



Speech by

Robert Messenger

MEMBER FOR BURNETT

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KEATING, DR D

Mr MESSENGER (Burnett—NPA) (12.04 pm): Two royal commissions of inquiry examined events at the Bundaberg Base Hospital where at least 17 lives were lost and hundreds of Queenslanders were injured between April 2003 and April 2005. Retired Supreme Court judge and royal commissioner, the Hon. Geoffrey Davies, made adverse findings and recommendations of legal action and criminal proceedings against a number of this government's former employees.

Commissioner Davies made 14 adverse findings and four recommendations of legal action against Dr Darren Keating who was the director of medical services at the Bundaberg Base Hospital from 14 April 2003 for more than two years. Commissioner Davies also found during Keating's tenure that, in relation to Dr Patel's medical treatment of patients, 22 incidents were formally reported in one form or other. Of those 22 official complaints lodged with Dr Keating relating to Patel's performance, eight were from doctors, three were from nurses, including whistleblower nurse Toni Hoffman, and four were from patients, including one complaint relating to a death which was officially referred to the then health minister seven months before this government paid for Patel's one-way air ticket to America. Keating and this Labor government are not entitled to the excuse that they did not know.

The Queensland Police Service issues and responses brief used by Commissioner Atkinson on 18 October 2007—and I table the report—shows the following facts in relation to legal action against Dr Darren Keating.

Tabled paper: Document titled 'Queensland Police Service Meeting 18 October 2007—Bundaberg Hospital Patients Support Group—Issues and Responses'.

A detective sergeant was given the job of investigating the royal commission's findings and recommendations in December 2005. Six months later, in May 2006, this officer handed his report to Commissioner Atkinson and QPS senior management. The police commissioner and QPS senior management sat on that report for 11 months and then asked Brendan Butler Senior Counsel to undertake an independent assessment of the legal case against Keating. By asking for Mr Butler's assessment of the case against Keating in April 2007, the police minister's department either by accident or by deliberate manipulation ensured that 50 per cent of the legal charges against Keating were no longer possible because the statute of limitations ran out two months earlier—that is, in February 2007.

How politically convenient for this government that the independent review was not requested until after the last state election and after the statute of limitations had expired? Commissioner Davies, retired Supreme Court judge, recommended that Dr Keating be charged with criminal offences and official misconduct. This morning this government released Mr Butler's legal report. It confirmed—

There is sufficient evidence to support a prima facie case against Dr Keating under the Criminal Code of attempted fraud.

Why has this government not acted and taken this prima facie case against Keating and presented it to a Queensland magistrate. We have to trust the government's interpretation of Leanne Clare's advice in relation to Darren Keating which was—

... there was no reasonable prospects of proving the attempted fraud to the necessary criminal standard ...

Yes, there are conflicting expert legal opinions. A retired Supreme Court judge and a senior counsel agree and Ms Clare disagrees. But where there are conflicting legal opinions it is standard police procedure to simply take the matter to court and have the evidence tested before a magistrate or judge. Why is this government scared of having the evidence against Keating tested before a tribunal of fact?

The challenge for this government is to now release the DPP's assessment of the evidence. Even though Keating resigned from his position in Queensland Health he could and should, in the interests of justice and in accordance with the recommendations of Davies, be charged with the criminal offence of official misconduct.

The Crime and Misconduct Act at page 25 section 16 states—
Conduct may be official misconduct even though—

...

(c) a person involved in the conduct is no longer the holder of an appointment.

Official misconduct is a criminal charge along with fraud, which does not have a statute of limitations. Why, when 17 people have died on this watch, has this Labor government protected Keating from legal action? If the state Labor government can get away with manipulating the legal process, what hope do we have of justice with Rudd managing Patel's prosecution and extradition? If Keating had been caught with a female mud crab, this Labor government would have ensured that he experienced the full force of Queensland law.