

QUEENSLAND

COMMISSIONS OF INQUIRY ACT 1950

QUEENSLAND PUBLIC HOSPITALS COMMISSION OF INQUIRY

STATEMENT OF LESLEY WENBAN

1. I, Lesley Wenban c/o Queensland Health, Brisbane City Information Services Unit, Corporate Office in the State of Queensland acknowledge that this written statement by me is true to the best of my knowledge and belief.
2. This statement is made without prior knowledge of any evidence or information held by the Inquiry which is potentially adverse to me and in the expectation that I will be afforded procedural fairness should any adverse allegation be raised against me.
3. I am currently employed by Queensland Health as the Acting Information Services Unit Manager within Information Directorate working in Corporate Office. The Information Services Unit is responsible for the coordination and provision of information systems and services, including information technology and telecommunications, throughout Queensland Health.

**Search for the Clinical Audit of General Surgical Services Bundaberg Base Hospital – Confidential Audit Report**

4. On or about 20 September 2005 I was requested by Peter Brockett, Special Project Officer (Registrar) to the Queensland Health Public Hospital Commission of Inquiry Support Team to locate the electronic copy of a document entitled “Clinical Audit of General Surgical Services Bundaberg Base Hospital – Confidential Audit Report” which was prepared by Dr Gerry FitzGerald and Susan Jenkins (“the Report”). I was asked to search for all versions of this document on the Corporate Office IT Network in and around the period February/March 2005.
5. To action this request, I requested one of my technical staff (Tom Saleta) to restore to the Network, from ‘backup tapes’, all electronic documents held on the backup tape of all data on the Corporate Office IT Network (the IT Network) up to and including 15<sup>th</sup> April 2005 relating to the CHO directory structure. The data restore process was necessary to ensure that all documents recorded on the IT Network around the required period were captured.
6. The backup tape of all data on the IT Network up to and including 15<sup>th</sup> April 2005 was selected as a starting point because there was a high probability the document we were looking for would be on the backup tapes up to that date as the last document modified (Appendix 1) was modified on the 11<sup>th</sup> April 2005.

7. The CHO directory structure is a designated area on the IT Network where all staff within the Office of the Chief Health Officer store electronic document/s. This would include documents generated by Dr Gerry Fitzgerald and Susan Jenkins.
8. When the files were restored, Glenn Turvey and I conducted an electronic 'word search' of the CHO directory structure using the word "audit" to identify any file/s in the CHO directory structure with the word 'audit' in its content. The word 'audit' was chosen to undertake the first search as discussions between myself, Peter Brockett and Katherine Curnow had indicated that the document was an audit report.
9. The search using the word 'audit' in the CHO directory structure produced a large number of files. From these files we were able to 'narrow' down the directory path where the requested file could possibly be stored by conducting another electronic word search on the CHO directory structure using the word "Bundaberg". From this search we were able to identify 6 files titled "Clinical Audit of General Surgical Services Bundaberg Base Hospital". These files were:

Document 1- Date modified Tuesday 22 February 2005, 4:55:56PM

Document 2 - Date modified Thursday 10 March 2005, 12:43:00PM

Document 3 - Date modified Tuesday 22 March 2005, 4:52:36PM

Document 4 - Date modified Thursday 24 March 2005, 3:07:46PM

Document 5 - Date modified Thursday 24 March 2005, 3:52:42PM

Document 6 - Date modified Thursday 29 March 2005, 1:36:26PM

The term "modified" is entered on a document through Microsoft processes. For example this could occur by simply opening and applying 'save as' to the document without making any changes to the document or selecting a different printer to the previous printer that the document was printed to. There are numerous reasons why a document could have the term "modified" applied.

10. **Attachment LW-1** is a copy of the search report. **Attachment LW-2** is a copy of the search results containing the computer search result for each of the different versions of the Report followed by a copy of each of those versions of the Report.
11. In reviewing the documents I noticed that Document No.4 (**Date modified Thursday 24 March 2005, 3:07:46PM** ) referred to an Appendix 1 in the Table of Contents, however this appendix was not included in Document 4, nor was it included in Documents 5 and 6.
12. Glenn Turvey and I then commenced reviewing all the files in the directory structure: G:\OCHO\Advisory Group\Quality Policies & Liaison Unit\Clinical Quality\Work in Progress\Clinical Audits\Bundaberg Audit by opening each file and reviewing the content of each file to see if the file was Appendix 1. We were able to find Appendix – A1 with a date modified Monday 11 April 2005, 4:31:14PM.under a directory file title of AdditionaltableforBHreportdatafor2004.doc. This document is located in the OCHO directory structure as follows: G:\OCHO\Advisory Group\Quality Policies & Liaison Unit\Clinical Quality\Work in Progress\Clinical Audits\Bundaberg. All staff within the Office of the Chief Health Officer can save documents in this directory.

13. After we completed the above work, we then conducted an electronic search of the Network as at 19<sup>th</sup> September 2005 (the current day). This was initiated as a 'proactive' action by myself to identify and document if the 6 files found on the 15<sup>th</sup> April's tape restore were still on the Network. The search found there were now 7 copies of the "Clinical Audit of General Surgical Services Bundaberg Base Hospital" files on the Network as follows:

Document 1-

Date modified Tuesday 22 February 2005, 4:55:56PM

Document 2 --

Date modified Thursday 10 March 2005, 12:43:00PM

Document 3 --

Date modified Tuesday 22 March 2005, 4:52:36PM

Document 4 --

Date modified Thursday 24 March 2005, 3:07:46PM

Document 5 --

Date modified Thursday 24 March 2005, 3:52:42PM

Document 6 --

Date modified Thursday 29 March 2005, 1:36:26PM

Document 7 --

Date modified Wednesday 1 June 2005, 2:23:34PM

14. **Attachment LW-3** is a copy of the search report. **Attachment LW-4** is a copy of the search results containing the computer search result for each of the different versions of the Report followed by a copy of each of those versions of the Report.

15. In addition, on the 3<sup>rd</sup> October 2005, Peter Brockett requested that an electronic search be conducted on the IT Network to identify if any other copies of the document Appendix-A-1 dated 11 April 2005 existed:-

- A backup tape of all data on the IT Network up to and including the 18<sup>th</sup> February 2005 was restored to the Network and an electronic search was conducted on the directory structure of the CHO. This found that the document 'Appendix -1 or Appendix-A-1 or Appendix-A1' **did not** exist at this date. This period was selected in an endeavour to establish a point in time when the either appendix was likely to have been created.
- A backup tape of all data on the IT Network up to and including 25<sup>th</sup> March 2005 was restored to the network and an electronic search was conducted on the directory structure of the CHO. A document with the subject heading titled "Appendix -1" was found. This document was created on 22 March 2005 2:44:00PM with a modified date of 24 March 2005 3:15:26PM.

- A backup tape of all data on the IT Network up to and including 8<sup>th</sup> April 2005 was restored to the Network and an electronic search was conducted on the directory structure of the CHO. A document with a subject heading titled "Appendix-1" was found. This document was created on 22 March 2005 2:44:00PM with a modified date of 24 March 2005 3:15:26PM.
- A backup tape of all data on the IT Network up to and including 15<sup>th</sup> April 2005 was restored to the Network and an electronic search was conducted on the directory structure of the CHO. A document with the subject heading titled "Appendix-A-1" was found. This document was created on 22 March 2005 2:44:00PM with a modified date of 11 April 2005 4:31:14PM.
- A further electronic search was conducted on the IT Network on the 7<sup>th</sup> October 2005 to ascertain if the document was still recorded on the IT Network. The document **was found** on the IT Network with the subject heading titled "Appendix-A-1" was found. This document was created on 22 March 2005 2:44:00PM with a modified date of 11 April 2005 4:31:14PM.

16. **Attachment LW-5** is a copy of the search report. **Attachment LW-6** is a copy of the search results containing the computer search result for each of the different versions of Appendix-1 or Appendix-A-1 followed by a copy of each of those versions of the Appendix-1 or Appendix-A-1.

#### **Search for documents allegedly removed from the IT Network**

17. On the 22<sup>nd</sup> September 2005 I was requested by Peter Brockett to search the IT Network to identify if the following documents were on the IT Network:-

- A briefing titled "Risks with ongoing Reclassification of Emergency Records", which was prepared by Garry Walker and dated 15 October 2003 (the Brief). I was provided with a copy of the Brief (**attachment LW-7**) to assist me in locating/identifying this document.
- A submission titled "Reclassification of Emergency Presentations as Elective Surgery" which was prepared by Col Roberts and dated 30 July 2003 (the Submission). I was provided with a copy of the Submission (**attachment LW-8**) to assist me in locating/identifying this document.

18. In respect to searches for the Brief:-

- A backup tape of all data on the IT Network up to and including 24<sup>th</sup> October 2003 was restored to the Network and an electronic search was conducted using the search words "weighted separations". A Microsoft TMP file with a date modified of Tuesday, 14 October 2003, 4:33:20PM was found. This document **did not** contain the words "Comfidential Brief for GMHS. This document has been removed from the Queensland Health Network".
- Also on this 24<sup>th</sup> October 2003 restored tape an MS Word file with a modified date of Friday, 17 October 2003, 10:16:46AM was found. This document **did** contain the words "Comfidential Brief for GMHS. This document has been removed from the Queensland Health Network".

- A backup tape of all data on the IT Network up to and including 24<sup>th</sup> December 2004 was restored to the Network and an electronic search was conducted using the search words “weighted separations”. This search found the document titled” “Risks with ongoing Reclassification of Emergency Records” still existed on the IT Network containing the words “Comfidential Brief for GMHS. This document has been removed from the Queensland Health Network”.
- A further electronic search was conducted on the IT Network at Citilink on the 23<sup>rd</sup> September 2005 to ascertain if the document was still recorded on the IT Network. The document **was found** on the IT Network at Citilink. The reason I requested Glenn Turvey to conduct an electronic search on the IT Network at Citilink was due to the fact that the Surgical Access Service, which was the unit that ‘owned’ this file, relocated to Citilink in January 2005 with all their electronic data.

19. **Attachment LW-9** is a copy of the search report. **Attachment LW-10** is a copy of the search results containing the computer search result for each of the different versions of the Brief followed by a copy of each of those versions of the Brief.

20. Contra to the endorsed wording on the Brief, which indicates that the document was removed from the Queensland Health Network, this **is not** the case.

21. In regard to searches for the Submission:-

- A backup tape of all data on the IT Network up to and including 24<sup>th</sup> October 2003 was restored to the Network and an electronic search was conducted using the search words “apparently deliberate policy changes”. A MS Word file with a date modified of Thursday, 7 August 2003, 9:13:28AM was found. This document was stored on the IT Network under a file title of “Elective Gaming Audit Final.doc”.
- A backup tape of all data on the IT Network up to and including 24<sup>th</sup> December 2004 was restored to the Network and an electronic search was conducted using the search words “apparently deliberate policy changes”. A MS Word file with a date modified of Thursday, 7 August 2003, 9:13:28AM was found. This document was stored on the IT Network under a file title of “Elective Gaming Audit Final.doc”
- A further electronic search was conducted on the IT Network at Citilink on the 23<sup>rd</sup> September 2005 to ascertain if the document was still recorded on the IT Network. The document **was found** on the IT Network at Citilink. The reason I requested Glenn Turvey to conduct an electronic search on the IT Network at Citilink was due to the fact that the Surgical Access Service, which was the unit that ‘owned’ this file, relocated to Citilink in January 2005 with all their electronic data.

22. **Attachment LW-11** is a copy of the search report. **Attachment LW-12** is a copy of the search results containing the computer search result for each of the different

versions of the Submission followed by a copy of each of those versions of the Submission.

### **Search for documents relating to Question in Parliament**

23. On Monday the 3<sup>rd</sup> October 2005, I was requested by Peter Brockett to search the IT Network to identify the source and history of a document titled "Surgical Services at Bundaberg Suggested response" (the Response) as a result of a question in Parliament. Peter Brocket handed me a copy of the document concerned and a number of emails relating to this matter. **Attachment LW-13** is a copy of those documents.
24. To action this request, I requested one of my technical staff (Tom Saleta) to restore to the Network, from 'backup tapes', all electronic emails held on the backup tapes of all data on the IT Network up to and including 1<sup>st</sup> April 2005, relating to the email accounts of Dr Gerry Fitzgerald, Sue Jenkins and the SDLO account..
25. From searching and reviewing the above email accounts I was able to collate the email history (copies of these emails are **attachment LW-13A**) as follows:
- Email from SDLO to Gerry Fitzgerald 22/03/2005 10:53:01am  
Subject title - Question in Parliament.
  - Email from SDLO to Gerry Fitzgerald 22/03/2005 11:26:17am  
Subject title – Bundaberg.
  - Email from Gerry Fitzgerald to Sue Jenkins 22/3/2005 11:38:58am  
Subject title - Fwd: Question in Parliament.  
This email contained an attached email from SDLO.
  - Email from Gerry Fitzgerald to Sue Jenkins 22/03/2005 11:40:26am  
Subject Title – Sue  
This email included an attached MS Word document titled Surgical Services at Bundaberg Suggested response. This document was modified by Dr Fitzgerald on Monday 22 March 2005 11:38:20AM. This document contained the words "Dr Patel is an Indian graduate" in dot point 2.
  - Email from SDLO to Gerry Fitzgerald 22/03/2005 12:55PM Subject title – Verbal briefing to Minister
  - Email from SDLO to PMSU 22/3/2005 1:09PM Subject title – Hansard
  - Email from Gerry Fitzgerald to Paul Dall'Alba 22/03/2005 1:10:18PM  
Subject title – Response to Parliamentary Questions  
This email included an attached MS Word document titled Surgical Services at Bundaberg Suggested response. This document contained the words "Dr Patel is a graduate of" in dot point 2
  - Email from SDLO to Leisa Schultz 22/03/2005 1:11PM. Subject title – Parliamentary question / statement
  - Email from Gerry Fitzgerald to SDLO 22/03/2005 1:25PM Subject title – Response to Parliamentary Questions. This email included an attached MS Word document titled Surgical Services at Bundaberg Suggested response. This document contained the words "Dr Patel is a graduate of" in dot point 2

- Email from SDLO to Steve Buckland 22/03/2005 5:33PM Subject title – Fwd: AMAQ ministerial. This email included an attached MS Word document titled Ministerial Statement
26. **Attachment LW-14** is a copy of the search results containing the computer search result for the 2 versions of the Response followed by a complete copy of each of those versions of the Response
27. In addition to the above emails the document titled “Surgical Services at Bundaberg Hospital Suggested response” was found on the IT Network in the CHO directory structure. **Attachment LW-15** is a copy of the search results together with a copy of the Response which is currently in the CHO directory structure.
28. Information Services Unit has endeavoured to conduct thorough searches to:-
- Determine if the Report, Submission, Brief, Appendices and Response have been or remain on the IT Network; and
  - Locate all versions of the Report, Submission, Brief, Appendices and Response which have been or remain on the IT Network.
29. To the best of my knowledge and belief all versions of those documents are attached to this statement.

Signed at *Brisbane* on *13<sup>th</sup>* October 2005



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