Presentation to Ethical Leadership and Governance in the Public Sector Conference Canberra

Professor Scott Prasser
Public Policy Institute
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Continuing problems of integrity: Queensland case study

“We did not know, we were not told, we should have asked” (Sir Winston Churchill)

So why are we are surprised about ongoing government corruption, maladministration and incompetence!
Overview

• What went wrong in Queensland?
• Why existing mechanisms and watchdogs failed?
• The need for whole of government approaches for ethical management
• Proposals for reform
Case Study

Queensland Health Royal Commissions
Background

- Five years since the Queensland Beattie Labor Government appointed not one, but eventually two royal commissions into the overseas doctors’ scandal in public hospitals.

- The royal commissions highlighted:
  - individual wrong doing
  - incompetence
  - wholesale systematic failure of the Queensland health system
  - limitations of the Queensland post-Fitzgerald model of governance and accountability

- This session explores these issues, analyses the causes and proposes reforms.
Royal commissions

• Royal Commission into the Bundaberg Hospital (Morris April 2005)

• Queensland Public Hospitals Commission of Inquiry (Davies Sept 2005)
Background events: Part 1

• April 2003: Dr Patel appointed surgeon B Hospital
• Early complaints within 3 mths - ignored
• 2003-4: NP and whistleblowing (Hoffman)
• Nov 2003: Lennox report on overseas doctors – rejected by Minister Edmonds
• Dec 2004: Clinical inquiry (Dr Fitzgerald)
• April 2005: Patel leaves and reference from Dr Keating (BH)
• March 2005: QMBoard reassesses processes
• March 2005: Woodruff Inquiry into Patel cases
Background events: Part 2

• April 2005 Minister Nuttall meets nursing staff
• April 2005: Journalist website search – ‘alarmed discovery’
• April 2005: Calls for an independent inquiry
• Internal inquiries inadequate
• Denials by Nuttall of briefings on issue
• Govt searches for alternative to royal commission
• Refer to CMC – as in child abuse – recused itself
• 26 April – royal commission but no ToR or members and Forster review announced
Reasons for royal commission

“Find answers to the questions that need to be answered… re-establish confidence in the system…it is essential that Queenslanders have complete confidence in this inquiry…that justice be seen to be done”

Premier Beattie
Morris Royal Commission

- Morris QC (not a judge or former judge)
- Aggressive inquisitorial approach
- Early Interim Report (only 2 weeks after hearings) recommendations
  - criminal action against Patel for murder
  - Legislative changes
- Wider problems found eg budget/ administration
- Beattie Govt ‘hyper-active’
- Supreme Court action over ‘apprehended bias’
  - Prejudgement of evidence
  - Premature endorsement of some evidence and witnesses
  - Comments were: “unjustified and intemperate”
Davies Royal Commission

• Failures identified:
  – Medical Board of Qld appointment processes
  – Inappropriate overseas doctors’ selection
  – Bundaberg Hospital management to investigate and supervise Patel
  – Suppression of complaints
  – Health system failure
Truth?

• “I am prepared to act to continue my government’s record of openness and accountability” (Beattie)

• “…inconsistent with the facts … pertaining to elective surgery waiting lists and measured quality reports” (Davies)
Health system failure

- MBQ – cursory checking
- Extensive policies but not followed
- Complaints system – multiple agencies, overlaps, slow, risk averse
- Deficient whistleblower laws
- Inadequate reporting of deaths
- “Culture of concealment” and reprisals
- False hospital waiting lists
- Manipulation of FOI (both sides) “inexcusable”
- Cabinet – acted “Contrary to public interest”
Governance system failure

• “Culture of concealment” and reprisals
• False hospital waiting lists
• Manipulation of FOI (both sides) “inexcusable”
• Cabinet acted “contrary to public interest”
• Minster Edmonds:
  – ‘knowingly misrepresented” waiting lists
  – “set a poor example ...openness”
  – acted ‘contrary to the public interest”
• Nuttall: “misleading, unreasonable, and careless”
Accountability failure – the Nuttall case

- Denied knowledge of Bundaberg Hospital complaints
- Denied threatening staff

BUT

- Contradicted by Dr John Scott, Deputy Director Qld Health Estimates Committee hearings in July 2005
- Dr Scott later dismissed
- Nuttall – “an honest person” (Beattie, July) – moved to new portfolio
- CMC investigation re Estimates evidence – temp stood down then reinstated before the CMC report
- Special calling of Parliament treat issue “contempt of parliament” – Nuttall resigns from ministry
Failure of the public service – Dr John Scott’s case

• Dismissed after giving evidence to Estimates Committee contradicting the Minister Nuttall Davies report:

• “The termination of Dr Scott’s employment by the Beattie Government was a considerable loss to Queensland Health” (Davies Report)
Failure of public administration – politicised public service

- Failed whistleblower process – Nurse Toni Hoffman and rejection of MP concerns
- Concealment and suppression of complaints, information and evidence
- Manipulation of hospital waiting lists
- Interference by Premier’s Department in Measured Quality Reports – “sanitised” and restricted distribution
Failure of parliamentary processes

- Limited involvement and scrutiny of issues
- Weakness of Estimates Committee process
- Truth before parliament compromised
- Rushed mini-budget
- Issue only came to light because of journalist action and investigations
Failure of legal system?

- Coroner’s processes
- Protection of witnesses
- Existing protective legislation
- Delays in pursuing Patel
Reforms (?) since

- FOI – important changes
- Whistleblower reforms
- Better reporting of waiting lists
- Parliament – limited change
- *Integrity and Accountability Green Paper* – flawed paper and process
- Politicised public service intact
- Nuttall jailing, but ….?
- Continuing problems in Qld Health
References


Thomas, H., 2007, Sick to Death, Sydney: Allen and Unwin