

MI121992

Mr N Laurie
The Clerk of the Parliament
Parliament House
Cnr Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 17 June 2004 regarding a petition (no. 328-04) received by the Queensland Legislative Assembly from Ms Christina Wong, requesting reinstatement as a medical practitioner and a public inquiry arising from certain conclusions reached by the Ombudsman in response to her complaints.

I have been advised by the Medical Board of Queensland that Ms Wong's de-registration as a medical practitioner in October 2002 resulted from an order of the Health Practitioners Tribunal, which is a function of the District Court. The Tribunal ordered the cancellation of Ms Wong's registration on the basis of its finding that she was impaired by way of mental illness to the extent that she could not perform as a medical practitioner.

The Tribunal is an independent body established under the *Health Practitioners (Professional Standards) Act 1999* and its decisions are final unless an appeal is taken to and heard by the Court of Appeal. I am advised that Ms Wong chose not to exercise her statutory right of appeal in this case. Due to the independence of the Tribunal and the Court of Appeal, neither I nor the government are empowered to interfere with or further review the final decision. Moreover, pursuant to Section 5 of the *Medical Practitioners Registration Act 2001*, the Medical Board of Queensland must comply with any order of the Health Practitioners Tribunal affecting a registrant's registration, and is precluded therefore from separately considering Ms Wong's eligibility for registration.

I am further informed that a number of allegations by Ms Wong concerning the conduct of the Medical Board were investigated by the Ombudsman. I am aware the Ombudsman reported his conclusions on 30 April 2004 and only substantiated one component of her complaint against the Board. The Ombudsman also indicated his reluctance to recommend changes to the Board's Health Assessment and Monitoring Program, after having considered the impact this might have and the fact that the program had already been significantly improved since her participation. I understand that in the circumstances, the Ombudsman decided to take no further action.

I note that Ms Wong appears to maintain that lack of Medical Board supervision of her restricted professional practice was the root cause of her de-registration as a medical practitioner. However as indicated earlier, I am aware that the Tribunal's decision was in fact based on its finding as to her medical fitness to practise the profession. In this respect also, I am advised that the Ombudsman has commented, "... *However, whilst being mindful of Ms Wong's mental health, in my view, Ms Wong also contributed to the matter. It is apparent from the evidence presented to the Tribunal that she was reluctant to and failed to comply with her undertakings provided to the Board and as such, she did not assist the monitoring process.*"

I have accepted the Ombudsman's findings in this matter. I do not believe any further action is necessary or appropriate given the limited substantiation of Ms Wong's complaint, the Ombudsman's assessment generally, and his conclusion that the Health Assessment and Monitoring Program has undergone significant improvement since October 2001.

I am not persuaded that any further inquiry would produce outcomes, either to Ms Wong's present circumstances or the administrative programs of the Medical Board, other than what have already occurred. I am aware that the Ombudsman's findings, in any event, do not enliven further rights of appeal for her to any competent authority. I would encourage her therefore to put this matter behind her and to concentrate instead on regaining her health in the hope of returning to medical practice in the future.

Yours sincerely

GORDON NUTTALL MP
Minister for Health
Member for Sandgate