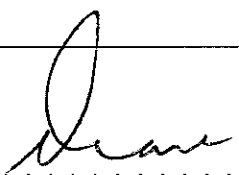


Queensland Public Hospitals Commission of Inquiry

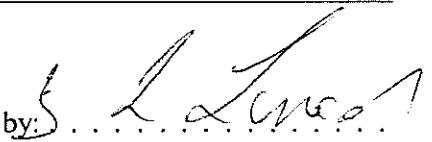
STATEMENT OF MICHAEL JOHN CLARE

I Michael John Clare, Resident Manager of an address in the State of Queensland known to the Commission of Inquiry swear:

1. I am currently self employed as a resident manager of a unit complex in conjunction with my wife.
2. I previously worked for a period of 26 years in Queensland Health from December 1975 to January 2002. During that time I worked in a wide range of administrative, policy development and managerial positions. The last position I held (from January 1997 to January 2002) was that of Manager, Parliamentary and Ministerial Services and Cabinet Legislation and Liaison Officer.
3. I was responsible for the management and coordination of all processes associated with:
 - the preparation, scheduling and lodgement of Cabinet Submissions generated within the Department;
 - preparation of briefing material on Cabinet Submissions contained within the weekly 'Cabinet bag';
 - liaison with other Departments on matters being prepared for Cabinet's consideration;
 - the preparation and lodgement of Executive Council Minutes;
 - coordination of responses to Questions on Notice raised in the Parliament;
 - the tabling of annual reports, responses to reports of Parliamentary Committees and other documents arising from parliamentary processes; and
 - briefing the Minister, Director-General, senior Departmental officers and Ministerial staff on Cabinet and parliamentary related matters.
4. The Parliamentary and Ministerial Services section which I managed was a small, specialized unit comprising of myself and four other officers. The nature of our work required frequent direct contact with the Minister, Director-General and their respective staff. On a daily basis, the section handled a large volume of confidential Cabinet related material.

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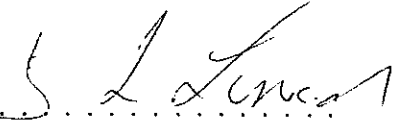
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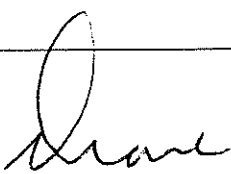
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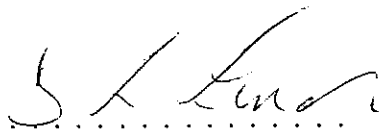
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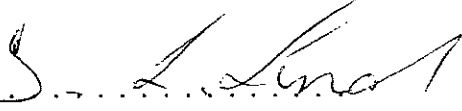
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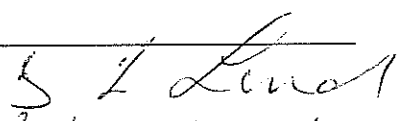
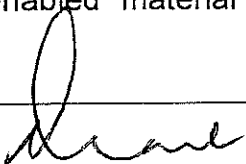
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I was surprised when, in July 2002, I was appointed by the current Government as a public member of the Medical Board of Queensland after expressing an interest in the role. This appointment would have been made on the recommendation of Ms Edmond and Dr Stable. Ms Collier no longer held the position of Senior Policy Advisor at that time.

24. A significant part of my former role as Queensland Health's Cabinet Legislation and Liaison Officer (CLLO) was responsibility for processes associated with the scheduling and lodgement of Cabinet Submissions.
25. I have personal knowledge of Queensland Health abusing the Cabinet process in order to avoid information which was deemed as being sensitive or potentially embarrassing from coming into the public arena. From time to time, Cabinet Submissions were prepared on various matters which had been the subject of Freedom of Information (FOI) applications. This practice was not confined to the term of office of any one particular government, but occurred during both conservative and Labor periods of office. In the latter part of the five year period during which I performed the role of CLLO in Queensland Health, the process of circumventing the intent of FOI legislation became easier when the government at that time made a series of amendments to the *Freedom of Information Act 1992*.
26. During the period of the Borbidge Government, Queensland Health administered the *Surgery on Time Project* which was aimed at reducing the waiting times for all categories of elective surgery in public hospitals. I recall being advised by Dr Stable that an FOI application had been lodged by either the then Labor Opposition or the *Courier Mail* and that a Cabinet Submission would need to be prepared in order to prevent the public release of certain information relating to surgery waiting lists in public hospitals. While I cannot recall the precise date of this event, I have a clear recollection of going to some trouble to obtain the use of a 'fridge trolley' in order to deliver and subsequently retrieve from the Cabinet Room in the Executive Building, a number of boxes of documents associated with the Cabinet Submission. I can clearly recall that the Cabinet Secretary at the time, Mr Tom Hassed, was unimpressed with this practice.
27. Following the change to a Labor government in 1998, Queensland Health's practice of urging Ministers to send material to Cabinet in order to avoid public scrutiny of matters subject to FOI applications, continued. The process became somewhat more streamlined during this period since I was instructed by the Director-General to include on Queensland Health's *Cabinet Forward Timetable*, a regular quarterly Cabinet Information Paper on hospital waiting lists and Queensland Health's budget position. Amendments to the FOI Act during this period enabled material used or created in association with the Cabinet



Submission to become exempt from disclosure under the FOI process. This allowed the Department to avoid the previous necessity to physically transport large numbers of documents into the Cabinet room.

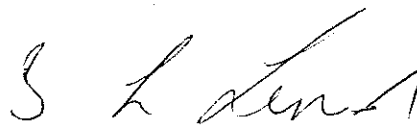
28. In an effort to create an appearance of openness and accountability in relation to hospital waiting lists, the government commenced publishing official waiting list figures on Queensland Health's internet website sometime in the late 1990s. However, throughout the period from 1998 until I left the Department in 2002, Queensland Health continued to prepare and lodge regular Cabinet Submissions about hospital waiting lists in order to prevent the release of source material related to the preparation of the "official" waiting list figures. My recollection is that some of this source material included information and discussion on waiting times for patients seeking specialist outpatient appointments prior to being able to be entered onto an official waiting list.

Affidavit Sworn on 27th day of September 2005

at Brisbane in the presence of:



Deponent



Solicitor/~~Barrister~~/Justice of the Peace/
Commissioner for Declarations