

BUNDABERG HOSPITAL COMMISSION OF INQUIRY

Memorandum

TO	Michael Quinn/Terry Martin SC
FROM	Damien Atkinson
DATE	19 August 2005
SUBJECT	Questions for Wendy Edmond concerning her knowledge and actions during her term as Minister for Health, Queensland.

The Bundaberg Hospital Commission of Inquiry has held sittings since 23 May 2005. The terms of reference, the transcripts and the exhibits for the Commission can be readily obtained on the internet at www.bhci.qld.gov.au. It will be seen that the Commissioner has been appointed to make inquiries into, amongst other things, the circumstances surrounding the clinical practices of Dr Jayant Patel at the Bundaberg Base Hospital (where he was employed from April 2003 to April 2005), and to make recommendations as a result of any findings for certain systemic changes.

The Commission understands that Ms Edmond was the Minister for Health from 28 June 1998 until 7 February 2004. Against that background, the Commission respectfully requests Ms Edmond's assistance in addressing the issues set out below which have arisen at the hearings. Some of those issues concern specific incidents. For the most part, however, the Commission seeks to understand how the Office of the Minister for Health, on the one hand, and Queensland Health, on the other hand, interact - with a view to ascertaining whether information is exchanged effectively and whether changes need be made.

1. The Commission has received evidence about longstanding concerns in public health as set out below (including, for example, the state's dependence on overseas trained doctors, bullying, lack of resources and unsafe working hours). Was Ms Edmond briefed regularly by Queensland Health about emerging issues in Queensland' public health sector? In what ways was Ms Edmond briefed, by whom and how regularly? Did Ms Edmond apprise herself through other means of emerging issues in the public health system and, if so, what were they? Does the Minister consider that she was briefed effectively and comprehensively? Would the Minister recommend any changes to the way in which she was briefed by Queensland Health?
2. During Ms Edmond's term as Minister, did her Office monitor media reports concerning public health and, if not, does Ms Edmond consider that this should be done as a matter of course?

3. In or about August 2003, Dr Denis Roland Lennox (Queensland Health's then Acting Principal Medical Advisor) and others produced a report entitled "*Management of International Medical Graduates*" detailing concerns about Queensland's dependency on Overseas Trained Doctors, and changes which might be made to manage that dependency (see attachment DRL12 to exhibit 55, and exhibit 55 generally). The report ("the Lennox Report") was commissioned by a joint committee approved by Queensland Health and at least one early version of the Report bears the Queensland Health logo. Dr Lennox has given evidence that the Report in its August 2003 version was complete (see the transcript for 3 June 2005).

On 21 October 2003, a journalist, Hedley Thomas, asked Steve Rous of the Minister's office for a copy of "*a report by Qld Health's Dr Denis Lennox earlier this year into issues arising from overseas doctors*" by email. The formal response from the Minister's office was that the "*report has no official and was not accepted or endorsed by Queensland Health Executive*". Did Ms Edmond ever receive a copy of the Lennox Report in any of its versions? Was the Minister briefed in relation to the journalist's request and the answer to it? Was the Minister briefed in relation to the existence of the report and the contents thereof? If so, by whom, when and how was she briefed and what steps were taken in consequence?

4. In November 2003, the Courier Mail published a number of articles concerning an alleged major problem in the public health system, namely overseas trained doctors working with inadequate qualifications, particularly in regional areas (copies follow by email). The articles received support from the Australian Salaried Medical Officers Federation and the Australian Medical Association (copies of press releases follow). Was the Minister briefed in relation to these concerns during her term? If so, by whom, when and how was she briefed and what steps were taken in consequence? To what extent did the Minister communicate the concerns about this topic to her successor, the Hon. Gordon Nuttall?
5. By an article published in The Courier-Mail on 4 November 2003, the Premier, the Hon. Peter Beattie, was recorded as saying in relation to the Lennox report, "*When this final report is completed as opposed to a draft, then obviously Cabinet will want to have a very close look at it...If the reports in The Courier-Mail and the draft report are sustained in the final report then we will need to change our systems and we will*" (copies to follow). Was Ms Edmond aware of this comment? Did the Minister advise the Premier that the report was only in draft and, if so, on what basis? When was the report completed? What steps were taken to "change our systems" after completion of the report?
6. It has been suggested in evidence by Dr Charles Nankivell (exhibit 212 and transcripts for 26 and 27 July 2005) that doctors in the public health system have worked, habitually, for long hours and that it severely

affects their performance. One of the junior doctors from Bundaberg, Anthony Athanasiov, gave evidence that he would work up to 100 hours per week for extended periods (see transcript 6 July 2005). Was Ms Edmond briefed about that problem? If so, by whom, when and how was she briefed and what steps were taken in consequence?

7. Dr Nankivell also gave evidence about repeated complaints to Queensland Health about dangerous and unacceptable waiting periods for patients (see exhibit 212 – especially the attachments). His statement contains a letter addressed to the then Director-General, Dr Stable, outlining a number of concerns. Dr Nankivell's concerns were given some corroboration by Dr Pitre Anderson (exhibits 199 and 200; transcript 25 July 2005). Were those complaints ever communicated by Queensland Health to Ms Edmond?
8. The Commission has received evidence from a number of witnesses, but particularly a Dr Peter Cook (see transcript 27 and 28 July 2005 and exhibit 218) and Dr Anderson (see above), about a policy known as "reversal of flow". It is understood that the policy was that, as much as possible, patients should be encouraged to seek treatment in their regions of origin, rather than travelling to urban tertiary hospitals. It has also been suggested that: (a) the policy was in part responsible for the renovating of the major Brisbane public hospitals so that the number of beds was significantly reduced; (b) the policy has now been abandoned for a number of reasons. Is Ms Edmond aware of the policy? Was it ever recorded and, if so, where? What steps were taken to implement the policy?
9. In the aftermath of concerns being raised publicly about Dr Patel, Queensland Health sent a Medical Review Team to the Bundaberg Base Hospital. The team prepared a report which is Exhibit 102. It will be seen in paragraph 1.1 that the Team found staff were concerned that there was an excessive emphasis on elective surgery targets. There has been other evidence that elective surgery targets were very important to the Hospital's funding, that the management between 2003 and 2005 were keenly aware of this (see evidence of Dr Nydam), and that Dr Patel may have received special treatment because he was instrumental in reaching targets (Annexure GF10 to Exhibit 225). Was Ms Edmond briefed in relation to the process for allocating funds to public hospitals within Queensland?. Was Ms Edmond briefed in relation to the process for assessing the performance of public hospitals within Queensland?. Does Ms Edmond consider that there is a more effective process for carrying out either of these tasks, and if so, what?
10. The Commission has received evidence that the waiting lists for elective surgery published by Queensland Health may be misleading in that they disclose the patients waiting for surgery, but not the people waiting to be reviewed to determine whether they need surgery (eg, exhibit 267). Was the Minister briefed during her term in relation to the publication of waiting lists and whether they in fact disclosed the true number of people

contemplating surgery? If so, by whom, when and how was she briefed and what steps were taken in consequence?

11. Numerous doctors (including Jason Jenkins, Charles Nankivell, Brian Thiele, Con Aroney and Peter Woodruff) have given evidence about a steady decline in the resources of public hospitals over the last 10 years, leading to an inability to treat patients. They have spoken of "access block" to surgery caused by shortfalls in terms of ICU beds, nurses, funding of consumables etc. Did Queensland Health brief Ms Edmond in relation to concerns about underfunding for surgery and other treatment during her term? If so, by whom, when and how was she briefed and what steps were taken in consequence?
12. Numerous doctors have given evidence about low morale amongst doctors and nurses in the public system brought about by, inter alia, an inability to treat patients well (having regard to funding inadequacies), excessive rules, a focus on money rather than patient welfare, a perceived lack of responsiveness to clinical concerns, and a lack of a role for clinicians in management of hospitals. Was Ms Edmond briefed in relation to any of these concerns during her term as Minister? If so, by whom, when and how was she briefed and what steps were taken in consequence?
13. Was Ms Edmond ever informed during her term as Minister that any staff within Queensland Health received performance bonuses as part of their remuneration? If so, what are the details of that information?
14. Exhibit 38 is a report by two orthopaedic specialists, namely Dr Giblin and Dr North about Hervey Bay Hospital? Concerns about two Fijian trained doctors carrying out orthopaedic surgery at Hervey Bay Hospital in 2003 without specialist qualifications were the subject of particular questions in the exchange referred to in paragraph 3 above. If so, by whom, when and how was she briefed and what steps were taken in consequence? To what extent did the Minister communicate the concerns about this topic to her successor, the Hon. Gordon Nuttall?
15. Was the Minister briefed on whether Queensland Health had a policy of discouraging the engagement of VMO's in favour of more staff specialists? If so, what are the details of that policy?
16. The Commission has heard evidence (see the transcripts for the Townsville sittings of 2 to 4 August 2005) about one Vincent Victor Berg who practised as a specialist prior to Dr Patel's entry into Australia, and did not have valid medical qualifications - specialist or otherwise (see exhibits 239; 288 and 291).

Was Ms Edmond made aware during her term as Minister of the registration of Berg, the discovery of anomalies in relation to that registration, and of a decision not to disclose that information to the public? What briefing did Ms Edmond receive on these topics? Was Ms

Edmond first briefed about the Berg matter by the Medical Board or Queensland Health, and when did that initial briefing occur (see letter to follow by email from Ms Edmond to the Mr O'Dempsey dated 4 December 2002, together with Ministerial briefing papers, and the letter from the College of Psychiatrists to Dr Andrew Johnson dated 2 December 2002)? Did the Medical Board inform Ms Edmond of when it first became aware of the circumstances surrounding Berg (see letter to follow by email from RANZCP to MBQ dated 23 January 2002)?

Did the Medical Board explain the delay between when they were apparently advised of the Berg matter (ie, by January 2002) and when they apparently first advised Ms Edmond (ie, in December 2002)? Did Ms Edmond participate in a decision not to disclose information concerning Berg to the public? Does Ms Edmond consider, in any case, that the decision was the correct one? What steps did Ms Edmond take to prevent this occurring again (see the memorandum to the Director General dated 4 December 2002)? What advice was received from the Medical Board about the Berg matter and preventative measures? What advice was received from Queensland Health concerning the audit of patient charts?

17. The Commission website contains a number of discussion papers. Does Ms Edmond wish to make any comments about those papers?
18. Evidence has been received from many doctors (including Dr Lennox, Dr Jeanette Young, and Dr Fitzgerald) that there is a medical workforce crisis. Was Ms Edmond briefed about this issue as Minister and, if so, what steps were taken in consequence.
19. Was Ms Edmond advised in 2002/2003 of the threatened collapse of the Centre of Overseas Trained Doctors at the University of Queensland (see the evidence of Dr Lennox) and, if so, what steps did she take to secure its continuation? Does Ms Edmond have a view on whether such a Centre or some other measure is needed to assist the integration of overseas doctors?
20. During Ms Edmond's term, how did Queensland Health compete for budget funds? What was the avenue, if any, for clinicians or bureaucrats to explain any circumstances where deaths or adverse outcomes were being caused by underfunding? Does Ms Edmond consider that the budget process should be altered?