

## Dr Aaron Groves Submissions to the Barrett Commission of Inquiry

### Introduction

- 1 Dr Groves makes the following submissions concerning the Commission's Terms of Reference 3(b), 3(c) and 3(g).

### Background and relevant chronology

- 2 Dr Groves was appointed Director of Mental Health (Qld) (**DMH**) in September 2005<sup>1</sup>. He performed the functions of that role from 2005 until October 2011 when he went "off – line" to lead a team to establish the proposed Queensland Mental Health Commission (**QHMC**). During that period, Dr Groves also performed the role of Executive Director of the Mental Health Unit, Branch or Directorate, including the Mental Health Alcohol and Other Drugs Directorate<sup>2</sup> (**ED**).
- 3 In 2006 Dr Groves was instrumental in developing the Queensland Plan for Mental Health 2007 – 2017 (**QPMH**).<sup>3</sup> Dr Groves established a working group to consider child, adolescent and youth mental health needs.<sup>4</sup> This group produced the Queensland Child and Youth Mental Health Plan 2006-2011.<sup>5</sup> That report provided the best available advice about how the Barrett Adolescent Centre (**BAC**) services should be provided in the future within a more comprehensive, extensive and evidence-informed model of service. The report's recommendations were important in the decision to recommend the relocation of BAC.<sup>6</sup>
- 4 When the QPMH was finalised, Dr Groves was of the view that the BAC should be reformed to become the most important element of a broader approach to providing care to young people with longer term treatment needs, and that the service model should include not only inpatient care but also community based and residential care. Dr Groves was of the view that the BAC should be relocated to a purpose built facility.<sup>7</sup> The 2008 Site Options Paper<sup>8</sup> recommended that the BAC service be relocated to Redlands.
- 5 The QPMH was formally endorsed in February 2008. More than \$528 million had been made available in May 2007 to commence the implementation of the QPMH.<sup>9</sup> The QPMH Implementation Steering Committee formed a QPMH Capital Works Working Group (**CWWG**) whose role was to oversee the 17 Capital Works projects which formed part of the QPMH. The relocation of the BAC was one of those projects.

<sup>1</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 4 [GRA.020.001.0001] at 0001

<sup>2</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 4 [GRA.020.001.0001] at 0001

<sup>3</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 49 [GRA.020.001.0011] at 0011

<sup>4</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 51 [GRA.020.001.0011] at 0011

<sup>5</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraphs 51 to 52 [GRA.020.001.0011] at 0011

<sup>6</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraphs 54 to 55 [GRA.020.001.0011] at 0011

<sup>7</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 97 [GRA.020.001.0017] at 0017

<sup>8</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 108 [GRA.020.001.0019] at 0019

<sup>9</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 115 [GRA.020.001.0020] at 0020

- 6 The BAC was not relocated to Redlands between 2008 and 2011. The Commission has heard considerable evidence about the reasons for this.
- 7 In October 2011, Dr Groves relinquished his position as ED<sup>10</sup>; Dr Kingswell took over that role. Dr Groves retained the statutory role of DMH however Dr Mohan Gilhotra undertook most of the statutory responsibilities as a delegate of that role.<sup>11</sup>
- 8 As at October 2011, Dr Groves was not aware of any plans to close the BAC service.<sup>12</sup> Dr Groves understood that the BAC service was to be relocated to Redlands.

### **Cessation of Redlands Adolescent Extended Treatment Unit**

- 9 Dr Jeannette Young, Chief Health Officer, gave oral evidence to the Commission on Monday, 7 March 2016.
- 10 At T21-69, L4-10 the following exchange occurred between Senior Counsel Assisting and Dr Young:

*'Do you know who initiated the consultation about this topic, about ceasing Redlands? - I don't know but I suspect it would have been the Director of Mental Health as it is in their portfolio. They're the expert in the area.*

*Dr Kingswell? - Yes, or Dr Groves.*

*Right? - Depending who was in the role at the time.'*

- 11 We submit that:
- (a) Dr Young's evidence is to the effect that she did not know (or could not recall) who initiated the consultation about ceasing Redlands;
  - (b) Dr Young does not positively assert that Dr Groves was the person who initiated the consultation. Her evidence is that she simply could not remember.
- 12 If, however, there is a suggestion that Dr Young's answers are evidence to the effect that Dr Groves initiated the consultation about ceasing Redlands than that evidence cannot be accepted for the following reasons:
- (a) With respect, Dr Young was unable to remember many key aspects of the narrative when she gave oral evidence before the Commission. She answered many questions to the effect that "I don't remember". Other questions she answered vaguely and with considerable uncertainty. Where there is any discrepancy between the evidence of Dr Groves and Dr Young, the evidence of Dr Groves must be accepted;

<sup>10</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 19 [GRA.020.001.0005] at 0005

<sup>11</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 23 [GRA.020.001.0005] at 0005

<sup>12</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraph 132 [GRA.020.001.0023] at 0023

- (b) Dr Groves evidence on this topic is quite clear. At all material times, Dr Groves was of the view (and understanding) that the BAC (or its services) would be relocated to Redlands. He held that view until he went off-line in October 2011 (after which he had no further involvement with the BAC/ Redlands relocation issues) and indeed up until the time he left Queensland Health in August 2012;
- (c) Dr Groves also said that: *'Whilst I was employed by QH, I was not involved in any consideration of the consequences of cessation of the Redlands relocation project because the cessation of the Redlands project had never been considered during my employment.'*<sup>13</sup>
- (d) This was reinforced in Dr Groves' oral evidence when he answered questions put to him by Senior Counsel Assisting:  
  
*'Are you aware of any particular change in policy or change in expert opinion which led to that decision to cease Redlands?....No.  
  
Even now?...No.'*<sup>14</sup>
- (e) Dr Groves went off-line in October 2011 and had no further involvement in the BAC/Redlands relocation issues.

13 Dr Young was cross examined by Mr Duffy. During the exchange (T21-97, L25-30), Dr Young was asked:

*Do you recall in paragraph 29 of your statement you referred to having consultant – this is as at May 2012 – having consulted over an extended period with the executive director of mental health?—Yes.*

*And you're referring there to Dr Kingswell?—Yes.*

14 The evidence that Dr Young consulted with Dr Kingswell in May 2012 (and before that) is consistent with the fact that Dr Groves went "off-line" in October 2011, and relinquished the relevant obligations to Dr Kingswell.

15 Dr Young was also cross-examined by Mr O'Sullivan. The exchange (T21-98, L7-13) was as follows:

*'Mr O'Sullivan: Just to be clear, your evidence is, as I understand it, that in terms of consultation you don't recall whether it was only Dr Kingswell or if it was Dr Groves and Dr Kingswell that you consulted with in relation to the proposal to cancel the Redlands facility? --- To*

<sup>13</sup> Exhibit 58 - Statement of Dr Aaron Groves dated 21 January 2016 at paragraphs 127 to 131 [GRA.020.001.0023] at 0023

<sup>14</sup> T7-77 L44 to 47

*the best of my recollection, I would have had discussions with Dr Groves-*

*Yes?----- Then with Dr Kingswell when he took over from Dr Groves.'*

16 Again, if Dr Young's evidence is to the effect that she had discussions with Dr Groves in relation to the proposal to cancel the Redlands facility then, for the reasons set out above, this evidence cannot be accepted. Dr Groves gave clear and uncontested evidence to the effect that the cessation of the Redlands project had never been considered during his employment.

17 Commissioner Wilson then asked Dr Young the following question<sup>15</sup>:

*'Commissioner Wilson: I have a question. Did the advice that you were receiving change when the person with whom you were consulting changed from Dr Groves to Dr Kingswell? --- No, I don't remember any change in advice.'*

18 We submit that Dr Young's answer is only evidence of the fact that she did not *remember* whether there was a change or not. This is consistent with Dr Young's inability to remember details of other significant matters.

19 If, however, it is suggested that Dr Young's evidence is to the effect that Dr Groves and Dr Kingswell gave Dr Young similar advice about the cessation of the Redlands project then, for the reasons set out above, the Commission must reject that evidence. Dr Groves did not give Dr Young any advice about the cessation of Redlands. As set out herein:

- (a) The cessation of Redlands was not considered by Dr Groves during his employment; and
- (b) Dr Groves, even now, is not aware of any particular policy change or change in expert opinion which led to that decision.<sup>16</sup>

Bill Athanasellis  
Solicitor for Dr Groves

23/3/16

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<sup>15</sup> T21-98 L27-29

<sup>16</sup> T7-77 L44 to 47