

SUBMISSIONS ON BEHALF OF MR LECK (28/09/05)**(RE: BUNDABERG HOSPITAL INQUIRY)**

1. It is submitted that the appropriate orders are as follows:
 - (a) a full copy of the letter dated 27 September 2005 be made an exhibit and be made available to the legal teams of each party, but that exhibit be ordered to be kept confidential;
 - (b) a 'modified' version of the letter be made an exhibit and be publicly available.

2. The 'modified' version will exclude only parts of Dr Nothling's report and, in particular, personal details, medical history and personal details and medical history of family members. It is proposed to retain, in the modified version, Dr Nothling's opinion - i.e. his medical conclusions.

3. It is acknowledged that, whilst there may be a public interest in knowing why it is proposed that this witness be excused, it is submitted that that public interest will be served by making available to the public the legal submissions, Dr Butler's 4 reports, and Dr Nothling's opinion/conclusion.

4. There is, it is submitted, no public interest in the details of Mr Leck's medical and personal history, and that of his family, being publicly available on the Commission's website.

5. The public interest is adequately served by:
 - (a) making the full version available to the various groups represented at the Commission, so that, if they wish, they can take instructions and advice;
 - (b) the fact that those represented groups include the patients and various other interested parties;
 - (c) making Dr Butler's reports and Dr Nothling's opinion publicly available.

6. It is submitted that the public interest having been served, the private medical details ought to remain out of the public domain.