed (Chatracroun) Date Agreed Action & Outcome, Person Responsible, and Time Frame Agreed Action & Outcome, Person Responsible, Dr Michael Daly to bring this request to the attention of the ESO, and these will be amended at the next meeting and Time Frame . Dr Patel by the District Health Council be unconfirmed, regarding any support of A request was made that the minutes. amended to reflect the realty of what Chairperton Statement -- "Marcal as a lives and correct record of discussions hold on 4 May 2005 was said. Descussion Discussion ¥80 Function EQUIP Function EQ. 03-04/05 5.3 tern No 03-04/05 5.2 Mean No 302 From: D.O.J. BUNDABERG HOSP

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From: D.O.J. BUNDABERG HOSP COMM.

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7/12/2003

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Executive Services Bundaberg Health Service District

Enquirles to: Telaphone: Facaimile File Ref.

Peter Leck, District Manager 07 41502020 07 41502029

Dr Jay Patel 3739 NW Bluograss Place Portland USA



# Dear Dr Patel

I am writing on behalf of the District Health Council to offer our support and to advise that we are deeply saddened and appalled by the disclosure in Parliament of confidential information, which has subsequently lead to your decision to leave Bundaberg.

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.

All the best wishes for your future.

Yours sincerely

Viv Chase Chairperson Bundaherg District Health Council 05/04/2005

G: EXECUENCE CSUPPLetters 2005 Potal, Dr Jay 040405.dot

Office Queensland Health Bundaberg Base Hospital

Postal POBox 34 Bundaherg Qld 4670 Australia

Phone 07 41 50 20 20 Pax 07 41 50 20 29 From: D.O.J. BUNDABERG HOSP COMM.

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Mr V Chans P.O. Box 5672 Busdahers West Qld 4570

### Dear Mr Chas

Thank you for your letter of 11 June 2005 salvicing me that due to ill health, you wish to apply for 4 months have of absence from your role as the Chairperson of the Bundaberg District Health Council.

The Health Services Act 1991 (the Act) indicates that a leave of absence is approved by the District Health Council rather than by me as Minister. However, under section 14 (e) of the Act, I deem that your proposed absence from meetings of the council for the next four months due to ill health is a reasonable excuss and your position can not be considered vacated in terms of the Act.

Section 11 (3) of the Act deals with situations where the chairperson is not present at a meeting to preside and provides that a member chosen by the members present at the meeting is to preside at that meeting. Accordingly, for the meetings for which you are absent it will be a matter for the members present to determine who will preside for that particular meeting.

I have taken the liberty of providing the Acting District Manager, Bundaberg Health Services District with a copy of this letter to enable the next meeting of the Bundaberg District Health Council to be informed of your absence.

I wish you a speady recovery from your illness.

Yours sincornly

GORDON NUTTALL MP Minister for Hanith Member for Sandgate

14/06/2005

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