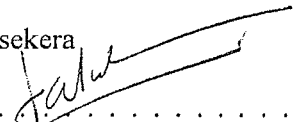


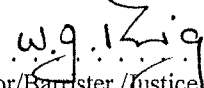
Bundaberg Hospital Commission of Inquiry

STATEMENT OF Lakshman Kumar JAYASEKERA

I Lakshman Kumar JAYASEKERA of Surgical Section, Gold Coast Hospital, Southport Q (5519.8211) in the State of Queensland SWORN:

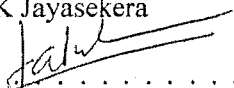
1. I am a Staff Surgeon employed by Queensland Health at the Surgical Section Gold Coast Hospital. I have been employed in my current position for about 1.5 years.
2. I obtained MBBS in Sri Lanka in 1970 and I obtained FRCS (Edinburgh) in 1983. I sat for and passed the Australian Medical Council (AMC) in 1996 and then I obtained my FRACS in 2000.
3. I migrated from Sri Lanka to Australia in 1996 and I became an Australian Citizen in 1999.
4. Prior to my travelling to Australia it was necessary for me to obtain my AMC to obtain a Visa to migrate to Australia.
5. Upon my arrival in Australia I was engaged as a PHO (Principal House Officer) in the Emergency Department at the Redcliffe Hospital. Because of my surgical background I was offered and accepted a position as surgical PHO at that hospital and then upon my application to The Royal Australian College of Surgeons to obtain my FRACS I was offered a position as a Registrar on the Higher Surgical Training Program.
6. After this I worked at a number of hospitals in Queensland as a Surgical Registrar. They being Toowoomba General Hospital for six months, Bundaberg General Hospital for six months and the Nambour General Hospital for one year. Whilst I was at Nambour I passed my FRACS in 2000.
7. Normally it takes a period of four years as a Higher Surgical Trainee to write the Fellowship but in my case, because of my qualifications and experience, I was able to take my Fellowship in a period of two years.
8. I then went to the Caboolture Hospital in the capacity of a Senior Registrar and I did this for family reason relating to the education of my children.

L K Jayasekera
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 Deponent

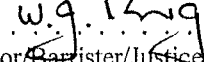
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9. From there I took a position as a Staff Surgeon at the Bundaberg General Hospital starting on the 14 January 2002 in the employ of Queensland Health.
10. At Bundaberg I worked in the Surgical Department as a Staff Surgeon. The person in charge was the Director of Surgery, Dr. Sam BAKER. We were the only two permanent surgeons employed full time at the hospital. I recall that there may have been a VMO who worked there from time to time and that was Dr. Pitre ANDERSON who had been the former Director of Surgery at the hospital.
11. Prior to my employment commencing at Bundaberg I negotiated with Dr. Lynn HAWKEN, the Acting Director of Medical Services at Bundaberg, and he offered me the position and we were to meet on the 14 of January 2002 at the Bundaberg Hospital. I duly arrived on that date at the hospital to discover that Dr. Hawken had left the employ of the hospital and was no longer there.
12. Then I was requested to see the new A/Director of Medical Services, Dr. Kase NYDAM with regard to my position. I told him I was an experienced surgeon and had worked as a consultant for about fifteen years and I made a request that I be placed on a senior staff surgeon's salary. He told me that he was unable to do that but he offered me a contract to be employed as a M01.7 and I agreed to that and signed a contract to be employed in that position. An M01.7 is the highest level of surgeon before one is appointed as a Senior Consultant Surgeon.
13. After a few days I received a call from the District Manager, Mr. Peter LECK, requesting to speak with me and I went to his office and he wanted all the details of my qualifications and experience in order to calculate my salary level.
14. I told him that this had already been agreed upon between me and Dr. Nydam and I had already signed a contract as to the terms of my employment.
15. He just wanted my personal details and I provided them to him as requested.
16. Then a few days later, I received a call from Mr. Leck when he told me that he was only prepared to pay me a M01.2 salary level which was five levels below what I had been contracted to work for. His reason for wanting to pay me the lesser amount was that I had qualified in 2000 and I had only been registered as a specialist in Australia since the time of my qualification. I was not happy with this offer and I asked him permission to contact my Union, the AMA, to seek advice from them about what was happening to me at the hospital.

L K Jayasekera

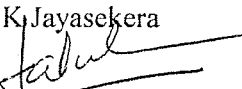
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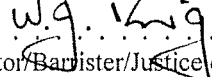
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17. He did not agree with me contacting the AMA but requested me to write to him setting out my objections to his offer and to make an official appeal to be paid the higher rate at which I had been employed to work at in the first place.
18. I did not do this but I made contact with the AMA. They told me that they would take my case on board and would sort out the problem with Mr. Leck. The AMA wrote three letters to Mr. Leck, none of which were replied to. They then wrote a final letter to him threatening that if he did not reply to their correspondence they would institute industrial action over the matter.
19. Then Mr. Leck called me to his office and he told me that the Corporate Office had given him permission to decide on what salary I could be placed at the hospital. Then he offered me a M01.5 level of pay and I refused that offer telling him that my contract was for M01.7 and that is what I wanted to be paid at. After this demand by me my salary was paid at the M01.7 level and my back pay to that time was made up to that level.
20. I continued to work in the Surgical Area of the hospital without any problems.
21. I don't recall exactly when but Dr. Anderson left but he left after a dispute with management and he was replaced by a Dr. Sam BAKER. He then became the Director of Surgery at the hospital.
22. A short time later, I think it was only a matter of some months, Dr. Baker also left the hospital after he had a dispute with management.
23. Then another Doctor, Dr. Anatoli, which was his first name and I am not able to remember his last name now, but he was a Russian Doctor who claimed to be a Paediatric Surgeon from Russia. I am not aware of his qualifications. I am not aware under what conditions he was employed at the hospital.
24. I went and asked Dr. Nydam whether I was supposed to supervise this new doctor in his role at the hospital. I was told by Dr. Nydam that he did not need any supervision as he was an experienced surgeon.
25. That was then the situation with the Surgical Department at the hospital.
26. One night after that I was not working when I received a telephone call from a Theatre Nurse, whose name I recall only as Gail, called me and asked me to come in using the words, "Lucky can you come in as we have a patient who is going to die on the table." I immediately went to the hospital and I found a patient that was

L K Jayasekera

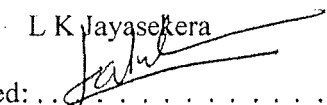
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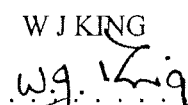
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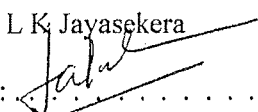
in the process of being operated on by the Russian doctor and he had conducted an operation on this patient not knowing what to do.

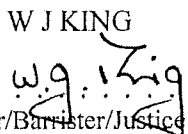
27. I attended to the patient and completed the operation successfully which included a bowel resection. The patient recovered.
28. As a result of this I went and spoke with Dr. Nydam and also I spoke to Dr. Barry O'LOUGHLIN, who is the Director of Surgery at the RBH, about this Doctor. Dr. Nydam asked if I would supervise his work in the future. I told him that I would do that on the proviso that the doctor informed me of all the patients that he took to theatre. Dr. Nydam agreed to this and he gave this instruction to the Russian Doctor. Dr. O'Loughlin told me that there was little that he could do about the situation and for me to address the issue with the Administration at Bundaberg.
29. Then a few days after that there was another operation that the Russian doctor messed up and he had done the opposite to what I had told him to do when he had sought advice from me. I told him to conduct only a simple life-saving operation on this patient and not to conduct a difficult unnecessary operation that he was proposing to do. He ignored my instruction and carried out the difficult operation without my supervision and he caused damage to the patient.
30. So much so that the patient was evacuated to the Gold Coast Hospital for urgent emergency treatment and I understand that that patient passed away. I not 100% sure of the final result relating to this patient.
31. I then went to Dr. Nydam once more and complained about this doctor. By this time the Anetheatists at Bundaberg, there were four or five of them, refused to work with this doctor also because of his incompetence. I don't know what happened after my meeting with Nydam but on this occasion the Russian Doctor left the employ of the hospital.
32. This meant that the Director Surgery position at the hospital was once again vacant and it was advertised. Dr. Nydam came and spoke with me and asked me to apply for the position. I was not keen on the position but I applied for it after this request by Dr. Nydam.
33. I was not successful in my application and the position was filled by a doctor from Yugoslavia. However, he did not take up the position for some reason unknown to me.

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34. I think the position was then readvertised without it being offered to me. As a result of this a meeting was held at the hospital between the Staff Advisory Committee, of which I was a member, where one motion was put to Management, Dr. Nydam and Peter Leck, requesting to be informed why the position had not been offered to myself.
35. They could not respond to it and the motion was left open and unanswered.
36. I continued to work at the hospital and I became aware of a position advertised at the Hervey Bay Hospital for a Staff Surgeon and I applied for it and was successful and I resigned from Bundaberg and commenced at Hervey Bay on 31 March 2003. I had worked at Bundaberg for a little over one year. After I left two American Doctors were employed for a period in the position that I had unsuccessfully applied for.
37. I did not leave the hospital at Bundaberg because I was not successful in obtaining the position I had applied for. The main reason I left is that I was in the process of moving back towards where my family were living at Brackenridge. I wanted to work closer to them.
38. Except, for the issue over my pay and the problems I had with the Russian Doctor I did not have any major issues with management at the hospital. I did not leave the hospital because of any problems/issues that I was having with management. At the time I was at the hospital Peter Leck was the District Manager and Dr. Nydam was the A/Director of Medical Services. I do not recall who the Director of Nursing was in my time there. I did not have any issues with her whoever it may have been.
39. While I was working at Bundaberg it was always my intention to return to work nearer to my home at Brackenridge where my family were residing.
40. Any issues that I had with management during my time at Bundaberg were not of a major issue and I worked with them in an amiable manner.
41. I performed duties as the A/Director of Surgery and as such I was on each committee that related to medical issues but at this time I do not recall the name and numbers of those committees. In hindsight, I don't believe that these committees were of value and I don't recall any significant actions or results arising from them at the hospital.

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42. Surgical audits were carried out at least quarterly at the hospital and they were conducted by the Registrars supervised by the consultants. I was satisfied with the manner that these audits were conducted. There was also a lunch time surgical meeting once a week with staff from the surgical section attending. Issues identified during these audits were always attended to.
43. While I was at Bundaberg I was not aware of many complaints arising from either staff or patients with regard to the medical staff or management. Those that were received were dealt with by other people other than me and I am not aware of how these matters were dealt with as I was not involved in them. It was my practice not to become involved in internal politics and I kept myself aloof from these types of issues and therefore was not aware of any such thing occurring.
44. When I was employed at the hospital the surgical area where I worked performed very well with the team that we had there. I am aware that prior to my arrival at the hospital a Dr. Nankevill was a Staff Surgeon at the hospital and he left the surgical team performing at a very high standard.

Affidavit SWORN on 27 May 2005

at Southport

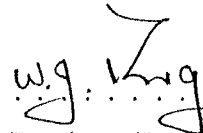
in the presence of: Wayne John KING



Laksham Kumar JAYASEKERA

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Deponent



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Solicitor/Barrister /Justice of the Peace/
Commissioner for Declarations

L K Jayasekera

Signed:

Deponent

W J KING

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