

EX 453

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From: Peter Leck
To: FitzGerald, Gerry
Date: 2/7/05 4:50pm
Subject: Re: Review - Dr Jay Patel

Thanks Gerry.

I will await your advice from Audit before providing any written details to Dr Patel.

Dr Patel is aware that an investigation is to be conducted by yourself and Sue Jenkins and arrangements are being made for him to be interviewed by you next week

I think it is appropriate that he be provided some details about the complaints so that he can prepare for the interview

However I need your confirmation about what can/should be provided especially in light of the Whistleblower Protection requests

Peter

>>> Gerry FitzGerald 7/02/2005 15:55:19 >>>

Hi Peter

Dr Patel is definitely entitled under the principles of natural justice to be confronted with the details of the complaints made against him. He may not necessarily be entitled to know the identity of the complainants although we will check that out with Audit. Some of the complainants have claimed protection under whistleblowers legislation and I am unsure what that entitles them to. However I believe we can achieve natural justice without disclosing identities.

You may need to outline to him that there have been complaints and that these complaints will be the subject of an investigation by the CHO. We may then try to put together a summary of those complaints to present to him on the day. We will then allow him to respond further in writing should he chose to do so. He may decline to meet with me until he has had the opportunity to respond to the complaints. I hope he does not do so. Our main intent is to find the facts and to seek a resolution ASAP.

Regards

Gerry

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>>> Peter Leck 7/02/2005 2:35:40 pm >>>

Hi Gerry,

I'm not sure if you are aware that Dr Patel has not actually seen the allegations made against him - although he has received verbal advice from me in broad general terms.

Please advise when/if you would like any material to be made available to him.

Thanks

Peter

CC: Keating, Darren