

Oaths Act 1867

Statutory Declaration

I, **Dr Darren William Robert Neillie** of c/- The Community Forensic Mental Health Service, Biala Community Health Centre, 270 Roma Street, Brisbane, in the State of Queensland do solemnly and sincerely declare that:

1 To the best of your knowledge, explain the relevance (if any) of the redevelopment of The Park as an adult forensic facility and/or the scheduled opening of Kuranda and opening of the EFTRU facility to the:

(a) initial plan to decommission the BAC and build the Redlands unit;

1.1 I had no involvement in the initial plan to decommission the BAC and build the Redlands unit.

1.2 The redevelopment of The Park as an adult forensic facility and the opening of the Kuranda Unit were components of the Queensland Plan for Mental Health 2007 – 2017 (QPMH). It is my understanding that decommissioning BAC and building a unit in an alternative location was also a component of the QPMH. I commenced employment in the High Secure Clinical Director position at The Park in November 2007, at which time the QPMH was already settled. I had no involvement in the development of the QPMH, therefore I am unable to comment on the nexus, if any, between those two components of the QPMH.

(b) decision not to proceed with the Redlands unit;

1.3 I had no involvement in the decision not to proceed with the Redlands unit. I do not know if the redevelopment of The Park as an adult forensic facility and/or the scheduled opening of Kuranda and opening of the EFTRU facility was relevant to the decision not to proceed with the Redlands unit.

(c) decision to close the BAC;

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1.4 My only involvement with BAC was in the period 20 August 2013 to 15 November 2013 when I acted in the role of Director of Medical Services, The Park whilst Dr Terry Stedman was on scheduled leave. The decision to close BAC was made prior to that time.

1.5 I had no involvement in the decision to close BAC and was not consulted or informed about the decision making process. I do not know if the redevelopment of The Park as an adult forensic facility and/or the scheduled opening of Kuranda and opening of the EFTRU facility was relevant to the decision to close the BAC. As stated in paragraph 7.6 of my statutory declaration dated 23 October 2015 (**first statutory declaration**), there may have been a perception that there were risk implications for BAC patients in the opening of the EFTRU, however I do not have any knowledge as to the extent or otherwise to which this was a factor in the decision to close BAC.

(d) decision to close the BAC by January 2014; and

1.6 I am not aware of any 'decision to close BAC by January 2014'. As stated in paragraph 8.2 of my first statutory declaration, I was aware from my involvement in BAC Weekly Update meetings during the period I was Acting Director of Medical Services, The Park, that WMHHS was working toward a closure date of January 2014. Closure of BAC was dependent upon the transition of all BAC patients to appropriate alternative care.

1.7 I have no particular knowledge as to whether the redevelopment of The Park as an adult forensic facility and/or the scheduled opening of Kuranda and opening of the EFTRU facility was relevant to any decision concerning the timing of closure of BAC. If a perception that there were risk implications for BAC patients in the opening of the EFTRU was a factor in the decision to close BAC, it may also have been a factor influencing preferred timing of closure, ie a preference to avoid the two facilities co-existing on the site.

(e) decision to announce the closure of the BAC on 6 August 2013.

1.8 I had no involvement in the decision to announce the closure of BAC on 6 August 2013. I do not know if the redevelopment of The Park as an adult forensic facility and/or the

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scheduled opening of Kuranda and opening of the EFTRU facility was relevant to that decision.

2 Explain in more detail (and produce all relevant documents) any meetings you attended and any involvement you had arising from the complaints made against Dr Sadler in September 2013.

2.1

2.2

2.3

2.4

2.5

3 What if any involvement did you have in the decision to stand Dr Sadler down? Who made the decision to stand Dr Sadler down? Why to your knowledge was

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Dr Sadler stood down? When was the decision made? Were you consulted about the decision to stand down Dr Sadler?

3.1

3.2

3.3

3.4

Attached and marked **DWN-1** is a copy of that email.

3.5

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3.6

3.7

4 What if any concerns did you have about Dr Sadler being stood down given that the transition of patients out of the BAC was occurring at that time in light of the impending closure of the centre? If you held such concerns when, to whom and how did you communicate them?

4.1 Dr Sadler had been the Clinical Director of BAC for a long time and had an in-depth knowledge of the current patients, many of whom were long term patients. His standing down would have raised concerns for me about the loss of experience and skills he brought to the role and I would have been concerned if that position was vacant for any period of time.

4.2 However, I did not need to communicate any such concerns to anyone because on 10 September 2013 I also became aware that Dr Elizabeth Hoehn would provide overnight cover that evening and that Dr Brennan had been appointed to fill the role of Acting Clinical Director of BAC commencing immediately. Attached and marked **DWN-2** is a copy of an email dated 10 September 2013 from Dr Mattiussi to Dr Hoehn, Dr Brennan and I confirming these matters. Although I did not know Dr Brennan, her qualifications and experience indicated that she was highly suitable for the role, and her appointment relieved any concerns I had about a potential gap in service for BAC patients.

5 What if any involvement did you have in the appointment of Dr Anne Brennan to replace Dr Sadler? For what purpose and on what basis what Dr Brennan

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employed?

- 5.1 I had no involvement in the appointment of Dr Anne Brennan as Acting Clinical Director of BAC.
- 5.2 On 10 September 2013, I received an email from Ms Kelly advising that CHQHHS Chief Executive, Dr Peter Steer had made arrangements for Dr Brennan to assume the role of Acting Director BAC on a 0.5FTE basis commencing 11 September 2013. Attached and marked **DWN-3** is a copy of that email.
- 5.3 My understanding is that Dr Brennan was appointed to fill the role of Clinical Director of BAC in Dr Sadler's absence.
- 5.4 Other than the information contained in attachment DWN-3, I am not aware of the basis on which Dr Brennan was employed.


6 What role if any did you understand Dr Elizabeth Hoehn was to play in assisting Dr Brennan take over from Dr Sadler?

- 6.1 As stated in the email from Dr Mattiussi which is DWN-2, Dr Hoehn provided overnight cover on 10 September 2013 when Dr Sadler was stood down .
- 6.2 In relation to Dr Brennan, Dr Hoehn's role was to provide support and supervision to Dr Brennan in the ongoing management of patients at BAC during her period as Acting Clinical Director of BAC.

7 What if any handover arrangements between Dr Sadler and Dr Brennan were put in place?

- 7.1 In her email dated 10 September 2013 which is attachment DWN-3, Ms Kelly advised that Dr Sadler would provide a written clinical handover to Dr Brennan.
- 7.2 I cannot recall whether this occurred.

8 The Commission understands that you met with Dr Brennan on her first day as


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A/Clinical Director of BAC. Is that correct? The Commission also understands that when you met with Dr Brennan you said words to the effect that clinical governance at the BAC had been poor, and that she was to report any incidents directly to you. In relation to that conversation (to the extent you can recall it and to the extent you agree it is true):

(a) what is the basis for this statement;

- 8.1 I do not recall whether I met with Dr Brennan on her first day as Acting Clinical Director of BAC. An email from Dr Mattiussi dated 10 September 2013 states that I would meet Dr Brennan and Dr Hoehn the following day. That email is attachment DWN-2. I do not recall if that meeting happened, however I would have considered it important to meet Dr Brennan as soon as possible after she started, given my role as Acting Director of Medical Services at the time. I do recall meeting her soon after she started, I just cannot say with certainty if it was on her first day. If that is Dr Brennan's recollection, I would not dispute it.
- 8.2 I do not recall saying words to Dr Brennan to the effect that clinical governance at BAC had been poor. My involvement with BAC had only commenced about one month earlier and I do not recall having any particular view on clinical governance at BAC overall.
- 8.3 I recall introducing myself and offering my support. I probably would have said words to the effect that she should report any serious matters to me. That would have been an appropriate reporting pathway given our respective roles. This was not limited to 'governance' matters, rather it referred to serious clinical events. For example, attached and marked **DWN-4** is an email dated 26 September 2013 which I received from Dr Brennan reporting that a BAC [REDACTED]

(b) give examples of incidents that led you to form the view that clinical governance had been poor at the BAC;

- 8.4 I refer to paragraph 8.2. I am unable to give examples of incidents as I had not formed

[REDACTED]
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that view. The only clinical governance issue of which I was aware was the circumstances that had led to Dr Sadler being stood down.

(c) what did you mean by the term 'clinical governance';

8.5 I refer to paragraph 8.2.

(d) outline any instances in which Dr Brennan reported clinical governance incidents to you; and

8.6 I have no recollection of Dr Brennan reporting any clinical governance incident to me.

8.7 I have been referred to an email dated 8 November 2011 from Ms Geppert to a number of recipients including me. Having reviewed the email, I recall being advised of an allegation of

(e) what response (if any) did you give or what action did you take?

8.8 I refer to the following documents which have been provided to me for the purposes of responding to the Requirement to Give Information:

(a)

(b)

(c)

(d) DWN-5 is a copy of an email dated 8 November 2013 from Dr Geppert to various recipients including me.

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8.9

8.10

8.11 Those are the appropriate steps to take in the circumstances. I do not recall taking any further action. I do not consider any further action by me would have been necessary given the actions already taken.

Dr Darren William Robert Neillie

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9 Identify and exhibit all documents in Dr Darren William Robert Neillie's custody or control that are referred to in her witness statement.

9.1 All documents referred to in my witness statement are exhibited.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Taken and declared before me by)
Dr Darren William Robert Neillie at)
Brisbane in the State of Queensland this)
22 day of January 2016)
Before me:)



Signature of authorised witness



Signature of declarant

~~A Justice of the Peace/ Solicitor~~
~~Commissioner for Declarations~~

STATUTORY DECLARATION OF DARREN NEILLIE
INDEX OF EXHIBITS

No	Document Description	Document number	Page
DWN-1	Email from Mark Mattiussi to Alan Millward, Jacqueline Keller, Kathryn White, Lesley Dwyer, Sharon Kelly and Darren Neillie dated 11 September 2013	WMS.0012.0001.14409	1-2
DWN-2	Email from Mark Mattiussi to Anne Brennan, John Wakefield, Elisabeth Hoehn, Sharon Kelly and Darren Neillie dated 10 September 2013	WMS.0018.0002.05932	3
DWN-3	Email from Sharon Kelly to Lesley Dwyer, copied to Bill Kingswell, Leanne Geppert, Peter Steer, Sdlo, Darren Neillie and William Brennan dated 10 September 2013	WMS.0011.0001.19355	4-5
DWN-4	Email from Anne Brennan to Darren Neillie, copied to Elisabeth Hoehn dated 26 September 2013	WMS.0018.0002.01843	6
DWN-5	Email from Leanne Geppert to Sharon Kelly, copied to Anne Brennan, Darren Neillie, Pdraig McGrath and William Brennan dated 8 November 2013	WMS.5000.0006.00008	7
DWN-6	Progress notes in the medical records of Patient [REDACTED] dated 8 November 2013	WMS.2002.0001.06618 at .06662 to .06667	8-13
DWN-7	Progress notes in the medical records of Patient [REDACTED] dated 8 November 2013	WMS.2002.0001.02132 at .02167 to .02170	14-17
DWN-8	Queensland Health – PRIME clinical incident report completed by Reeta Singh in respect of Patient [REDACTED] dated 8 November 2013 Queensland Health – PRIME clinical incident report completed by Reeta Singh in respect of Patient [REDACTED] dated 8 November 2013	WMS.2001.0002.00157 WMS.2001.0002.00207	18-23

[REDACTED]
Darren Neillie

[REDACTED]
Witness

From: Mark Mattiussi
Sent: 11 Sep 2013 13:01:29 +1000
To: Millward, Alan; Keller, Jacqueline; White, Kathryn; Dwyer, Lesley; Kelly, Sharon; Neillie, Darren
Subject: Dr Sadler

Hi all,

Situation

There is a requirement to draft a letter for the HHS CE signature to Dr Sadler re his SoCP

Background



Action



Recommendation/ Future Action

I understand that a letter is being drafted to Dr Sadler for the purposes of formally advising his suspension from duty. There is a requirement to include the matter of SoCP in that document.

Words to the effect of those below should be included in the letter.

"...You are further advised that pursuant to Clause 8 (ii) of the Queensland Health Standard #QH-IMP-330-3:2012 - *UNSCHEDULED REVIEW of Credentialing and Defining the Scope of*

Clinical practice for Medical Practitioners and Dentists in Queensland Health 2012 - Implementation Standard as you have been suspended from duty (on full pay) for your allocated Scope of Clinical Practice at Mental Health Services - West Moreton Health Service District in Psychiatry: Specialist Psychiatrist due to expire 19 November 2014 is suspended. You may make application for re-instatement of SoCP once the circumstances that precipitated the immediate suspension of your SoCP are no longer in effect."

I would also request a copy of the correspondence to Dr Sadler be sent to me so that I may arrange to duly note the suspension of SoCP at the next C&SoCP Committee meeting. I have the Notification to AHPRA and this will be noted at the next meeting.

I am required to notify AHPRA in writing of the suspension of SoCP and will undertake that via email to the Manager, Notifications Queensland AHPRA, Maurice Drake today.

As the Executive Director Clinical Governance, Education and Research and within that role the medical professional head for WMHHS I **must** be in the communication and decision loop for further action in this matter, including but not limited to notification if Dr Sadler's employment changes, results of any investigations and further decisions regarding the conduct of this matter. I remain very concerned that I was not involved in this matter prior to Monday night and have been peripherally involved to date. I am confident though that my role in these matters will become clearer as time progresses.

Kathryn, please let me know if you need more information from me to finalise the letter

Regards,
Mark

Dr Mark Mattiussi
MBA, MBBS (Qld), FRACMA
Executive Director Clinical Governance, Education and Research

West Moreton Hospital and Health Service

T: [REDACTED]
E: [REDACTED]

Chelmsford Ave, Ipswich, QLD 4305
PO Box 73, Ipswich, QLD 4305
www.health.qld.gov.au

From: Mark Mattiussi
Sent: 10 Sep 2013 17:49:06 +1000
To: [REDACTED] John Wakefield; Elisabeth Hoehn; Sharon Kelly; Darren Neillie
Subject: Cover for Adolescent Service

Hi Elisabeth and Anne,

Thank you very much for offering to cover the adolescent service at very short notice and thank you John for your support in this regard.

We have arranged the following:

1. Elisabeth has SoCP by mutual recognition with CHQ from today and is therefore able to provide cover immediately and into the future
2. Anne has an appointment with WMHHS and SoCP Interim commencing tomorrow. This will cover off indemnity and payment for the role. Anne there is other paperwork for you to sign waiting at The Park Centre for Mental Health for tomorrow. These include Option A contract and other commencement paperwork.

I understand from discussions that Elisabeth will be covering the service tonight and that Darren and Elisabeth have discussed this already today.

I understand that Elisabeth and Anne will meet Darren on site tomorrow (Wed).

To facilitate contact I can provide the following mobile numbers.

Darren Neille [REDACTED]

Anne Brennar [REDACTED]

From a medical governance perspective everything is good to go and all have their respective paperwork (or in train). Should you require anything from me please do not hesitate to contact me. My details are below in the signature block.

I will be at The Park tomorrow afternoon so I will endeavour to catch up with you then and put faces to names, voices and emails.

I am very grateful for the support and flexibility provided by all.

Thank you.

Regards,
Mark

Dr Mark Mattiussi
MBA, MBBS (Qld), FRACMA
Executive Director Clinical Governance, Education and Research

West Moreton Hospital and Health Service

T: [REDACTED]

E: [REDACTED]

Chelmsford Ave, Ipswich, QLD 4305

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From: Sharon Kelly
Sent: 10 Sep 2013 17:23:43 +1000
To: Dwyer, Lesley
Cc: Kingswell, Bill;Geppert, Leanne;Steer, Peter;Sdlo;Neillie,
Darren;Brennan, William
Subject: update regarding the Barrett Adolescent issues

Good afternoon,

I felt it was timely to give everyone an update of actions that have occurred regarding the Barrett Adolescent Centre today.



4. Dr Steer has made arrangements for Dr Anne Brennan to assume the role of A/Director BAC (0.5FTE) commencing 11/9/2013
 1. a written clinical handover is being provided by Dr Sadler to Dr Brennan
 2. suitable credentialing processes have been attended to by Dr Mattiussi and Dr Wakefield
 3. A/H cover arranged for this evening.
5. Communication has occurred this afternoon with health staff and the Director of Education. Further contact with remaining staff planned for tomorrow at approx 10am.
6. a family list is being finalised for phone contact to each family regarding the change in clinical care to be made this evening by myself and Leanne
7. Suitable transfers and discharges as appropriate of patients is being prioritised.
 1. 
 2. 
8. communication to other services and MH units will be prepared for distribution in the am advising of the reduction of beds and changes to clinical leadership.

Hope this guess everyone a bit of clarity, and please ask if I have missed anything

Regards
Sharon

Sharon Kelly
Executive Director
Mental Health and Specialised Services

West Moreton Hospital and Health Service

T: [REDACTED]
E: [REDACTED]


The Park - Centre for Mental Health
Administration Building, Cnr Ellerton Drive and Wolston Park Road, Wacol, Qld 4076
Locked Bag 500, Sumner Park BC, Qld 4074

www.health.qld.gov.au

From: Anne Brennan
Sent: 26 Sep 2013 09:16:41 +1000
To: Neillie, Darren
Cc: Hoehn, Elisabeth
Subject: BAC clinical update

Hi Darren

I know you are on holidays. This does not require a response. I was made aware when I started at WPHS&S 2 weeks ago that you wanted to be kept informed of significant clinical events at BAC.



Anne

From: Leanne Geppert
Sent: 8 Nov 2013 17:31:17 +1000
To: Sharon Kelly
Cc: Anne Brennan; Darren Neillie; Padraig McGrath; William Brennan
Subject: BAC incident update
Importance: High

Hi Sharon
Padraig across situation and has checked in with staff.
as reported to me in discussion with Anne this afternoon:



Dr Leanne Geppert
A/Director of Strategy
Mental Health & Specialised Services

West Moreton Hospital and Health Service

T:
M:
E:

The Park - Centre for Mental Health
Administration Building, Cnr Ellerton Drive and Wolston Park Rd, Wacol, QLD 4076
Locked Bag 500, Sumner Park BC, QLD 4074

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EXHIBIT 90




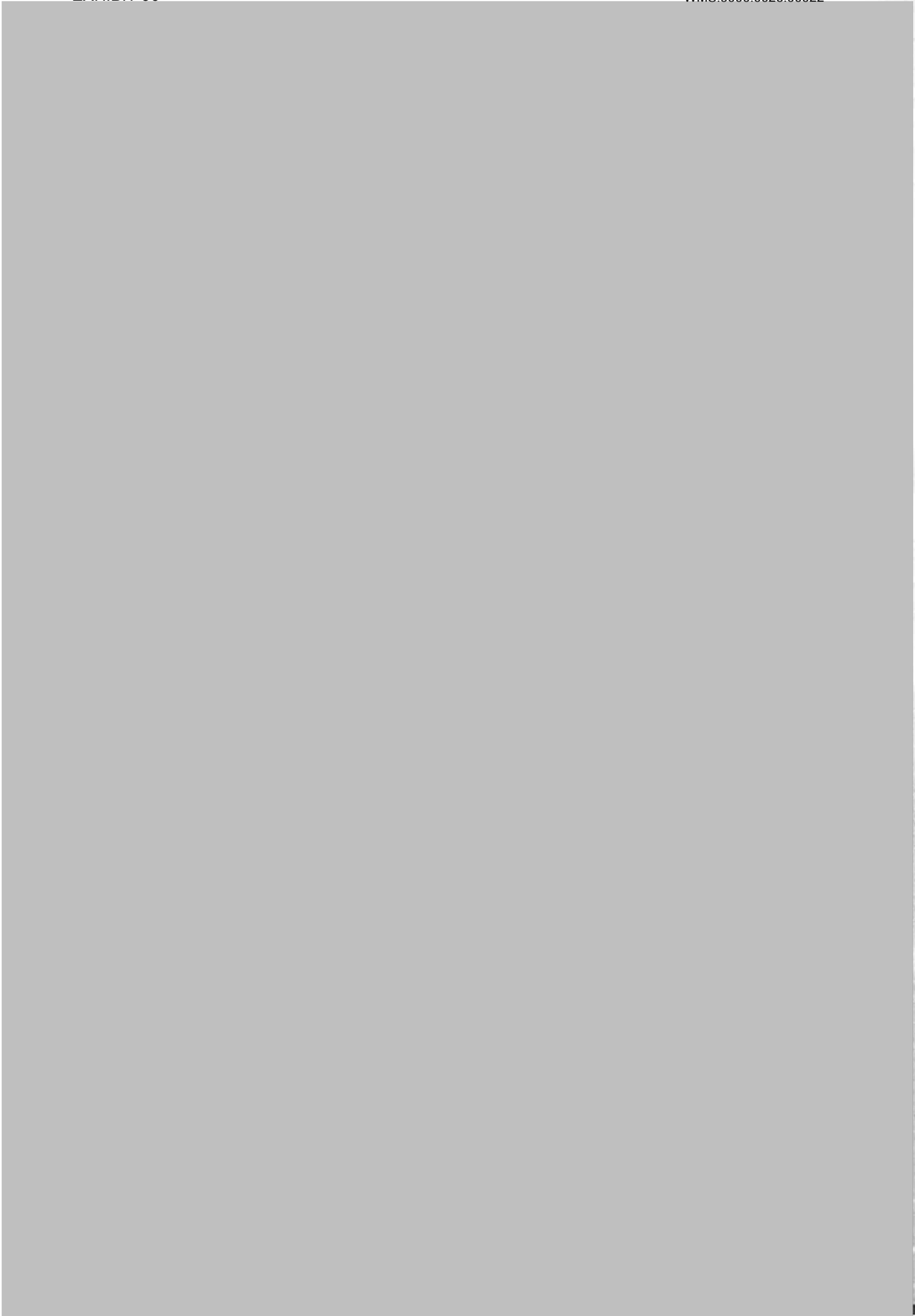
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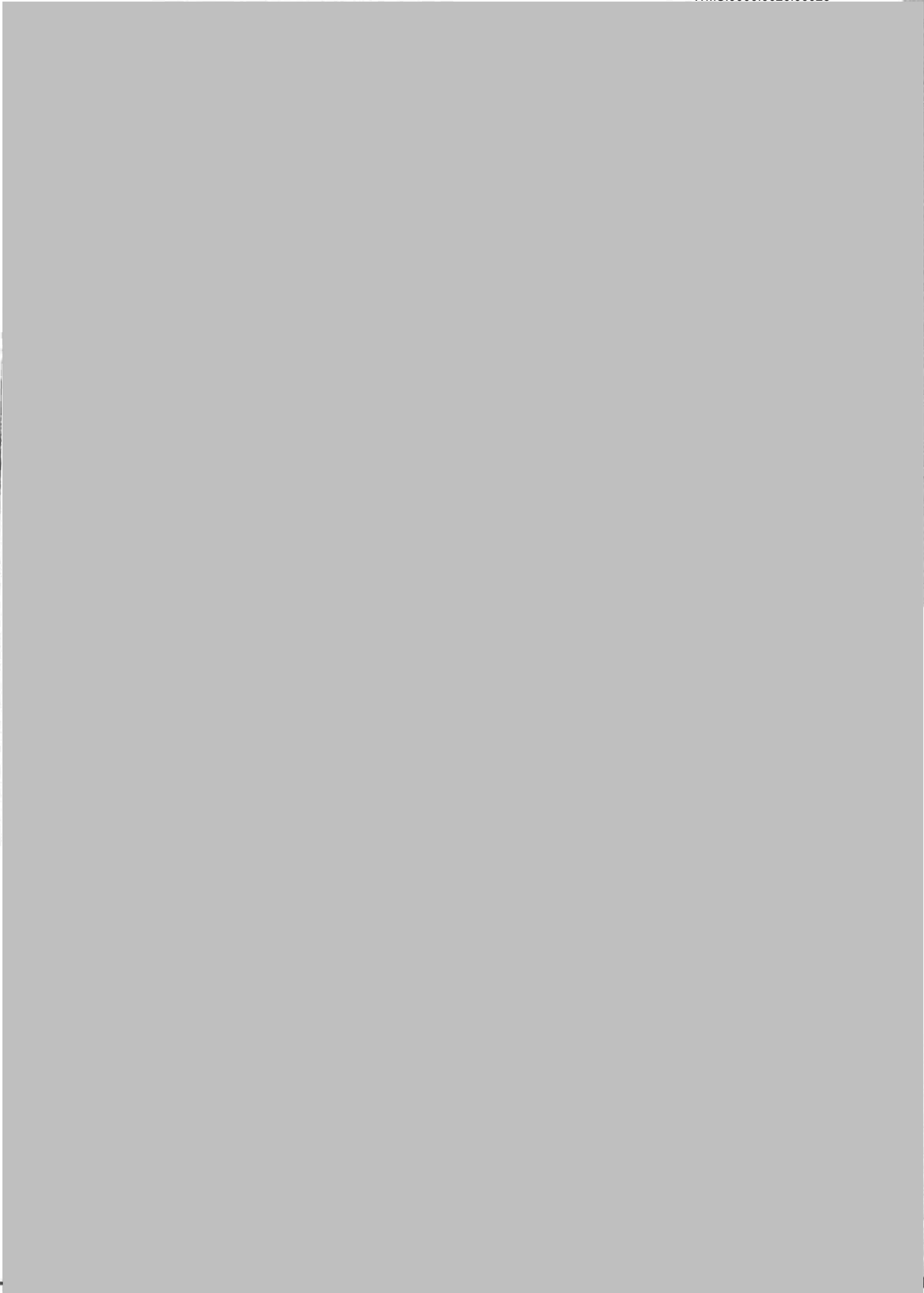


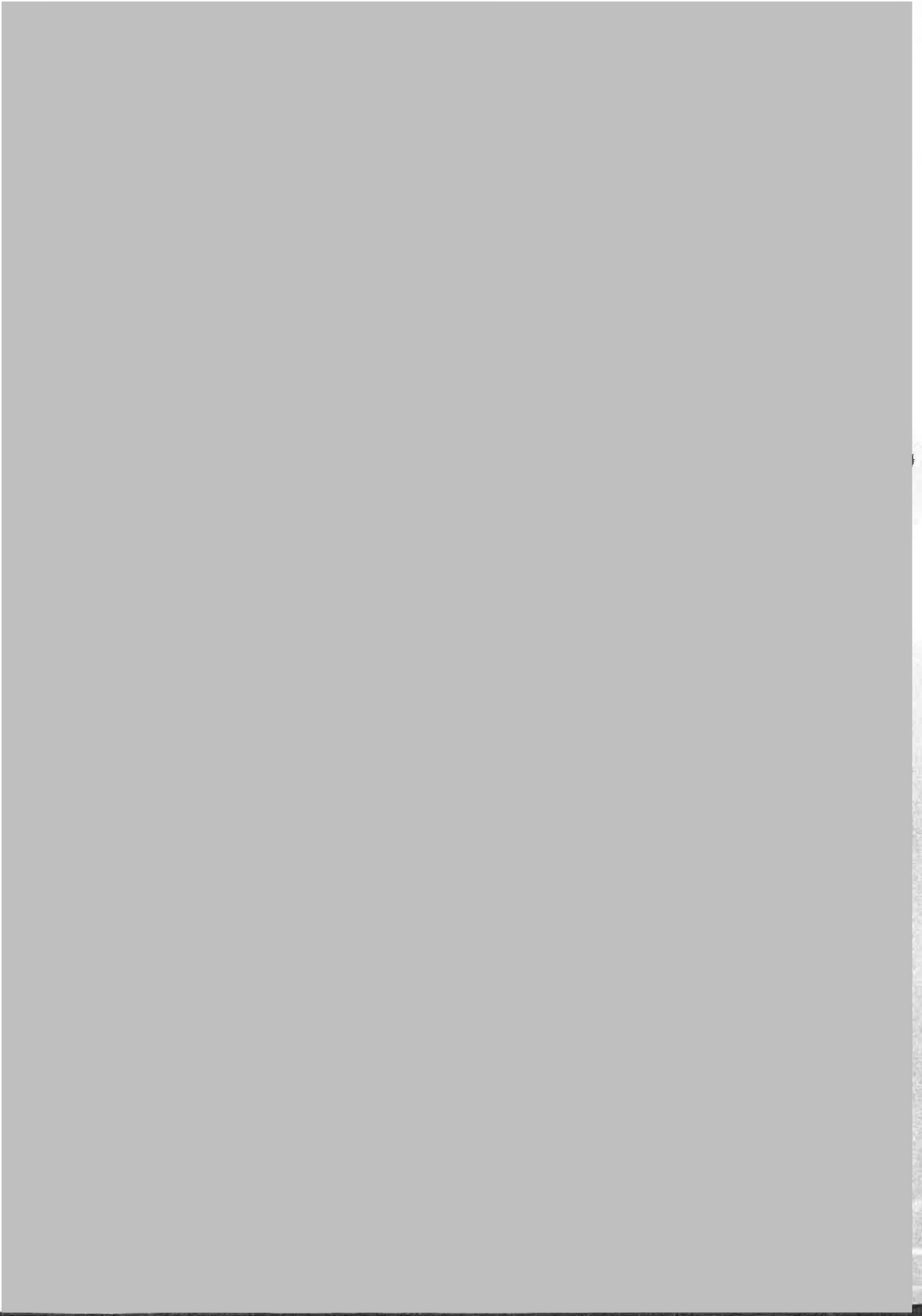
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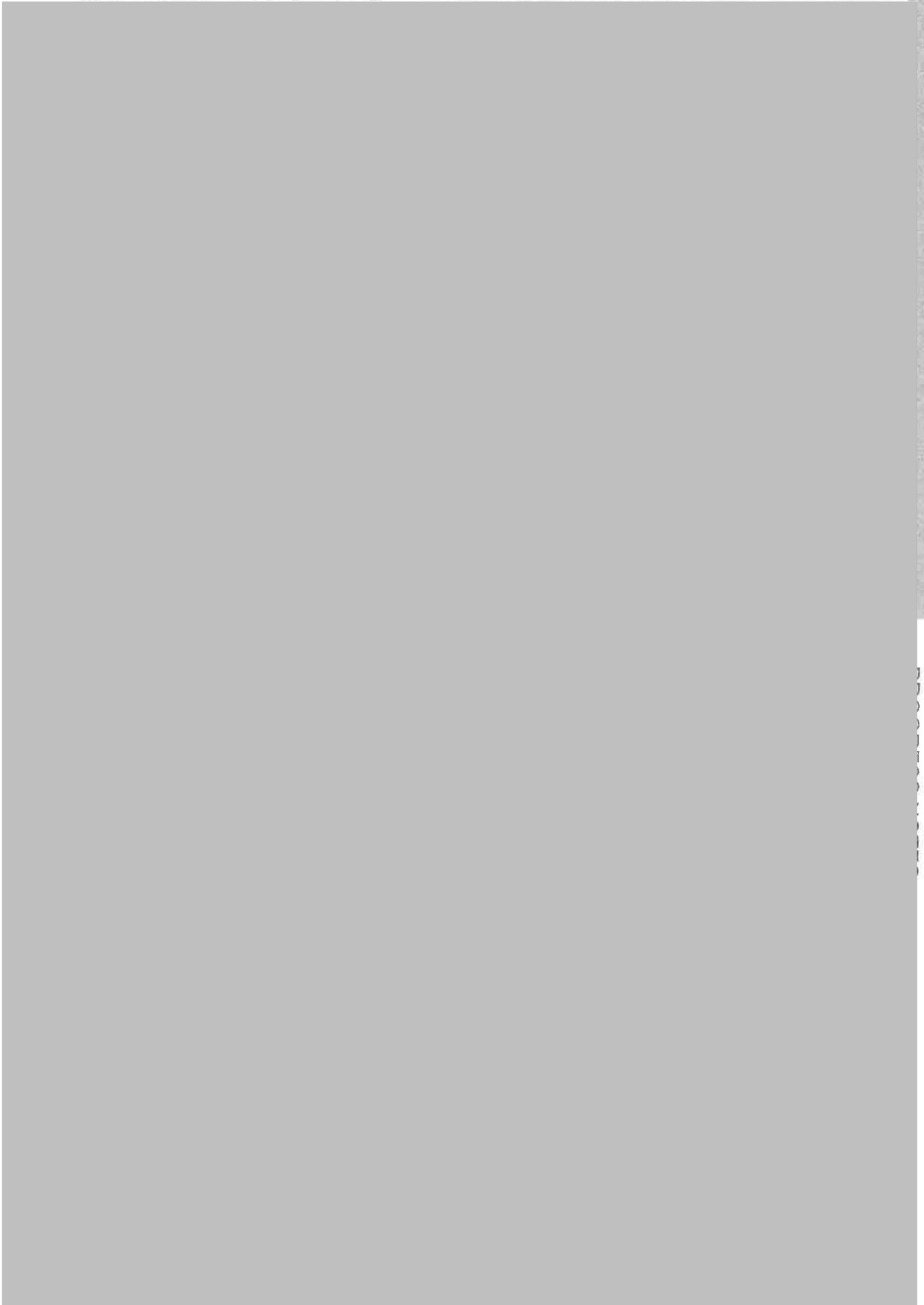


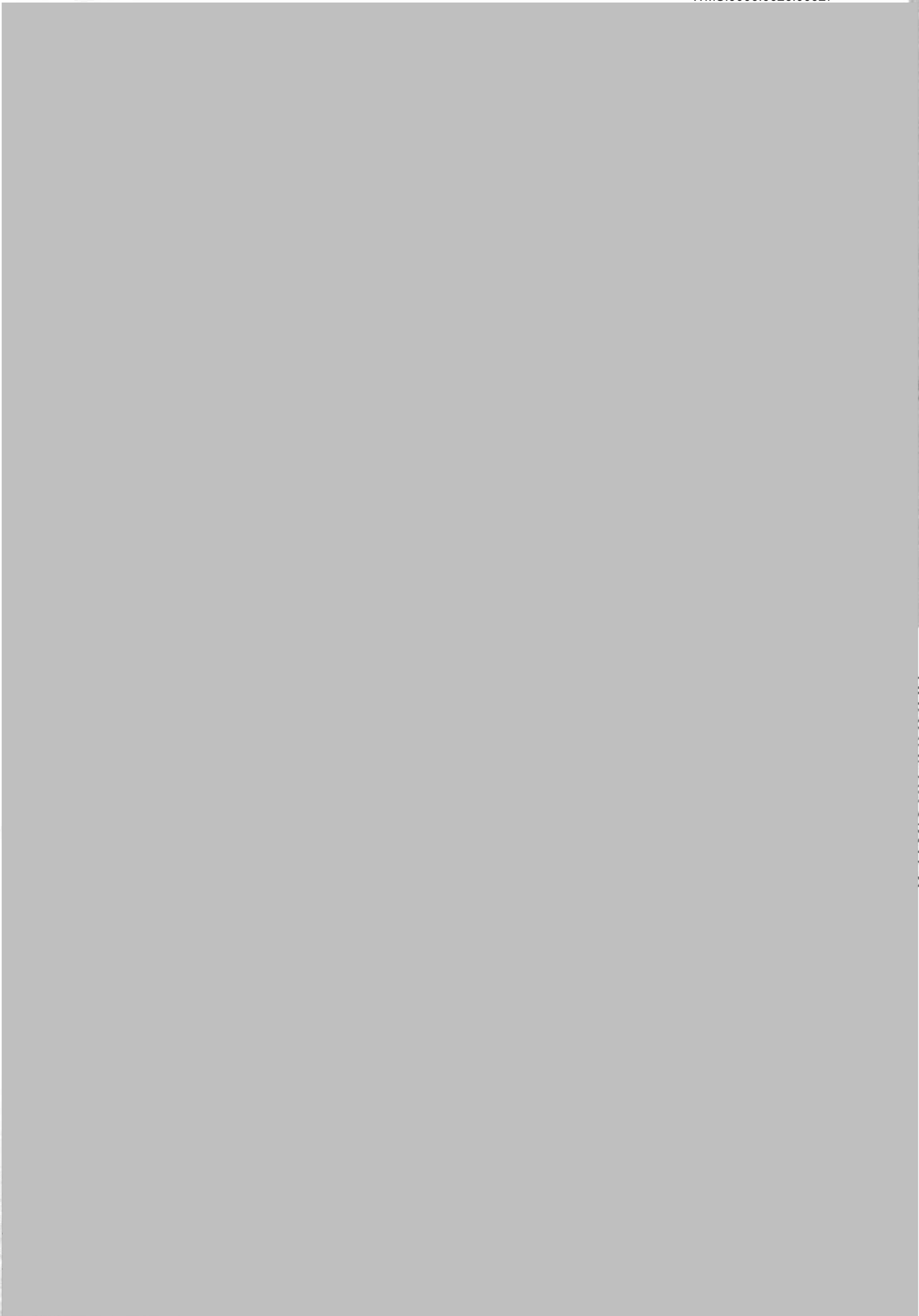
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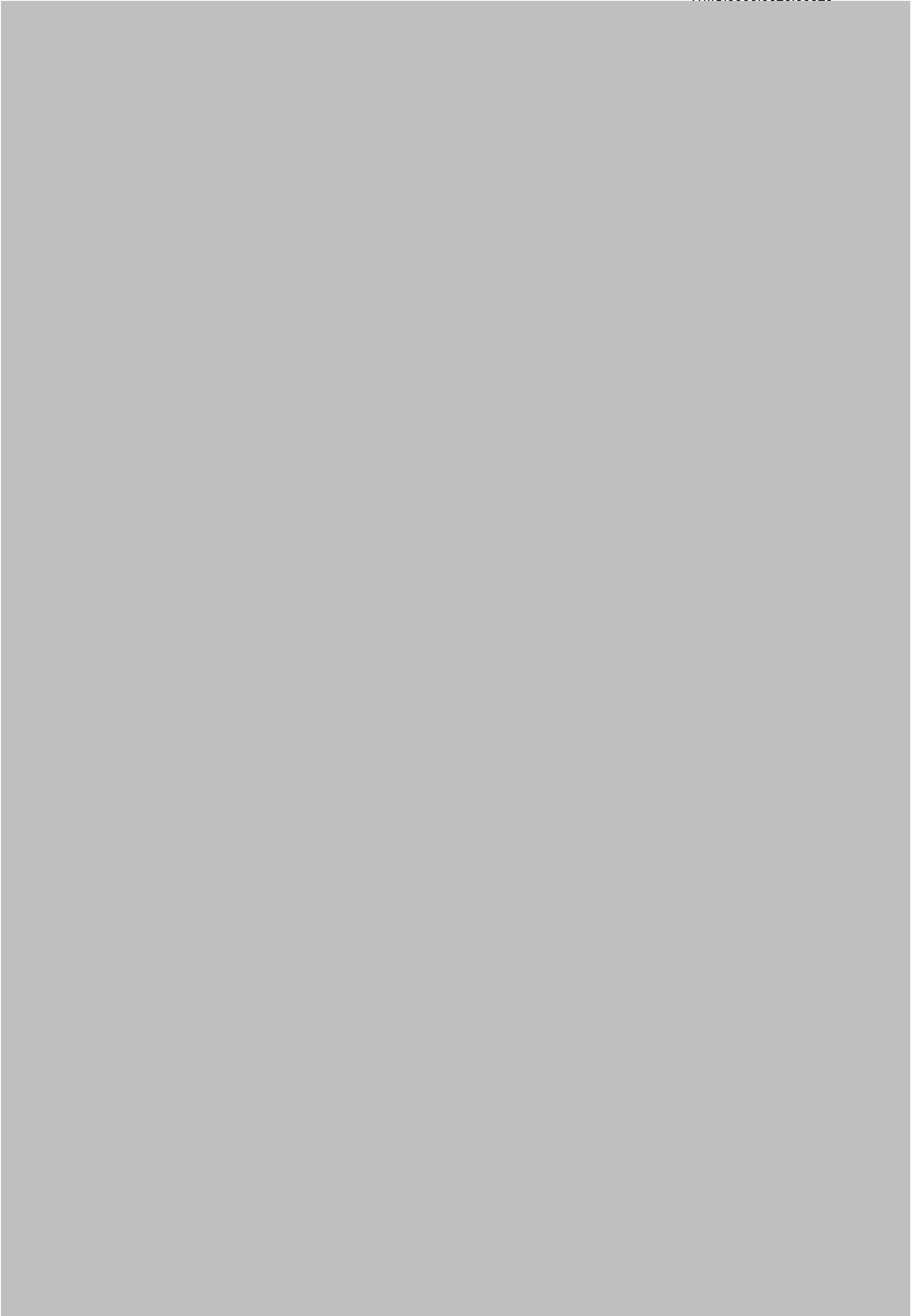


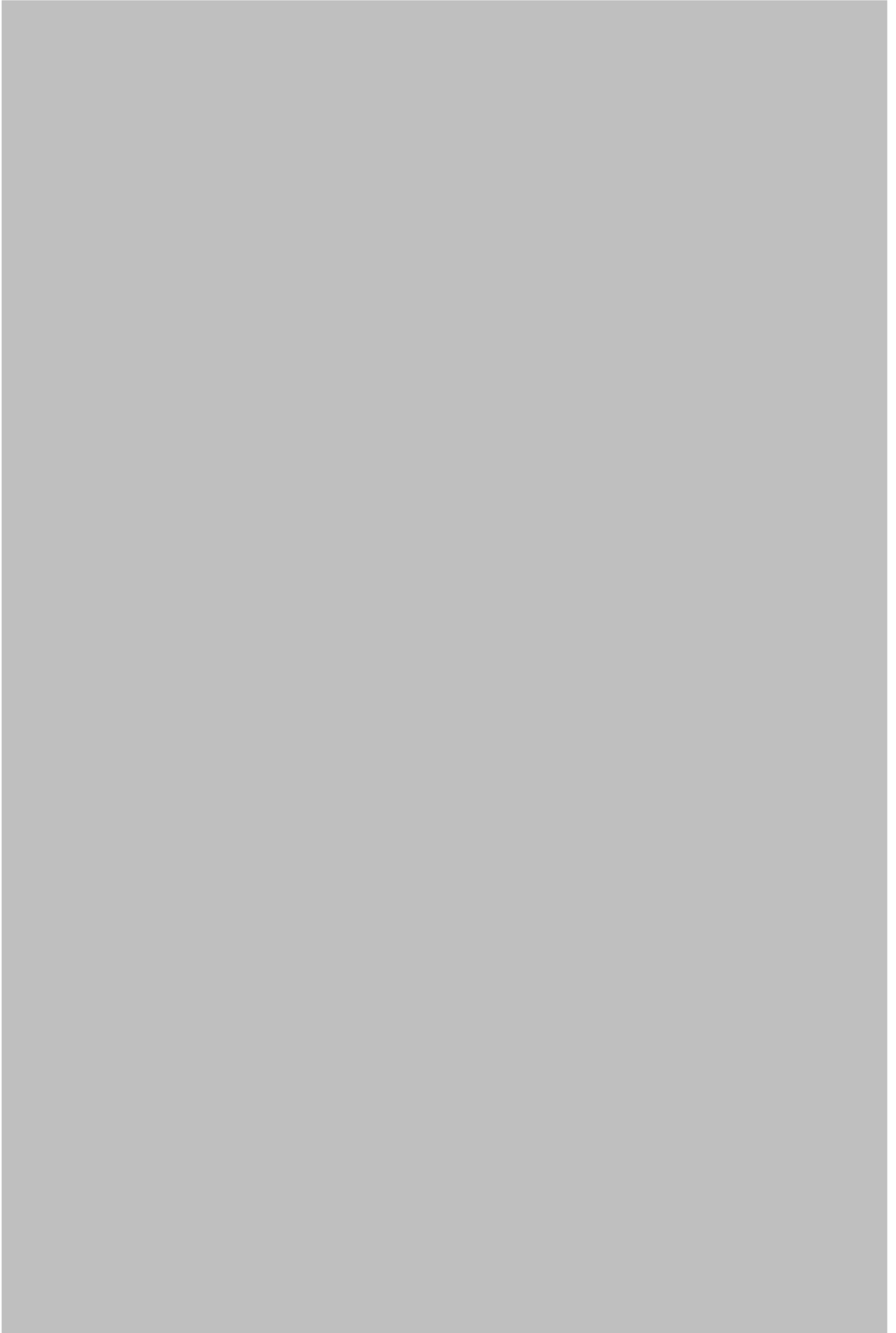


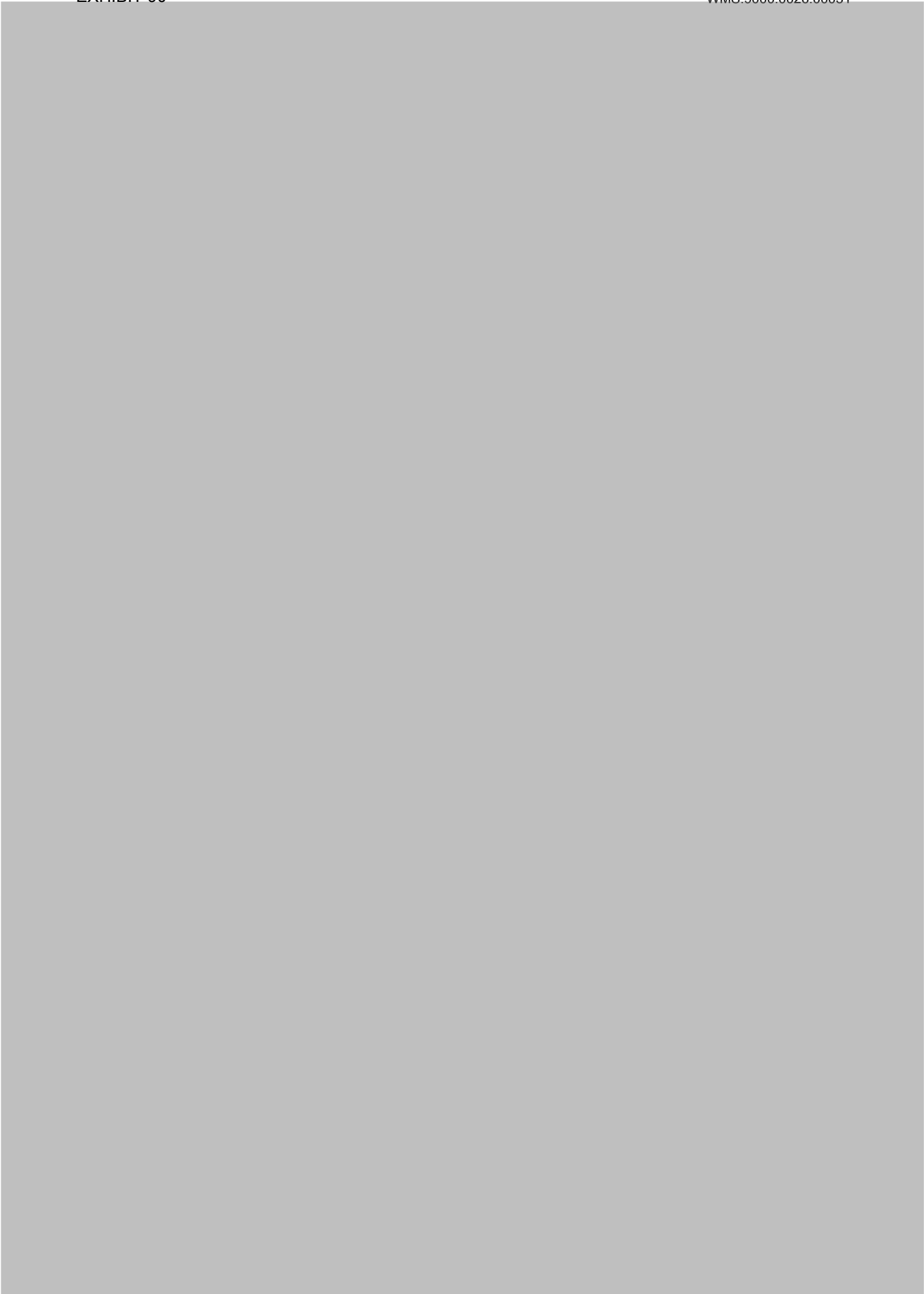












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