

## Donna De Brenni

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**From:** Deena Jones <Deena.Jones@ahpra.gov.au>  
**Sent:** Friday, 1 March 2013 9:41 AM  
**To:** Health  
**Cc:** michael.cleary@health.qld.gov.au; Martin Fletcher  
**Subject:** Report of Mr Hunter SC on Review Recommended by Mr Richard Chesterman  
**Attachments:** letter to Minister Springborg 280213 re Mr Hunter review.pdf

Dear Minister Springborg

Please find attached correspondence from Dr Joanna Flynn, Chair, Medical Board of Australia and Mr Martin Fletcher, CEO, AHPRA regarding the report of Mr Hunter SC on Review Recommended by Mr Richard Chesterman.

Regards

Deena Jones  
Executive Assistant to Martin Fletcher - Chief Executive Officer

Phone |  
Email | [deena.jones@ahpra.gov.au](mailto:deena.jones@ahpra.gov.au)  
Web | [www.ahpra.gov.au](http://www.ahpra.gov.au)

Australian Health Practitioner Regulation Agency  
G.P.O. Box 9958 | Melbourne VIC 3001 | [www.ahpra.gov.au](http://www.ahpra.gov.au)

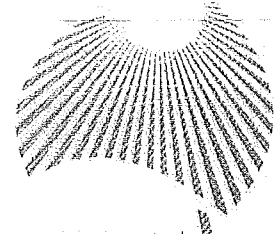
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RTI REVIEWED



Medical Board of Australia | AHPRA

01 March 2013

Lawrence Springborg MP  
Minister for Health  
19<sup>th</sup> Floor, State Health Building  
147-163 Charlotte Street  
BRISBANE QLD 4000

via email: [health@ministerial.qld.gov.au](mailto:health@ministerial.qld.gov.au)

Dear Minister

**Report of Mr Hunter SC on Review Recommended by Mr Richard Chesterman**

We note that Mr Hunter SC has provided his report which contains the names of practitioners. As you would be aware, this information is protected information under the *Health Practitioner Regulation National Law Act 2009 (Qld)*. The National Law restricts the disclosure of protected information in a form which identifies an individual practitioner.

As a matter of urgency, we will liaise with the police to follow up the six matters which Mr Hunter has identified should be referred for investigation. The National Law allows AHPRA to release the names of these six practitioners to the police for the purposes of law enforcement.

We note that we have a meeting scheduled with you for Monday 11 March 2013. Should you have any queries, please contact Martin Fletcher on

Yours sincerely

Dr Joanna Flynn AM  
Chair  
Medical Board of Australia

Mr Martin Fletcher  
Chief Executive Officer  
AHPRA

cc Dr Michael Cleary Deputy Director-General Queensland Health



Hon Lawrence Springborg MP  
Minister for Health

MI188248

Dr Joanna Flynn AM  
Chair  
Medical Board of Australia  
GPO Box 9958  
MELBOURNE VIC 3001

Level 19  
147-163 Charlotte Street Brisbane  
GPO Box 48 Brisbane  
Queensland 4001 Australia  
**Telephone +61 7 3234 1191**  
**Facsimile +61 7 3229 0444**  
**Email health@ministerial.qld.gov.au**

13 MAR 2013

Dear Dr Flynn

Thank you for your letter dated 1 March 2013, co-signed by Mr Martin Fletcher, Chief Executive Officer, Australian Health Practitioner Regulation Agency (AHPRA), in relation to the report that has now been provided by Mr Jeff Hunter SC, following his appointment and undertaking of the Recommendation 1 review that was recommended by the Honourable Justice Richard Chesterman in his report.

I am deeply concerned that Mr Hunter has identified at least 23 particular instances of harm amongst six practitioners that, in his opinion, warrant an investigation by the Queensland Police Service.

I note that AHPRA will now urgently liaise with the Queensland Police Service to follow-up the matters concerning the six medical practitioners, who Mr Hunter has identified should be referred for further investigation into whether or not criminal offences have been committed. I would appreciate it if you could advise me when this has been completed.

Should you wish to discuss this matter further, I have arranged for Dr Michael Cleary, Deputy Director-General, Health Service and Clinical Innovation Division, Department of Health, on telephone , to be available to assist you.

Yours sincerely

  
**LAWRENCE SPRINGBORG MP**  
**Minister for Health**

**Donna De Brenni**

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**From:** Kate Durie <Kate.Durie@ahpra.gov.au>  
**Sent:** Thursday, 7 March 2013 3:37 PM  
**To:** Health  
**Cc:** ClearyM@health.qld.gov.au; Martin Fletcher  
**Subject:** Membership of the Queensland Board of the Medical Board of Australia  
**Attachments:** OUT\_Springborg, Lawrence (The Hon), Minister for Health Qld 20130307.pdf

Dear Minister Springborg

Please find attached correspondence from Dr Joanna Flynn, Chair, Medical Board of Australia regarding membership of the Queensland Board of the Medical Board of Australia.

A copy of the correspondence has also been mailed.

Regards

Kate Durie  
Board Support Officer  
Medical Board of Australia

Phone |  
Email | [kate.durie@ahpra.gov.au](mailto:kate.durie@ahpra.gov.au)  
Web | [www.ahpra.gov.au](http://www.ahpra.gov.au)

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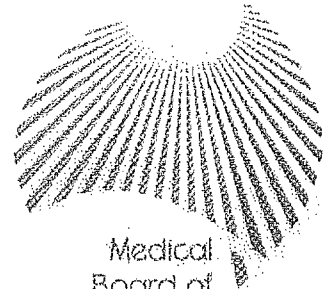
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RTI REQUEST



Medical  
Board of  
Australia

7 March 2013

The Hon. Lawrence Springborg MP  
Minister for Health  
Queensland Government  
GPO Box 48  
BRISBANE QLD 4001

Via email: [health@ministerial.qld.gov.au](mailto:health@ministerial.qld.gov.au)

Dear Minister

**Membership of the Queensland Board of the Medical Board of Australia**

I am writing regarding membership of the Queensland Board of the Medical Board of Australia (QBMBA). Section 36(3) of the *Health Practitioner Regulation National Law Act 2009* Qld (the National Law) provides that the members of a State or Territory Board are to be appointed by the responsible minister. I offer this advice to assist you in making appointments to the current and any future vacancies. The first recommendation is regarding appointment to the role of Chair and the second is regarding the recommendations about QBMBA membership made by Mr Richard Chesterman AO RFD QC in his report to the Parliamentary Crime and Misconduct Commission.

In collaboration with Martin Fletcher, Chief Executive Officer of the Australian Health Practitioner Regulation Agency (AHPRA), I have put in place a process for targeted improvement and monitoring of the management of notifications by both QBMBA and the AHPRA Queensland Office. This process requires strong engagement from the Chair, Board and committee members to ensure it delivers the planned improvements.

Dr Chris Kennedy has fulfilled the role of acting Chair for the QBMBA since Associate Professor Woodruff's resignation earlier this year. Dr Kennedy has a significant history in medical administration and regulation of medical practitioners in Queensland. He has demonstrated his willingness and ability to provide leadership to the QBMBA and is fully engaging with the improvement process. I therefore recommend that you appoint Dr Kennedy to the role of Chair of QBMBA for a period of eighteen months, ending in June 2014. This would assist with succession planning and support a smoother transition of leadership when Dr Kennedy stands down in the middle of next year.

I have also considered the specific recommendation made by Mr Chesterman regarding future appointments to the QBMBA. On page 47 of his July 2012 report to the Parliamentary Crime and Misconduct Committee of the Queensland Parliament, Mr Chesterman has recommended that when vacancies arise, a reduction in the number of practitioner members should be considered, with a corresponding increase in the number of community members. As he notes, this is consistent with the provisions of the National Law, which requires a minimum of one third of the Board to be community members while allowing up to half the members to be community members with the balance being registered medical practitioners. The composition of the QBMBA (refer to attachment for members details) has been eight practitioner members and four community members up to the recent resignation of Associate Professor Woodruff. This two thirds/one third composition is consistent with the composition of the Medical Board of Australia and other state Medical Boards.

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The further recommendation made by Mr Chesterman was that future appointments to the QBMBA should be people who have served on regulatory boards and with a reputation for decisiveness, and a legal practitioner with experience and knowledge in criminal law and a reputation for sound judgment.

I welcome the opportunity for greater community involvement in the regulation of medical practitioners. At the same time I believe it remains important to have strong participation of the medical profession. I also believe that all Board members, whether medical or community, need to exercise sound regulatory judgement. The proper balance between community and medical members depends on the task required of the Board. The decisions the Board is required to make demand a significant knowledge of both current medical practice standards and community expectations. The existing practitioner members have a strong focus on medical administration and academia. However, current specialist and generalist clinical practice may require more emphasis in future recruitment and appointment.

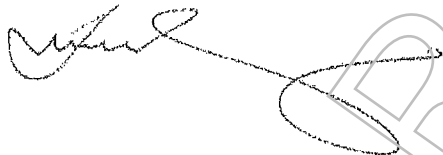
I note that there is currently a legal practitioner on the QBMBA whose area of expertise is not criminal law. Whether or not a lawyer with experience in criminal law is appointed, the Board and AHPRA will need to seek and rely upon formal legal advice from AHPRA legal officers and external law firms.

Given the requirements for the Board to have a strong understanding of the context of clinical practice, its role in leadership and standard setting for the profession, and consistent with the National Law provision which requires that the National Board Chair be a practitioner member, I recommend to you that after Dr Kennedy's term is completed, you continue to appoint a practitioner member as Chair of the QBMBA.

In relation to the current vacancy, I seek your advice as to whether you would like AHPRA and the Board to assist in the process to fill the vacancy and if so how you would like the advertisement to be framed. Chris Robertson, Director of Board Services for AHPRA can liaise with Dr Michael Cleary of Queensland Health in relation to the usual process if this would be helpful.

I would be happy to discuss these recommendations with you when we meet on Monday 11 March or at any other time. I can be contacted on \_\_\_\_\_ or via email [joanna.flynn@ahpra.gov.au](mailto:joanna.flynn@ahpra.gov.au).

Yours sincerely



Dr Joanna Flynn AM  
Chair, Medical Board of Australia

cc: *Dr Michael Cleary, Queensland Health*  
*Martin Fletcher, Australian Health Practitioner Regulation Agency*



## Queensland Board of the Medical Board of Australia

Membership as at March 2013

Current Queensland Ministerial Appointees	Member Type	Registration Type
Dr Christopher John Kennedy (Acting Chair)	Practitioner Member Health Committee (Chair) NAC2 (Chair)	General, Specialist – Medical Administration
Professor Tarun Kumar Sen Gupta	Practitioner Member PPSC	General, Specialist – General Practice
Dr Jeannette Rosita Young	Practitioner Member Registration Committee (Chair)	General, Specialist – Medical Administration
Ms Fiona Chapman	Community Member PPSC	N/A
Mr Michael John Clare	Community Member NAC	N/A
Professor Richard Blaxland Hays	Practitioner Member PSPC	General, Specialist – General Practice
Dr Warwick John Carter	Practitioner Member NAC1	General, Specialist – General Practice
Associate Professor David Ronald Forbes Henderson	Practitioner Member NAC1 (Chair)	General, Specialist – Physician, Rheumatology and General Medicine.
Dr Nicola Kim Murdock	Practitioner Member Registration Committee	Specialist - General Paediatrics, General Practice
Ms Peta Frampton	Community Member Health Committee	N/A
Mr Terence William Selva	Community Member	N/A
Vacancy created by resignation of Associate Professor Peter William Harold Woodruff	Practitioner or Community Member	

Medical Board of Australia

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## Synopsis of Ministerial Appointees

### **Dr Christopher John Kennedy (Practitioner Member)**

Dr Kennedy has been a member of the Medical Board of Queensland and its successor Queensland Board of the Medical Board of Australia since 2004. Dr Kennedy is the current Chair of the Board's Health Committee and chair of the NAC2 committee.

His background is Medical Administration and General Practice over 45 years. His last substantive position was acting CEO of NTGPE (NT general practice and education) in 2012. He is now retired from this work.

### **Professor Tarun Kumar Sen Gupta (Practitioner Member)**

Professor Sen Gupta has been a member of the Medical Board of Queensland from 2006 to 2010 and the Queensland Board of the Medical Board of Australia since its commencement on 1 July 2010. Professor Sen Gupta is currently Professor of Health Professional Education and Director of Medical Education, James Cook University School of Medicine and Dentistry. Professor Sen Gupta has worked in medical education at the undergraduate and postgraduate levels since 1993 with interests in assessment, community-based education and rural medicine. He has worked in remote rural practice and currently undertakes part-time general practice in Townsville.

### **Dr Jeannette Rosita Young (Practitioner Member)**

Dr Young has been a member of the Medical Board of Queensland and its successor Queensland Board of the Medical Board of Australia since 2005. Dr Young is the current Chair of the Board's Registrations Advisory Committee. Dr Young is the Chief Health Officer, Queensland (appointed in 2005), Adjunct Professor (Queensland University of Technology) and Adjunct Professor Griffith University, both since 2010. Prior to being appointed to the Chief Health Officer role Dr Young was the Executive Director Medical Services at the Princess Alexandra Hospital (Brisbane). Dr Young holds positions on numerous medical administrative and research Boards and Councils.

### **Dr Warwick John Carter (Practitioner Member)**

Dr Carter has been recognised as an expert general practitioner by the Medical Board of Queensland, writing medical opinions on appropriate cases. He is a member of the Professional Services Review Tribunal, a judicial arm of the Commonwealth Department of Health and Family Services. He was deputy chair of the Avant medical experts committee. He was an associate professor at Bond University medical school for four years. He has written 24 medical books that have a circulation in excess of 4.5 million copies in eleven languages. He currently consults 24 hours a week.

### **Professor Richard Blaxland Hays (Practitioner Member)**

Professor Hays is Dean, Faculty of Health Sciences and Medicine, Pro-Vice Chancellor, Learning and Teaching Bond University and states:

*I was in full-time clinical practice until 1989, when my part-time role teaching general practice registrars caused me to wonder about how medical graduates learn. This led to a research degree and quite unexpected opportunities in teaching and research that resulted in an academic career spanning both medical education and rural health. I have been involved in most major developments in medical education in Australian general practice and rural medicine since the early 1990s. I was fortunate in being able to apply the educational research evidence on rural medicine careers in a new Australian medical school and enjoyed that so much that I moved to the UK to manage a new UK medical school that required new curriculum design and implementation. I have now returned to Australia for a more senior position at Bond University. I have been a consultant to the development of several other new medical education ventures in Australia, Asia, Canada and the UK (including assisting in the development of performance assessment for poorly performing doctors). My Quality Assurance activities have involved approximately 20 medical schools in Australia, New Zealand, the Asia-Pacific region, UK and North America. Although I am now more involved in medical education than academic general practice, I have maintained my clinical practice throughout my academic career.*



**Associate Professor David Ronald Forbes Henderson (Practitioner Member)**

Professor Henderson transitioned to the Qld Board as a member of the Notifications Assessment Committee. Prior to this, Professor Henderson serviced on the Complaints Advisory Committee of the Medical Board of Queensland from 2006 to 2010.

Professor Henderson is a physician who has worked in public and private practice in South Australia and as the first Director of Medicine at the redeveloped Redland Hospital from 1999 to 2008. He is now working part-time as a locum physician in hospitals around Australia. He has a long-standing practice and interest in student and postgraduate medical clinical education and training and developed medical student education at Redland Hospital for the Graduate Medical Course of the University of Queensland. He has served as a member of the committee of the Committee of Examinations of the RACP.

Professor Henderson completed an MBA at the University of Queensland in 2002 which included a thesis on organisational learning, using clinical education as a model. He has undertaken collaborative research in clinical ethics and in the experience of international medical graduates and research into systems and failures of clinical governance. He is a surveyor for the Australian Council for Healthcare Standards.

**Dr Nicola Kim Murdoch (Practitioner Member)**

Dr Murdoch has a strong, broad, and extensive clinical background (both domestically and internationally). She has worked in paediatrics and General Practice, both privately and publically. Dr Murdoch has previous Board membership experience (on the RTP, Central and Southern Qld Training Consortium) and is currently undertaking the QUT Executive MBA course and is completing an intensive Health Law and Ethics course at QUT. Dr Murdoch has held management positions at QHealth and formerly was Executive Director Medical Services, Royal Children's Hospital.

**Ms Fiona Chapman (Community Member)**

Ms Chapman has been a Community Member of the Medical Board of Queensland and its successor Board since 2008. Ms Chapman is a member of the Notifications Assessment Committee and the Performance and Professional Standards Committee (previously known as the Complaints Advisory Committee) during her time with the Board in both its current and previous capacity. Ms Chapman formerly was a Partner, Thynne and Macartney solicitors and has over 13 years experience specialising in professional indemnity and medical negligence.

**Mr Michael John Clare (Community Member)**

Mr Clare has been a Community Member of the Medical Board of Queensland and its successor Board since 2002 and is also a community member of the Notifications Assessment Committee of the Board.

**Ms Peta Frampton (Community Member)**

Ms Frampton has a strong background in Board membership. Ms Frampton is an existing community member on the Board's Health Committee and was a member of the Medical Board of Queensland from 1998 to 2004. Ms Frampton also has experience as a community member on the Optometrists Board of Queensland and Podiatrists Board of Queensland and transitioned as a community member to the Optometry Board of Australia on its commencement on 1 July 2010.

**Mr Terence William Selva (Community Member)**

Mr Selva has been a Community Member of the Queensland Board of the Medical Board of Australia since 1 July 2011 and is also a community member of its Registration Committee and one of the Board's Notifications Assessment Committees. He has also been a Community Member of the Queensland Board of the Nursing and Midwifery Board of Australia from July 2011. His past board level roles included Chair of the Health Infrastructure Advisory Group providing advice to the Commonwealth on the protection of private owned critical Health infrastructure. He has a lengthy background in medical administration, currently employed with the Anglican Diocese of Brisbane as a Compliance and Risk Advisor following similar roles in the Australian Red Cross Blood Service for over 20 years. Prior to this he also held operational and executive roles in law enforcement for 25 years.

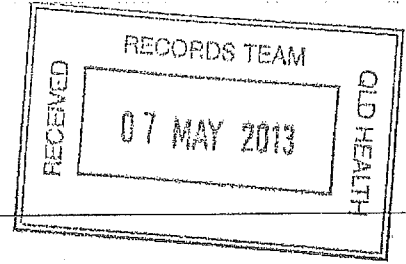
Pages 10 through 89 redacted for the following reasons:

- Show Cause Notice - Board Member 1 - CTPI - 47(3)(b)
- Show Cause Notice - Board Member 10 - CTPI - 47(3)(b)
- Show Cause Notice - Board Member 2 - CTPI - 47(3)(b)
- Show Cause Notice - Board Member 3 - CTPI - 47(3)(b)
- Show Cause Notice - Board Member 4 - CTPI - 47(3)(b)
- Show Cause Notice - Board Member 5 - CTPI - 47(3)(b)
- Show Cause Notice - Board Member 6 - CTPI - 47(3)(b)
- Show Cause Notice - Board Member 7 - CTPI - 47(3)(b)
- Show Cause Notice - Board Member 8 - CTPI - 47(3)(b)
- Show Cause Notice - Board Member 9 - CTPI - 47(3)(b)

RTI RELEASE



Hon Lawrence Springborg MP  
Minister for Health



MI188525

Level 19  
147-163 Charlotte Street Brisbane 4000  
GPO Box 48 Brisbane  
Queensland 4001 Australia  
Telephone +61 7 3234 1191  
Facsimile +61 7 3229 4731  
Email health@ministerial.qld.gov.au

Dr Joanna Flynn  
Chair  
Medical Board of Australia  
GPO Box 9958  
MELBOURNE VIC 3001

7 MAY 2013

Dear Dr Flynn

Thank you for your letter dated 7 March 2013, in relation to membership of the Queensland Board of the Medical Board of Australia (QBMBA). I apologise for the delay in responding.

I have noted your recommendations and look forward to discussing these matters further.

Should you require any further information in relation to this matter, I have arranged for Dr Humsha Naidoo, Acting Principal Medical Officer, Health Service and Clinical Innovation Division, Department of Health, on telephone , be available to assist you.

Yours sincerely

LAWRENCE SPRINGBORG MP  
Minister for Health

PRELIMINARY RELEASE

Pages 91 through 148 redacted for the following reasons:

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1 patient complaint - CTPI - 47(3)(b)

Exempt matter - cabinet documents - Sch 3(2)(1)(b)

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