

*Copy* → DM - FCHSD

NO. 972 P. 1

*MC2*



SMB67

RECEIVED  
- 1 OCT 2004  
SG 021058

MCZ	798
Date	29/9/04
Emailed to	
MCZ Date Due	

**Queensland Government**  
Queensland Health

**SUBMISSION TO THE DIRECTOR-GENERAL**

DATE: 29 September 2004

PREPARED BY: Paul Long, Administration Officer, Fraser Coast HSD Contact No: 4120 6869

CLEARED BY: Michael Aillsopp, District Manager, Fraser Coast HSD Contact No: 4120 6865

SUBMITTED THROUGH: Dan Bergin, Zonal Manager, Central Zone Contact No: 3234 0825

DEADLINE: 14 October 2004 *AOB* 30/9/04 File Ref: 400-0409-001

SUBJECT: Reporting timeframe for Australian Orthopaedic Association doctors carrying out a review of Orthopaedic Services in the Fraser Coast Health Service District

APPROVED/NOT APPROVED

COMMENTS

*I would consider that given the inspection occurred in early July, and that I have endeavored the Doctors individually there is little reason to extend the review. I am prepared to extend until end Oct 04 only*

DR STEVE BUCKLAND  
Director-General

*3 10 10 4*

**PURPOSE:**

1. To seek the approval of the Director-General to extend the reporting time limit for Dr John North and Dr Peter Giblin from the Australian Orthopaedic Association, appointed on 6 May 2004 as investigators pursuant to Division 1, Part 6 of the *Health Services Act 1991*, for the purposes of conducting a review of the provision of Orthopaedic services in the public sector in the Fraser Coast Health Service District, to 31 December 2004.

**BACKGROUND:**

2. The Fraser Coast Health Service District approached the Australian Orthopaedic Association (AOA) seeking their assistance in undertaking an independent assessment of orthopaedic services within the District. The AOA indicated that it was prepared to provide two Orthopaedic Surgeons to carry out an inspection and provide a comprehensive report but only provided they were given written confirmation that the Association and the inspectors would be fully indemnified for the contents of the report.
3. On 6 May 2004, the Director General appointed AOA representatives, Dr John North and Dr Peter Giblin, pursuant to Division 1, Part 6 of the *Health Services Act 1991*, as investigators to investigate matters relating to the management, administration or delivery of public sector health services as set out in Terms of Reference, and to provide a written report to Dr Buckland by 30 June 2004 or such date as agreed by him. A condition of appointment listed in the Instrument of Appointment was that "The appointee will be indemnified against any claims made against the appointee arising out of the performance of the appointee of his functions under this Instrument".
4. Further advice was then received from the AOA on 9 June 2004 that the two doctors were unable to carry out an inspection until the beginning of July which was outside the requested report date. The AOA also advised that it still required a letter of indemnity for the AOA itself with the AOA advised that it was prepared to allow the inspection to proceed as planned but would withhold the report pending receipt of the letter of indemnity.
5. On 28 July 2004, the Director-General granted an extension to Dr North and Dr Giblin to provide their report by 30 September 2004. However, the Director-General stated he was not prepared to indemnify the AOA itself.
6. As Dr North and Dr Giblin had carried out their inspection on 2 July 2004, the Director-General's decision was not conveyed to the AOA and to Drs North and Giblin until after the inspection had occurred.
7. On 21 September 2004, Dr Giblin, who is also Honorary Secretary of the AOA, contacted Dr Hanelt, Director of Medical Services, Fraser Coast Health Service District, advising that the indemnity issue is causing concern at the AOA and advice is being sought. In his email, Dr Giblin also advised that additional material on Orthopaedic services at Fraser Coast is accumulating so it would appear that preparation of the report is proceeding. Dr Giblin asked whether a further 60 day extension of time could be granted for providing the report.

**ISSUES:**

8. The Health Service needs the AOA to be involved in the review process to lend authority to the findings of the review. This puts the AOA in a position of strength. It appears that, as members of the AOA, Dr North and Dr Giblin will delay writing their report until the AOA's position is decided.
9. This is the second extension requested. Rather than grant a 60 day extension as requested, it may be more advantageous to grant an extension until 31 December 2004 as this should allow the AOA more than adequate time to consider their position and make it more difficult for them to justify further stalling a decision.

**BENEFITS AND COSTS:**

10. Obtaining assistance from the AOA in defining guidelines for the Senior Medical Officers will ensure that best practices are followed and will help allay any community concern about the Orthopaedic services the District provides.

**CONSULTATION:**

11. The need for consultation with other parties in relation to the request for an extension was not evident.

**ATTACHMENTS:**

12. N/A.

**RECOMMENDATION(S):**

13. It is recommended that:

- i. The Director-General grant an extension to Dr North and Dr Giblin to provide their report by 31 December 2004.