

QUEENSLAND PUBLIC HOSPITALS COMMISSION OF INQUIRY

**AFFIDAVIT OF IAN JAMES BROWN**

I, IAN JAMES BROWN of 141 Queen Street, Brisbane in the State of Queensland, Solicitor, solemnly and sincerely affirms and declares:

1. I am the Solicitor for the Bundaberg Hospital Patients Support Group ("the Group").
2. On or about the 3rd day of September 2005, the Premier of Queensland, the Honourable Peter Beattie MP, made the following public statement:

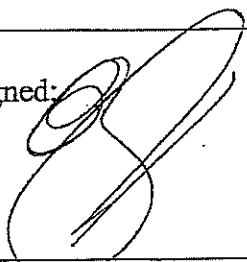
***PATEL CLAIMS MANAGEMENT PROCESS***

*We are proposing a way of speeding up the claims management process for people with claims arising from Patel.*

*These are unique cases, and this special process will not set a precedent for other cases: We've designed something that should benefit the vast majority of people claiming compensation because of Patel.*

*It involves 10 main points:*

1. *The Government wishes to settle the claims using a special process. This means no up front costs for a claimant's medical report (which could cost about \$2,000) or for mediation of their claim; quicker settlement than if they went through other legal channels; and no need for the victims to prove government responsibility.*
2. *The Government will cover the legal costs of all claimants who settle through this process.*
3. *The Government will pay for joint expert medical reports for claimants seeking compensation.*

Signed: 

Page 1  
Taken by:



**AFFIDAVIT**

Carter Capner, Lawyers, Level 18, 141 Queen Street, Brisbane  
Telephone: (07) 3210 3444  
Facsimile: (07) 3221 6058  
DX: 151, Brisbane

4. *The Government will allocate an extra \$3 million for the process. We will also be engaging additional independent medical experts and mediators to deal exclusively with Bundaberg claims.*
5. *The Government will offer compensation based on the information in the medical reports. Importantly, we will be more flexible than is usual with compensation claims. The process will take into account the sympathetic view of the Government in an effort to settle these matters. In these unique circumstances, the settlement will be informed by, but not necessarily constrained by, the statutory injury scale.*
6. *The Government will provide expert mediators for the process at no cost to claimants.*
7. *The Government will enter into these negotiations with claimants on a "without prejudice" basis, so that liability is not contested.*
8. *The Government will ask people making claims to lodge full details of the basis of their claim, so that we can expedite the mediation process. This information will also be used to assess appropriate rehabilitation services for claimants in need.*
9. *The Government does not intend to constrain people's rights at law. If people choose not to go through the special process, they can make claims under other legislation; that is, the Personal Injuries Proceedings Act 2002 and the Civil Liability Act 2003.*
10. *If matters are not settled through the special process, this will not disadvantage claimants if they still want to go through these other legal avenues.*

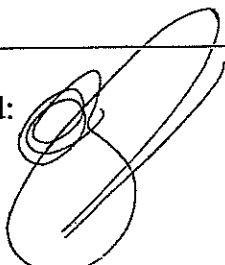
*In summary, we are entering into this process on a sympathetic basis, and will strive to achieve a just outcome for all as quickly as possible.*

*Of course, what I have outlined today does not represent a detailed offer, and our people will be meeting the legal representatives of the claimants this week to finalise relevant details of this process.*

3. The process proposed by the Premier and outlined herein has not yet been finalised and is still subject to final agreement. It is hoped that final agreement will be reached shortly.

4. All the fact and circumstances are from within my own knowledge save such as deposed to from information only and my means of knowledge and sources of information appear on the face of this my affidavit.

Signed:

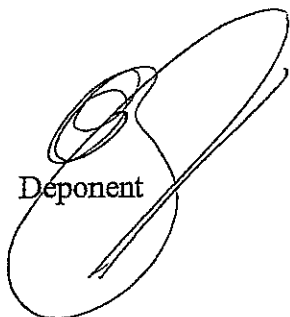


Page 2

Taken by:



Sworn by IAN JAMES BROWN on 25 October 2005 at Brisbane in the presence  
of:



Deponent



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