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**Queensland
Government**
Queensland Health

**A BRIEFING TO THE
SENIOR EXECUTIVE DIRECTOR HEALTH
SERVICES DIRECTORATE**

BRIEFING NOTE NO:

REQUESTED BY:

Dan Bergin, Zonal Manager, Central Zone

DATE:

13 April 2005



PREPARED BY:

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4120 6829

CONSULTATION WITH:

Dr Terry Hanelt, Director of Medical Services, Fraser Coast
HSD

CLEARED BY:

Michael Allsopp, District Manager, Fraser Coast HSD 4120 6865

DEADLINE:

14 April 2005

SUBMITTED THROUGH:

Dan Bergin, Zonal Manager, Central Zone



SUBJECT:

**Investigation of Orthopaedic services in Fraser Coast Health
Service District by representatives of the Australian
Orthopaedic Association**

COMMENTS SED HEALTH SERVICES:

① Noted For discussion with DG.

② Contact Investigating Officers re
release of report.

DR JOHN SCOTT
Senior Executive Director
Health Services Directorate

14/4/05

Handwritten initials and date: 14/4/05

PURPOSE:

1. To advise on the current situation in relation to an investigation of Orthopaedic services in the Fraser Coast Health Service District by representatives of the Australian Orthopaedic Association in light of recent adverse media coverage of surgical services in Bundaberg Health Service District.

BACKGROUND:

2. Articles in the Courier Mail Newspaper (3 November 2003 edition) raised the issue of the employment of SMOs rather than specialists, and in particular Hervey Bay Hospital, to provide orthopaedic services. The Health Service later approached the Australian Orthopaedic Association (AOA) to undertake an independent assessment of orthopaedic services within the District. On 6 May 2004, the Director-General appointed AOA representatives, Dr John North and Dr Peter Giblin, as investigators to 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 him by 30 June 2004 or such date as agreed by him.
3. As there was a delay before the inspection could be carried out an extension until 30 September 2004 was sought and the Director-General's approval was also sought for the indemnity to also cover the AOA. The extension was granted on 18 July 2004 but indemnity for the AOA was not approved.
4. The investigators then requested a further extension until 31 December 2004. On 3 October 2004, the Director-General granted an extension to provide their report by 31 October 2004, stating that given the inspection occurred in early July and that he had indemnified the doctors individually there is little reason to extend the review.
5. In an email to the Director of Medical Services on 25 February 2005, the AOA advised that the report was finished but sought advice whether a further indemnity extension would be granted or alternatively should the report be provided as a "Report in Confidence" for the Director General's eyes only. In light of the Director-General's reluctance to grant the extension until 31 December 2004, the District's response to the AOA on 22 March 2005 was that an extension was unlikely to be granted and therefore they should run with their suggestion of providing the report as a "Report in Confidence".
6. In an email to the Director of Medical Services on 13 April 2005, the AOA referred to the recent adverse media coverage in relation to Bundaberg Health Service, saying it creates some urgency for Queensland Health to get the AOA's report. Further email contact clarified that the AOA is awaiting formal advice from the Director-General that he will accept the report as a privileged document. It was not apparent until then that the AOA was seeking formal advice in that regard as it was assumed that they intended releasing the report as a privileged document if the indemnity extension was not granted.

KEY ISSUES:

7. The AOA is now clearly indicating that it will not release the report until either the investigator's are granted a further extension of the indemnity granted by the Director-

General or formal advice is provided by the Director-General that he is prepared to accept the report as a privileged confidential document .

8. Reference by the AOA to recent media coverage of Bundaberg Health Service District is obviously being used as leverage by the AOA to obtain some form of legal protection for the content of the report which has been finalised outside the previously approved timeframe.
9. If the report becomes a privileged document, its circulation will be restricted and this may hinder implementation of any recommendations. If an extension of the existing indemnity to Drs North and Giblin is granted, then the Health Service should be able to access the full report facilitating any necessary changes or improvements to services.
10. If no action is taken in responding to the AOA's demand, then the AOA may approach the media over the issue and then any later acceptance of the report will be perceived by the community as Queensland Health having responded to media pressure rather than it having initiated the investigation in the first instance.

RELATED ISSUES:

11. The recent media coverage of Bundaberg surgical services may result in the Courier Mail revisiting its earlier coverage in relation to Orthopaedic services.

BENEFITS AND COSTS:

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

ACTIONS TAKEN/ REQUIRED:

13. It is recommended that the Director-General be requested to grant an extension to Dr North and Dr Giblin to provide their report by 31 May 2005 with formal advice to the AOA that it is for the Director General's eyes only. On examination of the report and considering its implications the Director General can then make the decision as to whether or not he grants an extension of indemnity to allow a wider distribution of the report and consequent consideration on implementation of recommendations as appropriate.

ATTACHMENTS:

N/A

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acknowledged
breach of
contract
see 46(1)(a)