

*Commissions of Inquiry Act 1950***COMMISSIONS OF INQUIRY ORDER (NO. 2) 2005**
[as amended by *Commissions of Inquiry Amendment Order (No.1) 2005*]**TABLE OF PROVISIONS**

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Short Title

1. This Order in Council may be cited as *Commissions of Inquiry Order (No. 2) 2005*.

Appointment of Commission

2. UNDER the provisions of the *Commissions of Inquiry Act 1950*, Her Excellency the Governor, acting by and with the advice of the Executive Council, hereby appoints Honourable Geoffrey Davies AO to make full and careful inquiry in an open and independent manner with respect to the following matters:-
- (a) The role and conduct of the Queensland Medical Board in relation to the assessment, registration and monitoring of overseas-trained medical practitioners, with particular reference to Dr Jayant Patel and persons claiming to be overseas-trained medical practitioners.
- (b) (i) Any substantive allegations, complaints or concerns relating to the clinical practice and procedures conducted by Dr Patel at the Bundaberg Base Hospital;
- (ii) the employment of Dr Patel by Queensland Health;
- (iii) the appointment of Dr Patel to the Bundaberg Base Hospital;
- (iii) (iv) the adequacy of the response by Queensland Health to any complaints received by it concerning Dr Patel; and

- (iv) (v) whether or not there were any reprisals or threatened reprisals made by any official of Queensland Health against any person who made the complaints referred to in ~~(iii)~~ (iv) above.
- (c) Any substantive allegations, complaints or concerns relating to the clinical practice and procedures conducted by other medical practitioners, or persons claiming to be medical practitioners, at the Bundaberg Base Hospital or other Queensland Public Hospitals raised at the Commission of Inquiry established by *Commissions of Inquiry Order (No. 1) of 2005*.
- (d) The appropriateness, adequacy and timeliness of action taken to deal with any of the allegations, complaints or concerns referred to in (a), (b) and (c) above, both:
- (i) within the Bundaberg Base Hospital; and
- (ii) outside the Bundaberg Base Hospital.
- (e) In relation to (a) to (d) above, whether there is sufficient evidence to justify:
- (i) referral of any matter to the Commissioner of the Police Service for investigation or prosecution; or
- (ii) action by the Crime and Misconduct Commission in respect of official misconduct or disciplinary matters;
- (iii) the bringing of disciplinary or other proceedings or the taking of other action against or in respect of any person; or
- (iv) amendments to the Coroners Act 2003 in relation to appropriate reporting of deaths caused by or as a result of a health procedure.
- (f) For the purpose of clarification and the removal of doubt, the phrase “substantive allegations, complaints or concerns relating to the clinical practice and procedures” in (b) and (c) hereof includes allegations, complaints or concerns relating to acts or omissions by current and former employees of the Queensland Department of Health which relate to clinical practices or procedures conducted by medical practitioners or persons claiming to be medical practitioners including acts or omissions relating to waiting lists both for patients referred to specialist outpatient’s appointments and for surgical procedures.”

Commission to report

- (3) AND directs that the Commissioner make full and faithful report and recommendations concerning the aforesaid subject matter of inquiry and transmit the

same to the Honourable the Premier and Treasurer and to the Crime and Misconduct Commission before 30 November 2005.

Report to be made public

- (4) AND further directs that the Report transmitted to the Honourable the Premier and Treasurer be made public upon its transmission to the Honourable the Premier and Treasurer.

Application of Act

- (5) The provisions of the “Commissions of Inquiry Act 1950” shall be applicable for the purposes of this inquiry except for section 19C – Authority to use listening devices.

Conduct of Inquiry

- (6) The Commissioner may hold public and private hearings in such manner and in such locations as may be necessary and convenient.

ENDNOTES

1. Made by the Governor in Council on 6 September 2005.
2. Published in an Extraordinary Gazette 6 September 2005.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of the Premier and Cabinet.