

SMB83

Rebecca McMahon - CMC - Hervey Bay - Dr Naidoo

From: Rebecca McMahon
To: Steve Buckland
Date: 30/05/2005 3:18 PM
Subject: CMC - Hervey Bay - Dr Naidoo

Hello Steve,

As requested, I contacted the CMC today to seek an update as to any progress they had made in assessing the above matter.

Mr Forbes Smith, Director, Misconduct Investigations, has just advised that formal advice as to the CMC's assessment of the matter will be "provided today or tomorrow".

Forbes has advised that he believes the only issue which might give rise to official misconduct is that surrounding the alleged conflict of interest with the Link Company. However, has acknowledged that there is insufficient information provided in the report to form a suspicion of official misconduct at this time.

He has advised that the matter will be referred back to the Department in the knowledge that the Morris COI will pursue the matter further. He has also stated that if the Morris COI or QH identifies any further information which gives rise to a suspicion of official misconduct, that the matter should be referred back to the CMC.

Essentially this means that as soon as the CMC's formal assessment advice is received by the Department we can proceed to take whatever action is necessary to deal with the issues raised in the report. I will ensure that I forward the CMC's assessment to you as soon as it arrives.

If you have any further questions please do not hesitate to contact me on 323 40589.

Many thanks

Bec.

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Rebecca McMahon - CMC Referral - Hervey Bay - Dr Naidoo

From: Rebecca McMahon
To: Steve Buckland
Date: 1/06/2005 4:59 PM
Subject: CMC Referral - Hervey Bay - Dr Naidoo

Hello Steve,

The CMC have now provided their formal "Matters Assessed Report" in relation to the Orthopaedics Unit at Hervey Bay Hospital (electronic copy attached).

As indicated, the CMC has assessed that the only issue which may involve suspected official misconduct is the allegation relating to an alleged conflict of interest involving a relationship that Dr Naidoo may have had with the Link Company.

The CMC has referred this aspect back to the Department to deal with "in the knowledge that the Morris COI has an interest in the report and as a result it is expected it will pursue the matter further". The CMC then goes on to state that "if Queensland Health (as a result of any inquiries it may make)...obtains any additional information which gives rise to a suspicion of OM" it should be referred back to the CMC.

Audit made some preliminary inquiries (comprising ASCI searches) in relation to the conflict of interest issue upon receiving a copy of the report and could find no evidence to indicate that Dr Naidoo had an obvious pecuniary private interest in this company.

On this basis, I would not propose that Audit take any further action in relation to this issue until the Commission has reviewed the matter. However, please advise as to whether you would like us to further review this issue.

In relation to all of the other issues raised in the report the CMC has formed the view that the information provided in the report "does not raise a suspicion of official misconduct" and as such, it would be an "unjustifiable use of resources" to take further action on the basis that the Commission is taking further action in relation to the issues involved.

The CMC's Mr Robert Walker, Executive Legal Officer, has advised that as these issues are within the jurisdiction of the Morris Commission, the Department should liaise with Senior Counsel assisting the Commission prior to taking any immediate action to manage the operation of the Orthopaedics unit.

If you have any further questions in relation to the above please do not hesitate to contact me.

Many thanks

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