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QUEENSLAND PUBLIC HOSPITALS
Commission of Inquiry

STATEMENT OF JOHN BEVAN NORTH

I, **John Bevan North**, Registered Orthopaedic Surgeon of an address in the State of Queensland known to the Commission of Inquiry, swear:

1. I am a registered Orthopaedic Surgeon in the State of Queensland. I have a MBBS (University of Queensland) and hold the FRACS. The other qualification I hold is that I am a Fellow of the Australian Orthopaedic Association. I am currently employed as a Senior Visiting Orthopaedic Surgeon at the Princess Alexandra Hospital, Caloundra, and Logan Hospitals. I have been qualified as a medical practitioner since 1969.

2. In November 2003 Dr Chris Blenkin, Chairman, Queensland Branch of the Ausralian Orthopaedic Association (AOA) contacted Mrs Wendy Edmonds, the then State Health Minister, about concerns at Hervey Bay Hospital brought to him by Dr Sean Mullen, who was then a Visiting Orthopaedic Surgeon at the Hervey Bay Hospital. These concerns related to safety and standards of orthopaedic health care delivery within the Region.

3. After a number of months of suggestions from the AOA, the Director General of Queensland Health contacted the Federal Office of the AOA and it was decided that an investigation would be undertaken into the delivery of orthopaedic health care in the Fraser Coast Health Service District which encapsulates the Maryborough and Hervey Bay Hospitals.

4. As a result of this the President of the AOA (Dr Kalev Wilding) recommended the then Honorary Secretary, Dr Peter Giblin of Sydney and myself (the then Senior

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Examiner for Australia for the Royal Australasian College of Surgeons) as individual investigators be appointed and provided with an Instrument of Appointment by the Director General, and the Terms of Reference for the investigation. In effect, we were to visit the region and report on the delivery of Orthopaedic services to that District.

5. On 1 July 2004 Dr Giblin and I flew to Hervey Bay and spent most of 2 July 2004 at the Hervey Bay and Maryborough Hospitals conducting investigations and interviewing staff. We also inspected files and x-rays of patients of interest whose names h ad been forwarded to us previously and were part of our investigation. These came to us from other concerned practitioners.

6. We returned to our respective locations and o ver the next few weeks we collated all the material that we had obtained and prepared a report for submission to the Director General, Dr Steve Buckland of Queensland Health. This report was submitted on 6 May 2005.

7. The reason that the submission of the report appears to have been delayed is directly attributable to our concerns regarding indemnity of us as individuals by Queensland Health. Because of the serious nature of our findings as a result of our investigations we had grave concerns about the comments and recommendations that we had set out in the report relating to safety of Orthopaedic Health Care delivery in the Fraser Coast District, and we were reluctant to present our findings until suchtime as clear evidence of unconditional indemnity was provided.

8. It was only when the issue at the Bundaberg Hospital became public knowledge that a telephone call was made by a legal adviser from Queensland Health, Mr Peter Croft to Dr Helen Beh, CEO of the AOA, requesting the report we had prepared be provided and forwarded to Queensland Health as soon as possible. After discussions took place regarding indemnity it appears that unconditional indemnity was available from Queensland Health and the report was express posted and arrived at the Director

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General's office on 5 or 6 May 2005. We were meticulous in avoiding any leaks or allowing any unauthorised person to view the contents of the report before and after it was sent to Queensland Health.

9. I also made contact with Dr Gerry Fitzgerald, Chief Health Officer with Queensland Health, and informed him that the document would be on the Director General's table that day and that was about 5 May 2005. I did this and reinforced the fact that we had been meticulous in our confidentiality requirements. This was to assure him that any leak that may have reached the media did not come from either the Investigators or our Association.

10. The day the report was delivered to the Director General I received a facsimile shortly after 12 midday confirming receipt of the report. In that facsimile the Director General indicated "that there appears to be no hard evidence to support your recommendations." I found this statement by the Director General to be unbelievable.

11. After all the time and effort that we had spent conducting this investigation over almost an eleven (11) month period, I would have expected that the "hard evidence" discovered by us had now been clearly identified and presented to him within the comprehensive report.

12. He then requested in that facsimile an urgent meeting for us to explain to him how we had come to our conclusions. I felt that we h ad made nineteen (19) solid recommendations in our report that needed to be acted upon to deal with the concerns of safety and standards in the Fraser Coast District, and I did not feel comfortable in meeting with the Director General to compromise on any of those recommendations. I also felt we were unindemnified in meeting with him after the report had been delivered.

13. As a result I then spoke with Dr John Harrison, President of the AOA, about my concerns (Dr Giblin concurred with my approach) and he then said he would make

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contact with the Director General and would meet with him on our behalf. Dr Harrison agreed with our views with regard to the approach by the Director General and he put in a call to his office with a view to speaking with him about his requests. He was not available on that occasion and he never returned a call to Dr Harrison. As a result we have never met with the Director General.

14. Dr Fitzgerald later called me to ask again about an urgent meeting with myself, Dr Giblin, Dr Blenkin and Dr Harrison to discuss our findings and our report. Dr Giblin point blank refused to meet with Queensland Health as he felt that our indemnity ceased upon our delivery of the report to Queensland Health. I concurred with this decision by Dr Giblin. I suggested to Dr Fitzgerald that Doctors Harrison and Blenkin, as well as Dr Brazel, the incoming Queensland Chairperson of AOA, would be happy to meet with the Director General or himself but that they would need to see the report n full before such a meeting could take place.

15. Dr Fitzgerald felt that that would not be possible and the meeting never occurred.

16. the same night I received a call from Mr Anthony Morris, who confirmed that he h ad issued a subpoena on Queensland Health and that our report would be in his hands and "the world will be able to see it if I get my way." I was very pleased and relieved to hear the attitude of the newly appointed Commissioner for the Commission of Inquiry.

17. On receipt of the correspondence of 6 May 2005 from Dr Buckland I spoke to Dr Chris Blenkin and Dr Harrison and we all felt it inappropriate for me to meet with the Director General and I endorsed the correspondence in my own handwriting recognizing the Director General's comments and that I had received the facsimile and as a result of what I h ave outlined in this Statement, the meeting with Queensland Health never took place. Nor did any meeting between Queensland Health and any member of the AOA ever take place. My response to this letter was made at about 5 pm the afternoon I received it.

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18. There was ample hard evidence obtained by us to support each and every one of our findings and recommendations and all the documentation that we held to assist us to come to these conclusions has been retained in a secure location known only to Dr Giblin.

19. The evidence we obtained was as a result of individual interviews and requests for paperwork which were subsequently sent to us by those interviewed. This was part of the hard evidence obtained by us to assist us to come to our conclusions. The other evidence were the visual and auditory findings that we made during the course of our interviews and inspections. It was not a matter of fabric and furnishings problems that we found but it was more related to the deceit and deception that we discovered relating to many facets of the process of health care delivery.

20. I can categorically state that the facts exposed in our report are true to the best of my knowledge.

21. The opinions expressed by us in our report are still honestly held today by us both.

Dated at BRISBANE this 12th day of September 2005

John Bevan North

Witness