

Pant - Ex 369

21 September 2005

The Honourable Mr Peter Beattie MP
Premier and Treasurer
PO Box 15185
CITY EAST QLD 4002

Dear Premier,

Queensland Public Hospitals Commission of Inquiry

Attached hereto is a copy of an email to me from Ms Deanne Walls with copies of what appears to be an email from her to you and an email from Mr Schwarten MP to her. I propose to reply to her by sending a copy of this letter to her accompanying the draft email to her which I have also attached hereto.

I have formed the view that the terms of appointment which require me to make enquiry with respect to:

"(c) Any.... concerns....raised at the Commission of Inquiry..."

limit me to an enquiry into concerns raised in evidence at the terminated Commission of Inquiry. While Counsel Assisting and staff of the terminated Inquiry conducted preliminary investigations into concerns about Rockhampton Base Hospital generally, those concerns were, for the most part, not raised in evidence. The only concern raised in evidence about that hospital was with respect to a discrete issue being the Accident and Emergency Department, its standards, its overseas trained doctors, and the failure of administrators to publish a report which was critical of the standards and the overseas trained doctors in that Department.

No doubt the Terms of Reference of this Inquiry could be expanded to include Rockhampton generally but, if they were, they would also, in my opinion, in fairness to others, have to be expanded to include also complaints made with respect to the other hospitals which were investigated under the previous Inquiry but in respect of which no evidence was given in that Inquiry. These would include Cairns, Townsville, Charters Towers, Gold Coast, Redcliffe, Mt Isa, the Princess Alexandra, the Royal Brisbane and Women's Hospital, Toowoomba, the Mater in Brisbane and the mental health units in almost all hospitals in Queensland.

If that were done I could not possibly report this year. By way of example, the investigation of and evidence with respect to Bundaberg occupied in all about two and a half months. I would infer from this that if only some of these other complaints required equivalent investigation and the calling of evidence that would add at least six months to the term of this Inquiry.

Commissioner
Hon Geoffrey Davies AO

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There are, as I see it, at least four possible courses which could be taken with respect to complaints about other hospitals, none of them entirely satisfactory. They are:

1. That this Commission continue in accordance with its existing Terms of Reference, subject to the additions suggested in my earlier letter to you;
2. As in 1 but that complaints with respect to the other hospitals be examined internally (a course which would plainly be unacceptable to Ms Walls and, no doubt, to others);
3. As in 1 but that a new Commission be constituted after the termination and report of this one to examine the complaints with respect to the other hospitals; or
4. That the Terms of Reference of this Inquiry be expanded to include complaints with respect to the other hospitals on the clear understanding that it could not report before at least six months after 30 November 2005.

I would be strongly against 4 because I believe that there is a public expectation that this Commission will report before the end of this year and that is my present intention. Subject to that, I do not think it appropriate for me to express any opinion on what course, if any, should be taken. The matter is, of course, one for government.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Geoffrey Davies', with a long horizontal flourish extending to the right.

Hon Geoffrey Davies AO
Commissioner

Encl...

EMAIL TO DEANNE WALLS

Thank you for your email. It is correct that I said that this Commission would not hear evidence about Rockhampton Base Hospital other than the evidence which has been admitted with respect to its emergency department. There are two reasons for this. The first is that, in my opinion, it is not within my Terms of Reference. And the second is that, if my Terms of Reference were expanded to include Rockhampton generally, this Commission could not report this year.

These reasons are fully explained in a letter which I wrote to the Premier today a copy of which is **enclosed**. I hope that this corrects any misapprehension which you may have arising from the email to you from Mr Schwarten MP that the decision whether the Commission examine evidence with respect to Rockhampton Base Hospital is one for me. The decision on that question is one for the government, not for me.