

MI127895

Mr N Laurie  
The Clerk of the Parliament  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 21 April 2005 regarding a petition, number 461-05, lodged by Dr Bruce Flegg MP, Member for Moggill, on behalf of the principle petitioner, Ms Christina Wong.

With regard to the subject matter of the petition, insofar as it relates to my portfolio, I am aware that the Health Practitioners Tribunal, on 11 October 2002, ordered the cancellation of Ms Wong's registration as a medical practitioner, and directed that she must not be registered by the Medical Board for a period of at least five years. The Tribunal's decision was based on its finding that Ms Wong was impaired by way of mental illness to the extent that she could not perform as a medical practitioner.

I believe it is important to note that the Health Practitioners Tribunal is an independent judicial body established under the *Health Practitioners (Professional Standards) Act 1999*. The Tribunal is a function of the District Court and its decisions are final, unless an appeal is taken to the Court of Appeal, which I understand Ms Wong chose not to pursue. As Minister for Health, I am not empowered to interfere with or review the final decision in such a case. I am advised that the Medical Board is similarly precluded from separately considering Ms Wong's eligibility for registration, and indeed is bound by the legislation to comply with any order of the Health Practitioners Tribunal.

I am satisfied that the Medical Board has dealt with Ms Wong as compassionately as could be expected, consistent with its statutory responsibility to ensure professional, safe and competent medical practice by doctors. The Board had made considerable efforts to enable Ms Wong to remain in practice and this included entering into a number of undertakings with her. Ms Wong failed to comply with these undertakings which ultimately led to the referral to the Health Practitioners Tribunal.

I am advised that the Ombudsman has investigated a number of allegations by Ms Wong as to the conduct of the Medical Board. I am informed in this respect that only one component of Ms Wong's complaint against the Board was substantiated by the Ombudsman, and that he decided against recommending changes to the Medical Board's Health Assessment and Monitoring Program in which she had been a participant. In the circumstances, the Ombudsman decided to take no further action.

It should be noted that the Tribunal's decision in Ms Wong's case was in fact based on its finding as to her mental fitness to practice the profession, and did not relate to any alleged failing by any other party. While the Ombudsman did find that the Board failed to adequately monitor Ms Wong's practice at the Inala General Practice Clinic in the period July to October 2001, I am informed he also commented "... 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 both the Tribunal's and the Ombudsman's findings in this matter, and do not believe any further action is necessary or appropriate given the reasons for the Tribunal's decision and the limited substantiation by the Ombudsman of Ms Wong's subsequent complaint. I am not persuaded that any further inquiries would produce outcomes which would alter Ms Wong's present circumstances, and she has been encouraged to devote her energy and efforts to recovering her health in order to return to medical practice at a future time.

I am informed also that Ms Wong has lodged a complaint in the Queensland Anti-Discrimination Commission claiming she had been discriminated against on the basis of her mental illness when she was de-registered. I understand that the matter has been set down for a conciliation conference at this stage.

In summary, I must emphasise that Ms Wong has been dealt with by an independent judicial body which has conducted an open and fair hearing into a disciplinary matter referred to it by the Medical Board in accordance with the Board's statutory responsibilities. Ms Wong had an opportunity to appeal the judicial decision but did not do so. Notwithstanding Ms Wong's allegations and personal views, I am unaware of any substantive evidence whatsoever of a 'cover up' by the Health Practitioners Tribunal or any 'perversion of Queensland's legal system', and do not believe any action in this respect is warranted or necessary.

Should you have any queries regarding my advice to you, Mr Jim O'Dempsey, Executive Officer, Medical Board of Queensland, will be pleased to assist you and can be contacted on telephone (07) 3225 2512.

Yours sincerely

**GORDON NUTTALL MP**  
**Minister for Health**  
**Member for Sandgate**

In reply please quote: 2005/02329

Your reference: 461-05

Mr N Laurie  
Clerk of the Parliament  
Queensland Parliamentary Service  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 21 April 2005 forwarding a copy of a petition, tabled paper number 461-05, seeking a range of remedial action in respect of a decision by the Health Practitioners Tribunal to cancel the petitioner's medical registration.

The remedial action sought includes a direction that I order a judicial review of the Tribunal's decision. I have no power to order a review under the *Judicial Review Act 1991*.

I understand that Queensland Health is currently investigating specific aspects of the petitioner's concerns.

Thank you for referring this petition to me.

Yours sincerely

**Rod Welford MP**

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Date:	30 May 2005
Document Name:	G:\DOCS\Kirkegaard\Ministerial\2005\ML023 29wong_petition.doc