

## Appendix 1.1 Bundaberg Hospital Commission of Inquiry Terms of Reference

Under the provisions of the *Commissions of Inquiry Act 1950*, Her Excellency the Governor, acting by and with the advice of the Executive Council, hereby appoints Mr ANTHONY JOHN HUNTER MORRIS QC to make full and careful inquiry with respect to the following matters—

- (1) The role and conduct of the Medical Board of Queensland in relation to the assessment, registration and monitoring of overseas-trained medical practitioners, with particular reference to Dr Jayant Patel or other overseas-trained medical practitioners.
- (2) The circumstances of:
  - a. the employment of Dr Patel by Queensland Health; and
  - b. the appointment of Dr Patel to the Bundaberg Base Hospital.
- (3) Any substantive allegations, complaints or concerns relating to the clinical practice and procedures conducted by Dr Patel or other medical practitioners at the Bundaberg Base Hospital.
- (4) The appropriateness, adequacy and timeliness of action taken to deal with any of the allegations, complaints or concerns referred to in (3) above, both:
  - a. within the Bundaberg Base Hospital; and
  - b. outside the Bundaberg Base Hospital.
- (5) In relation to (1) to (4) above, whether there is sufficient evidence to justify:
  - a. referral of any matter to the Commissioner of the Police Service for investigation or prosecution; or
  - b. referral of any matter to the Crime and Misconduct Commission for investigation or further action; or
  - c. the bringing of disciplinary or other proceedings or the taking of other action against or in respect of Dr Patel or any other person.
- (6) The arrangements between the Federal and State Governments for the allocation of overseas-trained doctors to provide clinical services, with particular reference to the declaration of 'areas of need' and 'districts of workforce shortages'.

AND, as a result of any findings in respect of the above matters, to make recommendations in relation to:

- (1) Appropriate improvements to the functions, operations, practices and procedures of the Medical Board of Queensland, in particular in regard to the assessment, registration and monitoring of overseas-trained medical practitioners.

- (2) Any necessary changes to the Queensland Health practices and procedures for:
- a. the recruitment and employment of medical practitioners (particularly overseas-trained medical practitioners);
  - b. the appointment of medical practitioners (particularly overseas-trained medical practitioners) to regional and remote hospitals; and
  - c. the supervision of, and maintenance of the standards of professional practice of, medical practitioners, with particular reference to:
    - (i) overseas-trained medical practitioners; and
    - (ii) medical practitioners (particularly overseas-trained medical practitioners) appointed to regional and remote hospitals.
- (3) Mechanisms for receiving, processing, investigating and resolving complaints about clinical practice and procedures at Queensland Health hospitals, particularly where such services result in adverse outcomes, both:
- a. within the hospital concerned; and
  - b. within Queensland Health generally; and
  - c. through other organs and instrumentalities of the Queensland Government, including the State Coroner, the Health Rights Commission, the Medical Board of Queensland, the Queensland Police Service, and the Crime and Misconduct Commission; and
  - d. otherwise.
- (4) Having regard to any unacceptable situations or incidents revealed in evidence, whether at the Bundaberg Base Hospital or at other Queensland Health hospitals, any systems of accountability necessary or appropriate to prevent the recurrence of such situations or incidents.
- (5) In reference to (6) above, measures which could assist in ensuring the availability of medical practitioners to provide clinical services across the State.
- (6) Any other action which should be taken properly to respond to the findings of the inquiry.

AND directs that, in conducting such inquiry:

1. without limiting in any manner the generality of the above, the Commissioner may have regard to and take account of the functions of:
  - a. the State Coroner;
  - b. the Health Rights Commission;
  - c. the Medical Board of Queensland;
  - d. the Queensland Police Service;
  - e. the Crime and Misconduct Commission; and
  - f. any Queensland Health investigation under s.55 of the *Health Services Act 1991*.
2. the Commissioner shall liaise and co-operate with the parallel Queensland Health Systems Review, and may refer to such Review any matter which, in the opinion of the Commission:

- a. has implications for the broader public health system; or
- b. can more conveniently or effectively be considered and dealt with by such Review.

AND directs that the Commission make full and faithful report and recommendations concerning the aforesaid subject matter of inquiry and transmit the same to the Honourable the Premier and Minister for Trade by 30 September 2005.

### **Applicable Act**

3. The provisions of the *Commissions of Inquiry Act 1950* shall be applicable for the purposes of this inquiry except for section 19C—Authority to use listening devices.

### **Deputy Commissioners**

4. Under section 27 of the *Commissions of Inquiry Act 1950*, Her Excellency the Governor, acting by and with the advice of the Executive Council approves the appointment Sir Llewellyn Edwards AC and Miss Margaret Vider as Deputies to the abovementioned Commission.

### **Conduct of Inquiry**

5. The Commissioner may hold hearings in such manner and in such locations as may be necessary and convenient. The Commissioner may:
  - a. hold hearings constituted by the Commissioner, whether sitting alone or with one or both of his Deputies; or
  - b. authorise his Deputies or either of them to hold hearings or exercise powers pursuant to section 28 of the *Commissions of Inquiry Act 1950*.

### **Ministerial Directions**

6. The Honourable the Premier and Minister for Trade is to give the necessary direction herein accordingly.

### **ENDNOTES**

1. Made by the Governor in Council on 26 April 2005.
2. Published in an Extraordinary Gazette on 26 April 2005.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Justice and Attorney-General.