



Speech by

## Robert Messenger

MEMBER FOR BURNETT

Hansard Wednesday, 24 May 2006

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### HEALTH QUALITY AND COMPLAINTS COMMISSION BILL

**Mr MESSENGER** (Burnett—NPA) (9.11 pm): We all know why we are here. This legislation would never have come about if not for the courage of nurse and whistleblower, Toni Hoffman. I suppose it is pertinent to think about Toni Hoffman, in that she is a rare breed of whistleblower. Ninety-five per cent of whistleblowers who dare to speak out end up losing their careers; they are vilified and the system gets at them. Once again, I congratulate Toni on her bravery and her longevity. May she continue the great work that she does.

We also know that this would not have come about if it were not for the courage—and the suffering—of Dr Patel's victims and their families. They have gone through hell twice. Once, at the hands of an unqualified and fraudulently registered doctor, who was employed by this government. The second time, of course, was having to recount and relive their nightmares during two royal commission hearings.

I will be brief in my comments. This legislation is a direct response to the worst medical disaster that this country has ever witnessed. I would be happy to be challenged on that claim because I have yet to hear of a worse medical disaster in this country.

This legislation replaces the Health Rights Commission, a government organisation which has hardly covered itself in glory in recent years, as part of the Premier's plan to fix our health system. I have spoken to many patients who have wasted their time by putting their faith in the Health Rights Commission to right wrongs. Also, this is the same Premier who stated in 2003—the year that he hired Dr Patel, I think—that Queensland has one of the best hospital systems in the world.

I am sceptical that this legislation will bring about a better health system. This legislation will create a new health bureaucracy worth \$7.7 million per year. However, I am sure that the Premier is desperate to give the impression that he is fixing the system. He needs to. One person whose political health is looking rather sick is, of course, is the Premier.

The key question that must be answered by this legislation is: if the new Labor complaints commission was in place when Toni Hoffman presented her letter of complaint to the manager of the Bundaberg Hospital, would this new commission have discovered Dr Patel and stopped his villainy? If the health minister can hold his hand on his heart and say that this \$7.7 million bureaucracy would have responded to Toni Hoffman's pleas for help, then he has my support. Or would it allow him to continue operating for another three days—as he did—allow the government to buy him an air ticket to fly out of the country, proceed to cover up for him, until a very simple Google search told us the truth about Jayant Patel, and then try every trick in the book to not have a royal commission. 'Take it to the CMC, do something else but—please—let us not have a royal commission.' Finally, public opinion and political pressure forced this government into having a royal commission.

I direct my comments now to clause 170 which deals with the nomination of persons for membership of district health councils. This clause stood out to me. It states—

This section relates to the commission's function mentioned in section 16(d) of nominating persons to the minister who it considers suitable for appointment as members of district health councils.

It continues, but I will let members read the rest of that particular clause for themselves.

If we had had a hospital board in Bundaberg that was modelled on the coalition's vision of a hospital board and not a Labor Party health council, Toni Hoffman would never have had to visit me. We needed a hospital board with the power to hire and fire the manager or senior medical officers; a hospital board with real power that was more than just a box to tick for 'community consultation'.

Tonight, I renew my call for the board of the Bundaberg Hospital council, including Labor's pre-selected candidate, Sonia Cleary, to resign. Ms Cleary and her fellow committee members were shown to be derelict in their duty. They were asleep at the wheel while Jayant Patel carved up patients at the Bundaberg Hospital.

To add insult to injury, even after Toni Hoffman's letter was tabled in this place and the truth was in the public domain, the Bundaberg Hospital council wrote a letter of recommendation for Dr Patel. It is absolutely breathtaking. I do not know how they sleep at night. In order to restore trust and confidence in health-care delivery, the Bundaberg Hospital must have a new council.

I draw the attention of the House to clause 191, which deals with false or misleading statements. It states—

A person must not state anything to the commission, a commission member or an authorised person that the person knows is false or misleading in a material particular.

The maximum penalty is 100 penalty units. This is an absolute joke. By my calculations, 100 penalty units is a fine of approximately \$750.

We are inviting people to chance their arms on making false and misleading statements. If we want to be fair dinkum about giving this legislation a tick, I suggest a seven-year jail sentence.

In closing, I would say that if the people of Queensland want a fearless, independent advocate and a voice for their health problems, especially if it involves a life-and-death decision, the first person they should contact is their local coalition member of parliament or local coalition preselected candidate. Through bitter experience we have learnt that when it comes to life-and-death matters we cannot trust Labor.

**Mr Shine:** Who's your candidate in Bundaberg?

**Mr MESSENGER:** I take that interjection from the member for Toowoomba North. I tell him, watch this space. Our candidate for Bundaberg is an excellent candidate. He is not afraid of speaking up when he knows that right needs to be spoken in this place. He will be a voice for Bundaberg and not a voice for Peter Beattie.