

**In the matter of the *Commissions of Inquiry Act 1950*
Commissions of Inquiry Order (No. 4) 2015
Barrett Adolescent Centre Commission of Inquiry**

AFFIDAVIT

DR ANTHONY O'CONNELL, c/- Avant Law, Company Director, solemnly and sincerely affirms and declares:

In response to questions posed in a requirement to give information in a written statement dated 29 February 2016, I say:

Attachment "AOC-1" is a copy of the letter and requirement to give information notice from the Barrett Commission of Inquiry dated 29 February 2016. This further Statement is provided in response to that letter.

Background and experience

Question 1 – The Commission understands that from approximately December 2012:

- (a) The services then provided by the Barrett Adolescent Centre (the BAC) were under review and that alternative models of service were to be developed to replace the services then provided by BAC; and***
- (b) The opening of the Extended Forensic Treatment and Rehabilitation Unit (the EFTRU) was proposed for early 2013.***

Please state whether that is correct, and if not, why not. If that is correct then state:

- (c) Whether any person/s within Queensland Health (QH), West Moreton Hospital and Health Service (WMHHS) and/or West Moreton Hospital and Health Board (WMHBB) were responsible for co-ordinating the replacement***

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Signed: ..



Taken by:



Solicitor/Justice of the Peace

AFFIDAVIT OF DR O'CONNELL

Avant Law Pty Ltd
Level 11
100 Wickham Street
Fortitude Valley Qld 4006



of the BAC and the opening of EFTRU and, if so, identify those persons and the reports they produced or details of their work.

- (d) *Whether any person/s within QH, WMHHS or WMHHB was responsible for identifying and/or managing the risks associated with the opening of EFTRU and, if so, identify those persons and the reports they produced or details of their work.;*
- (e) *Whether any person/s within QH, WMHHS or WMHHB was responsible for identifying and/or managing the risks associated with the opening of EFTRU in the vicinity of BAC and, if so, identify those persons and the reports they produced or details of their work.*

1. In response to question 1, I advise:

- (a) I am unable to recollect from which exact date the services in the BAC could be considered to be under review, nor the logistics of the opening of the EFTRU;
- (b) I suggest that this information is best sought from the Department of Health, specifically its Mental Health Branch.
- (c) The management of the closure of the BAC, the identification of replacement services, and the opening of the EFTRU was a joint responsibility of the WMHHS and the CHQHHS in consultation with the Mental Health Branch of the Department of Health. No single person was entirely responsible for these activities.

Question 2 – Look at the document entitled ‘Queensland Government Funded Services For Young People’ (attached and marked QHD.006.002.8602).

- (a) *State whether this document was ever submitted on behalf of the Department of Health (and if so, on what date, by whom and to whom);*
- (b) *With respect to BAC and EFTRU services referred to in that document, state whether as at June 2013:*
- (i) *The services then provided by the BAC were under review, and the date when alternative models of service were to be developed to replace the services then provided by BAC; and*

- (ii) *The opening of the Extended Forensic Treatment and Rehabilitation Unit (the EFTRU) was proposed for June, July or August 2013.*

Please state whether that is correct and, if not, why not. If that is correct then state:

- (c) *Whether any person/s within QH, WMHHS or WMHHB was responsible for co-ordinating the replacement of the BAC and the opening of EFTRU and, if so, identify those persons and the reports they produced or details of their work;*
- (d) *Whether any person/s within QH, WMHHS or WMHHB was responsible for identifying and/or managing the risks associated with the opening of EFTRU and, if so, identify those persons and the reports they produced or details of their work;*
- (e) *Whether any person/s within QH, WMHHS or WMHHB was responsible for identifying and/or managing the risks associated with the opening of EFTRU in the vicinity of BAC and, if so, identify those person and the reports they produced or details of their work.*

2. In response to question 2, I advise:

- (a) I am unfamiliar with the document "Queensland Government Funded Services for Young People" QHD.006.002.8602.
- (b) This document appears to be a catalogue of the relevant services in the State and is marked as being prepared by Karen Rockett on 31 May 2013, however, none of the higher officers in the chain of reporting to the Director-General appear to have received the document. The document was not signed by me as being seen by me as Director-General. It is therefore likely to be an early draft.
- (c) I am unaware of the state of the development of alternative services to the BAC nor the planning for the EFTRU as at June 2013.

Question 3 – Identify and exhibit all documents in your custody or control that are referred to in your witness statement.

3. In response to question 3 I advise that I have not referenced any documents in my answer, other than the document accompanying this recent set of questions to me from the Commission.

All the facts and circumstances herein deposed to are within my own knowledge save where such are stated to be from information only and my means of knowledge and source of such information appear on the face of this my affidavit.

Affirmed by **DR ANTHONY O'CONNELL** on *EIGHTH* March 2016,
at *SYDNEY* in the presence of:



Deponent



Justice of the Peace/Solicitor

Justice of the Peace NSW
SUSAN ANN LITTLE JP

REGISTRATION No. 123109

I.D. USED NSW DRIVER LICENSE

This is the annexure marked with the letter 'A' referred to in the Affidavit /
Statutory Declaration of Dr Anthony O'Connell
sworn/affirmed/declared before me at Sydney
on the 8th day of March 2016.

One page only
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SUSAN ANN LITTLE
Justice of the Peace Registration 123109

Justice of the Peace NSW
SUSAN ANN LITTLE JP

REGISTRATION No. 123109

Barrett Adolescent Centre Commission of Inquiry

BARRETT ADOLESCENT CENTRE COMMISSION OF INQUIRY

Commissions of Inquiry Act 1950
Section 5(1)(d)

REQUIREMENT TO GIVE INFORMATION IN A WRITTEN STATEMENT

To: Dr Tony O'Connell

Of: C/- Avant Law Pty Ltd, by email to [REDACTED]

I, the Honourable MARGARET WILSON QC, Commissioner, appointed pursuant to *Commissions of Inquiry Order (No. 4) 2015* to inquire into certain matters pertaining to the Barrett Adolescent Centre ("the Commission") require you to give a written statement to the Commission pursuant to section 5(1)(d) of the *Commissions of Inquiry Act 1950* in regard to your knowledge of the matters set out in the Schedule annexed hereto.

YOU MUST COMPLY WITH THIS REQUIREMENT BY:

Giving a written statement prepared either in affidavit form or verified as a statutory declaration under the *Oaths Act 1867* to the Commission on or before **4:00pm, Tuesday 8 March 2016**, by delivering it to the Commission at Level 10, 179 North Quay, Brisbane.

A copy of the written statement must also be provided electronically either by: email at mail@barrettinquiry.qld.gov.au (in the subject line please include "Requirement for Written Statement"); or via the Commission's website at www.barrettinquiry.qld.gov.au (confidential information should be provided via the Commission's secure website).

If you believe that you have a reasonable excuse for not complying with this notice, for the purposes of section 5(2)(b) of the *Commissions of Inquiry Act 1950* you will need to provide evidence to the Commission in that regard by the due date specified above.

DATED this 29th day of February 2016

[REDACTED]
The Hon Margaret Wilson QC
Commissioner
Barrett Adolescent Centre Commission of Inquiry

Barrett Adolescent Centre Commission of Inquiry

SCHEDULE

Background and Experience

1. The Commission understands that from approximately December 2012:
 - a. the services then provided by the Barrett Adolescent Centre (the **BAC**) were under review and that alternative models of service were to be developed to replace the services then provided by BAC; and
 - b. the opening of the Extended Forensic Treatment and Rehabilitation Unit (the **EFTRU**) was proposed for early 2013.

Please state whether that is correct and, if not, why not. If that is correct then state:

- c. whether any person/s within Queensland Health (**QH**), West Moreton Hospital and Health Service (**WMHHS**) and/or West Moreton Hospital and Health Board (**WMHHB**) were responsible for co-ordinating the replacement of the BAC and the opening of EFTRU and, if so, identify those persons and the reports they produced or details of their work;
 - d. whether any person/s within QH, WMHHS or WMHHB was responsible for identifying and/or managing the risks associated with the opening of EFTRU and, if so, identify those persons and the reports they produced or details of their work;
 - e. whether any person/s within QH, WMHHS or WMHHB was responsible for identifying and/or managing the risks associated with the opening of EFTRU in the vicinity of BAC and, if so, identify those persons and the reports they produced or details of their work.
2. Look at the document entitled '*Queensland Government Funded Services For Young People*' (attached and marked QHD.006.002.8602).
 - a. state whether this document was ever submitted on behalf of the Department of Health (and if so, on what date, by whom and to whom);

Barrett Adolescent Centre Commission of Inquiry

- b. with respect to BAC and EFTRU services referred to in that document, state whether as at June 2013:
 - i. the services then provided by the BAC were under review, and the date when alternative models of service were to be developed to replace the services then provided by BAC; and
 - ii. the opening of the Extended Forensic Treatment and Rehabilitation Unit (the EFTRU) was proposed for June, July or August 2013.

Please state whether that is correct and, if not, why not. If that is correct then state:

- c. whether any person/s within QH, WMHHS or WMHNB was responsible for co-ordinating the replacement of the BAC and the opening of EFTRU and, if so, identify those persons and the reports they produced or details of their work;
 - d. whether any person/s within QH, WMHHS or WMHNB was responsible for identifying and/or managing the risks associated with the opening of EFTRU and, if so, identify those persons and the reports they produced or details of their work;
 - e. whether any person/s within QH, WMHHS or WMHNB was responsible for identifying and/or managing the risks associated with the opening of EFTRU in the vicinity of BAC and, if so, identify those persons and the reports they produced or details of their work.
3. Identify and exhibit all documents in your custody or control that are referred to in your witness statement.