

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

284

Bundaberg Hospital Commission of Inquiry

AFFIDAVIT OF VIVIAN CHASE

I, Vivian Chase make oath and say as follows:-

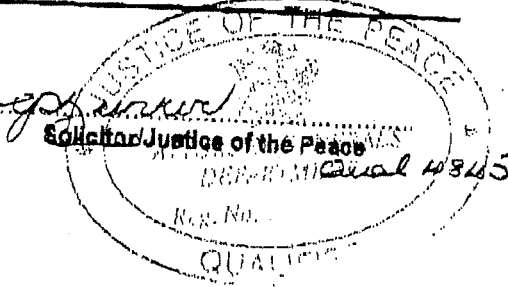
1. I reside in the Bundaberg District at an address I have provided to the Commission. I was born on 6 February 1940.
2. I am a retired Mayor of Kolan Shire. I held that position for six years. I was a member of that council for 15 years. Presently I am the Chairman of the Bundaberg Health District Council ("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 Borbidge 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

Signed



Deponent

Taken by:



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25/07/2005 14:04 #021 P.002/022

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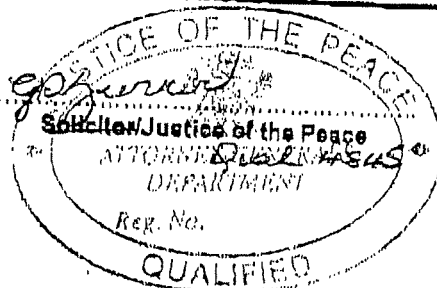
to the management in relation to that material.

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. *ON INTERNAL MATTERS. gajinks*
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 "VC1" 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 Vivian Rose Sp Taken by gajinks

Deponent

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25/07/2005 14:05 #021 P.003/022

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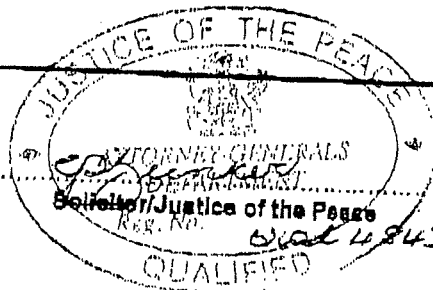
Peter Leck verbally. Peter Leck said, "we already know about Mr Connolly" and told me that it was under review by the Health Rights Commission. I accepted that and took the matter no further.

8. Earlier this year I attended a meeting with District Manager, Peter 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 Messenger ~~on 23 March 2005~~ this year the Council had a meeting on 23 March 2005. Now produced and shown to me and marked "VC1a" 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 Mulligan ~~was at that meeting~~ ^{on Dr Keating's} because ^{they were} away on ^{GPJunker} 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

Signed Vivian Chase Taken by: GPJunker
Deponent

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25/07/2005 14:06 #021 P.004/022

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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.

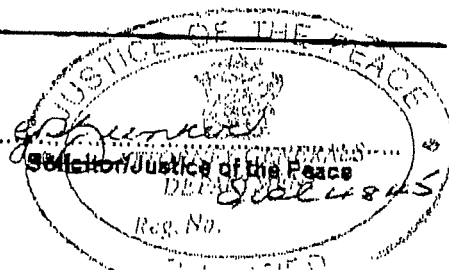
10. I do not recall what Mr Leck specifically said in relation to Dr Patel at the meeting on 23 March 2005. I do not recall what he said in relation to the proposal for a letter of support to Dr Patel. I cannot recall whether Dr Patel's clinical competence was discussed at the meeting. I do recall however 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 on ~~23 March 2005~~ ^{4/5/2005} and attended by 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

Signed Vivian Chase Taken by [Signature]
Deponent

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25/07/2005 14:07 #021 P.006/022

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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.

Affidavit sworn on 26th July 2005

at

Bundaberg

In the presence of

Vivian Chase JP.

Deponent

Solicitor/Justice of the Peace

Qual 4845

Signed Vivian Chase JP. Taken by:

Deponent

Document 882

Solicitor/Justice of the Peace

Qual 4845

Ref. No.

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

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

UUC 1"

21-JUL-2005 11:36

CHASE ENTERPRISES, V. CHASE BT41516970

P.02

Ref: "COMPLAINTS FROM HOSPITAL STAFF" (SAT 24TH Apr) 2004

As Chairman of the Bundaberg 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 Staff for our Hospital 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 guess 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 bones 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 "hierarchy" that you must ring first, as ALL Councillors are equal and will bring your grievances to our meeting, or to the Managers notice if it is of an urgent nature.

Mr Viv Chase, Chairman, 41516970; Cr Jim Mullins, 0414737903; Dr Roger Plant, 41518551; Dr Denise Powell, 41319090; Cr Lorraine Pyefinch, 41529936; Mrs Janet Tallow, Cr Bill Trevor, Mrs Pat Whalley, 41593120.

Our Hospital is a good one saving many lives, and providing 24 hr services 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 Bundaberg District Health Council.



BUNDABERG HEALTH SERVICE DISTRICT

RECORD OF MEETING (UNCONFIRMED)

Meeting of: District Health Council

Meeting No: 02-03/05

Date: Wednesday 23 March 2005

Start Time: 0810

Present:

Councillor Viv Chase (Chairman); Councillor Joy Jensen; Councillor Josie Meng; Councillor Sorja Cleary; Councillor Denise Powell (departed 7.00pm);
Councillor Lorraine Pyefinch; Peter Leck (District Manager); Tina Wallace (DCAHS); Peter Heath (DCS); Di Wallis (ADDONS); Judith McDermott (SD/MS)

Attendees:

Apologies: Councillor Jim Mulled, Councillor Ben Trevor

Confirmation of Minutes: Councillor Joy Jensen

Minute Taker: Joan Dooley

Councillor Sorja Cleary

Item No	Equip Function	Topic	Discussion	Agreed Action & Outcome, Person Responsible, and Time Frames	Open/Closed
02-03/05 1.1			.	.	
02-03/05 1.2			.	.	
02-03/05 1.3			.	.	

Chairperson Statement - "Moved as a true and correct record of discussions held on 23 March 2005"

(Chairperson)

QHLS0012.0007.06335

Item No	Equip Function	Topic	Agreed Action & Outcomes, Person Responsible, and Time Frame	Open/Closed
10-11/04 3.0		Quality Report - Press Ganey Report	<ul style="list-style-type: none"> Executive summary reports to be confidentially tabled at next DHC meeting 	Open
01-02/06 1.1	L & M	Meeting Dates - 2006	<ul style="list-style-type: none"> Revised schedule tabled and endorsed Josie Mang to forward information regarding Agnes Water meeting to the District Manager; departure time from Blundberg to be 4.30pm The Chairperson reiterated that it is important for Councilors to attend meetings Carried over 	Closed
01-02/05 1.2	L & M	West Merabin DHC Model	<ul style="list-style-type: none"> Councillor Mang and District Manager to prepare agenda 	Open

Chairperson Statement - "Moved as a free and correct record of discussions held on 23 March 2005"

Date

(Chairperson)



DHB.0002.9007.00336

Item No	Equip Function	Topic	Discussion	Agreed Action & Outcome, Person Responsible, and Time Frame	Open/Closed
02-03/05 3.1	L & M	Presentation	<ul style="list-style-type: none"> DCAHS gave presentation on Community and Allied Health Services Councillor Powell enquired if the DHC should participate in the 10,000 steps program supported by Chairperson DMS presentation 	<ul style="list-style-type: none"> Interested Councillors to contact Tina Wallace Carried over to next meeting due to annual leave 	Open
02-03/05 3.2	L & M	Newspaper Articles	<ul style="list-style-type: none"> Copies of newspaper articles to continue to be included in agenda 		Closed
02-03/05 3.3	L & M	Vacancy Report	<ul style="list-style-type: none"> Noted 		Closed
02-03/05 3.4	C of C	Monthly Theatre Sessions	<ul style="list-style-type: none"> Noted 		Closed

Chairperson Statement - "Moved as a true and correct record of discussions held on 23 March 2005"
Date

(Chairperson)

CHAS 0002.0007.00337

Item No	Equip Function	Topic	Discussion	Agreed Action & Outcome, Person Responsible, and Time Frame	Open/Closed
02-03/05 3.5	L & M	Financial Position	<ul style="list-style-type: none"> Noted 		Closed
02-03/05 3.6	C of C	Quality Report	<ul style="list-style-type: none"> DM advised that the District will undergo periodic review on 3rd, 4th, and 5th August 2005 ACHS have raised the bar in relation to mandatory criteria 		Closed

Item No	Equip Function	Topic	Discussion	Agreed Action & Outcome, Person Responsible, and Time Frame	Open/Closed
02-03/05 4.1	L & M	District Health Council Chairs Orientation	<ul style="list-style-type: none"> The DM advised that the Council is required to report on its activities and achievements on a quarterly basis The Chairperson advised that the Consumer and Community Participation Committee have requested the DHC to advise of any contacts they have with the community Councillor Pye/finch recommended the Council take Dr Powell's suggested initiative from 2004, to reward community groups for outstanding achievements Councillor Cleary enquired if Councillors 	<ul style="list-style-type: none"> Councillor Cleary to prepare draft brochure (Chairperson) 	Closed

Chairperson Statement - "Moved as a true and correct record of discussions held on 23 March 2005"

(Chairperson)



0418.9002.0907.0733

Item No	Equip Function	Topic	Discussion	Agreed Action & Outcome, Person Responsible, and Time Frame	Open/Closed
02-03/05 4.2	L & M	International Women's Day	<p>contact details can be accessible to the community. Discussion took place regarding options eg P.O. Box, brochure; The DM suggested that a Councilor take on the task of developing a brochure; SD/MHS noted that the Chair of the West Moreton OHC would be very happy to assist the Bundaberg OHC</p> <ul style="list-style-type: none"> Chairperson tabled written report regarding orientation Chairperson advised he attended the function at Bundaberg Base Hospital 		Closed
02-03/05 4.3	L & M	Dr Patel	<ul style="list-style-type: none"> The District Manager gave an overview of issues reported in the Bundaberg News Mail Councillor Powell gave an overview of coverage on local television news, and advised that the local medical community support Dr Patel Chief Health Officer and his Assistant have undertaken a review, which is a complex and time consuming process The hospital implemented strategies to ensure patient safety was assured whilst the review is being undertaken The DM has no evidence provided to him to date that substantiates the allegations Noted that comments made in Parliament are not subject to risk of defamation Dr Patel has indicated that he is very unhappy and may leave 	<ul style="list-style-type: none"> Moved Councillor Powell, seconded Councillor Pyelinski, all in favour, that the District Health Council forward a letter of support to Dr Jay Patel 	Closed

Charlparman Statement - "Moved as a true and correct record of discussions held on 23 March 2005
Date

(Imperial)

(CH 1172-5720)

*Chairperson Statement ... "Moved as a true and correct record of discussions held on 23 March 1989
Pete*

Item No	Equip Function	Topic	Discussion	Agreed Action & Outcome, Person Responsible, and Time Frame	Open/Closed
02-03/05 5.1	L & M	Chapel	<ul style="list-style-type: none"> The DM gave an overview of issues associated with the hospital chapel by multi-faith groups 	.	Closed
02-03/05 5.2			.	.	
02-03/05 5.3			.	.	

Item No	Equip Function	Topic	Discussion	Agreed Action & Outcome, Person Responsible, and Time Frame	Open/Closed
02-03/05 6.1			.		

Chairperson Statement — "Moved as a true and correct record of discussions held on 23 March 2005"

(Chairperson)



04-B-0032-0057-00341

Meeting Closed: 8:05pm
Next Meeting: 27 April 2009

(Cheng)



0807 0039Z

LETTER TO EDITOR re DR PATEL

Our Hospital Council is sickened by the attack of Politicians in Parliament on Dr Patel, 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 moment 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 Qld 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 filling our vacancies, 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 Bundaberg District Health Council

From: D.O.J., BUNDABERG HOSP COMM. 25/07/2005 14:16 #021 P.018/022

UC 2.2

5. Issues Raised by Leadership & Management Committee				
Item No	Equip Function	Topic	Discussion	Agreed Action & Outcome, Person Responsible, and Time Frame
			<ul style="list-style-type: none"> A request was made that the minutes, unconfirmed, regarding any support of Dr Patel by the District Health Council be amended to reflect the reality of what was said. 	<ul style="list-style-type: none"> Dr Michael Daly to bring this request to the attention of the ESO, and these will be amended at the next meeting
03-04/05 5.2			.	.
03-04/05 5.3			.	.

Item No	Equip Function	Topic	Discussion	Agreed Action & Outcome, Person Responsible, and Time Frame	Open/Closed
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Chairperson Statement - "Moved as a item and correct record of discussions held on 4 May 2005"

(Chairperson) Date

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25-507-62

April 2003

2005-07-28 09:48:48

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

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11-12/03 7.1 11-12/03 7.2 11-12/03 7.3 11-12/03 7.4 11-12/03 7.5 11-12/03 7.6

26-JUL-2005 16:14

17/12/2003

Item No.	Topic	Discussion	Agreed Action, Person Responsible, and Time Frame
11-12/03 7.1	Rural Clinical School	Dr. Esel, Director of Surgery has been appointed as Academic Disciplinary Supervisor for Bundaberg and Rockhampton, and will be based in Bundaberg	Completed
11-12/03 7.2	Reserve Season	District Manager and Directors passed on their best wishes for the festive season	Completed
11-12/03 7.3	"Rouvenay District Education" Program	The District has received advice that it has been selected, along with Townsville Mental Health Service, as a pilot site for the program	Completed
11-12/03 7.4			
11-12/03 7.5			
11-12/03 7.6			

Item No.	Topic	Discussion	Agreed Action, Person Responsible, and Time Frame
11-12/03 8.1	Meeting Calendar	Met meeting 25 February 2004	Completed

Meeting Closed: 7.00pm

Changeover Document - "Offered as a free and correct record of discussion held on 17 December 2003"

(Chairperson) Date

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

UC 3

③

FILE COPY

Executive Services
Bundaberg Health Service District

Enquiries to: Peter Leck, District Manager
Telephone: 07 41502020
Facsimile: 07 41502029
File Ref:

Dr Jay Patel
3739 NW Bluegrass 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
Bundaberg District Health Council
05/04/2005

GA\EXEC\EXECSUPP\Letters\2005\Patel, Dr Jay 040405.doc

Office
Queensland Health
Bundaberg Base Hospital

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

"UCK"

26-JUL-2005 12:14

CHASE ENTERPRISES, V. CHASE

0741516970

P. 02



Gordon Nuttall MP
Member for Sandgate



Queensland
Government

Minister for Health

Mr V Chase
P.O. Box 5672
Bundaberg West Qld 4670

Dear Mr Chase

Thank you for your letter of 11 June 2005 advising me that due to ill health, you wish to apply for 4 months leave 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 excuse 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 Service 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 speedy recovery from your illness.

Yours sincerely

GORDON NUTTALL MP
Minister for Health
Member for Sandgate

14/06/2005

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