

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

AFFIDAVIT

Patrick Joseph Vidgen of 100 George Street, Brisbane, Queensland, Chief Operating Officer of the Department of the Premier and Cabinet states on oath:

Receipt of Notice

1. I am informed and I verily believe that the Director-General of the Department of the Premier and Cabinet (**the Department**), David Stewart, received a Requirement to Produce Documents dated 15 September 2015 (**Requirement**). **Exhibit A** to this affidavit is a copy of this notice.
2. Mr Stewart has not been in Brisbane, and has been in regional Queensland, from 14 November 2015 and is not expected to return until 19 November 2015 so I am the proper officer to swear this affidavit on behalf of the Department.
3. I am informed and I verily believe that Mr Stewart received a copy of the Requirement on 15 September 2015. I am informed and I verily believe that on 15 September 2015, Mr Stewart gave instructions to the relevant officers employed by the Department to commence identifying and retrieving any relevant documents in response to the Requirement.

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~~A.J.P., G. Dec.~~, Solicitor

AFFIDAVIT OF PATRICK JOSEPH VIDGEN

On behalf of the State of Queensland

Crown Solicitor
11th Floor, State Law Building
50 Ann Street
BRISBANE QLD 4000
TEL: [REDACTED]
Email: [REDACTED]

4. I have been informed and I verily believe that extensions of time for the production of documents relevant to the Requirement were obtained on behalf of Mr Stewart by Crown Law.

Provision of documents to Crown Law

5. I am informed and I verily believe that all documents, save for those documents constituting the official Cabinet record, that were potentially relevant to the Requirement were provided to Crown Law on 22 September 2015.
6. I am informed and I verily believe that:
 - (a) The documents provided to Crown Law on 22 September 2015 included all documents, save for those documents constituting the official Cabinet record, identified as potentially relevant and held by the Department;
 - (b) A total of 625 documents were identified as being potentiality relevant;
 - (c) Some documents were identified as potentiality attracting parliamentary privilege and legal professional privilege; and
 - (d) The documents were provided on USB together with three spreadsheets providing information about each document identified.
7. To the extent that the documents provided are the subject of privilege (being legal professional privilege, Cabinet privilege or parliamentary privilege), the provision of those documents to the Commission is not within my control. However, I refer to my accompanying affidavit sworn today in that regard.

All the facts sworn to in this affidavit are true to my knowledge and belief except as stated otherwise.

Sworn by Patrick Joseph Vidgen on)
18 November 2015 at Brisbane in the)
State of Queensland in the presence of:)

[Redacted]

[Redacted]

~~A Justice of the Peace, C. Dec., Solicitor~~

In the matter of the *Commissions of Inquiry Act 1950*

Commissions of Inquiry Order (No.4) 2015

Barrett Adolescent Centre Commission of Inquiry

CERTIFICATE OF EXHIBIT

Exhibit A to the Affidavit of Patrick Joseph Vidgen sworn on 18 November 2015.



~~A. J. P.~~ C. Dec., Solicitor

In the matter of the *Commissions of Inquiry Act 1950*

Commissions of Inquiry Order (No.4) 2015

Barrett Adolescent Centre Commission of Inquiry

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

REQUIREMENT TO PRODUCE DOCUMENTS

To: Mr Dave Stewart, Director-General of the Department of Premier and Cabinet
Of: c/- Crown Solicitor, 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 produce the following documents to the Commission:

All documents (including copies and originals of any books, writings, letters, emails, recordings or other records of information in any form, electronic or otherwise) in your possession or control set out in the Schedule hereto.

YOU MUST COMPLY WITH THIS REQUIREMENT BY GIVING THE DOCUMENTS TO THE COMMISSION BY 4.00 PM ON MONDAY 28 SEPTEMBER 2015.

You may do so:

- (a) in the manner described in the accompanying letter; or
- (b) by making the documents available for inspection by Commission staff at Level 10, 179 North Quay, Brisbane, and permitting Commission staff to take such copies of them as they require.

If you intend to hand deliver the documents, please contact the Commission's Executive Director, Mr Ashley Hill, on telephone (07) 3239 6040 or email to info@barrettinquiry.qld.gov.au. Your solicitor may attend and produce the documents in your stead.

If you believe 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 15th day of September 2015

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

SCHEDULE

Preliminary Matters

Version of Documents Required

1. Where the Department of the Premier and Cabinet's Document Management System has preserved multiple versions of a document requested below, all versions, in so far as they reflect the approval chain from initial author through to the final version, are required to be produced. *The request does not include any draft versions prior to the approval at each stage of the approval chain from initial author through to the final version.* It is each approved version of the document that must be provided.
2. Together with each approved version of a document extracted from the Department of the Premier and Cabinet's Document Management System that is provided to the Commission, all electronic annotations relating to and or attached to the document must also be provided.

Definitions

3. The term "Staff" in the request below includes all professional and non-professional persons performing work at or for the Barrett Adolescent Centre (**BAC**), such as:

medical practitioners,
nurses,
Allied Health professionals,
social workers,
administrative and clerical workers,
security officers,
ground keepers, and
cleaners,
teachers,
teacher aids,
guidance officers,

whether:

as employees of the Department of Education or pursuant to any contractual relationship with the Department of Education,

as employees of the Queensland Government or the West Moreton Hospital and Health Service or any other Health Service,

pursuant to any contractual relationship with the Queensland Government or the West Moreton Hospital and Health Service or any other Health Service,

as employees, contractors or sub-contractors of any person or entity in a contractual relationship with the Queensland Government or the West Moreton Hospital and Health Service or any other Health Service,

as professional consultants (for example, specialist medical practitioners and psychologists),

as non-professional consultants,

as visiting consultants (whether professional or non-professional),

as locums,

as employees, contractors or sub-contractors of any employment agency providing personnel to BAC,

as volunteers,

or otherwise.

4. The term "Relevant Stakeholder" in the request below is a reference to a non-Government person, entity, association or organisation.
5. The term "Human Services Agency" in the request below is a reference to a Government Department or arm of a Government Department with portfolio responsibilities for key human services including but not limited to Education, Child Safety, Disabilities Services, Community Services and Housing.
6. The acronym "TOR" is a reference to the "terms of reference" set out in the *Commissions of Inquiry Order (No. 4) 2015*.

Documents Required

Establishment of the Barrett Adolescent Centre: [TOR: 3(b) and 3(c)]

7. The documents relating to and leading up to the establishment of the Barrett Adolescent Centre (BAC) at Wacol in 1983 (**Commencement**), limited to:
 - (a) documents outlining the policy and legislative framework underpinning the establishment and the proposed operation and management of the BAC;
 - (b) policy documents, memoranda or other writings, relating to the entry criteria for all patients to the BAC at the time of Commencement;
 - (c) the initial BAC implementation plan in so far as it related to the delivery of an identified suite of services to inpatients and or outpatients, and or a day program care and or an on-site integrated education program at the BAC.

Operation and Management of the BAC after Commencement: [TOR: 3(a), 3(b) and 3(c)]

8. Documents relating to the operation and management of the BAC between its Commencement and the decision to close the BAC made on or about 6 August 2013 (the **Closure Decision**), including:
- (a) internal review or evaluation documents and briefing papers relating to the operation and management of the BAC during this time;
 - (b) policy documents, memoranda or other writings relating to the entry criteria for all patients to the BAC during this time;
 - (c) documents relating to any actions arising from internal considerations of any reviews or evaluations of the operation and management of the BAC during this time;
 - (d) any external advice commissioned or received by the Department of the Premier and Cabinet relating to the operation and management of the BAC during this time;
 - (e) any feedback (complaints or support) made by inpatients and outpatients, their families, carers, friends, Staff of the BAC, any other Relevant Stakeholder or Human Services Agency, relating to the operation and management of the BAC during this time;
 - (f) arising from the feedback in 8(e) above, any:
 - (i) correspondence, memoranda, submissions to or from the Department of Health, Queensland Treasury, West Moreton Hospital and Health Service (and its Board), or any Human Services Agency or any other Relevant Stakeholder;
 - (ii) briefing papers, including those relating to Cabinet submissions from the Department of Health, meeting notes between the Department of the Premier and Cabinet, and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and its Board, Queensland Treasury, and any Human Services Agency;
 - (g) documents relating to the intention to close the BAC in 1999 (the **Earlier Intention to Close Decision**), such as documents concerning or including:
 - (i) who made the Earlier Intention to Close Decision;
 - (ii) the bases for the Earlier Intention to Close Decision;
 - (iii) why the earlier Intention to Close Decision was never carried out;
 - (iv) any letters or other documents from inpatients and outpatients of the BAC and their families, carers, friends, Staff of the BAC, any other Relevant Stakeholder or Human Services Agency, relating to the Earlier Intention to Close Decision;

- (v) arising from the Earlier Intention to Close Decision:
 - a. any correspondence, memoranda, submissions to or from the Department of Health, West Moreton Hospital and Health Service (and its Board), Queensland Treasury, or any Human Services Agency, or any other Relevant Stakeholder;
 - b. briefing papers, including those relating to Cabinet submissions from the Department of Health, meeting notes between the Department of Premier and Cabinet and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and Board, Queensland Treasury, and any Human Services Agency;
- (h) any external advice commissioned or received by the Department of the Premier and Cabinet relating to the Earlier Intention to Close Decision;
- (i) documents relating to the ongoing viability of the BAC, and or the adequacy and appropriateness of the services it was providing or could provide to young people with severe and complex mental illness, in the period from the Earlier Intention to Close Decision up to and including the Closure Decision, such as:
 - i. correspondence with and records of, meetings with patients and outpatients, their families, carers, friends, Staff of the BAC, or any Relevant Stakeholder;
 - ii. correspondence, memoranda, submissions to or from the Department of Health, Queensland Treasury, West Moreton Hospital and Health Service (and its Board), or any Human Services Agency or any other Relevant Stakeholder;
 - iii. briefing papers, including those relating to Cabinet submissions from the Department of Health, meeting notes between the Department of the Premier and Cabinet, and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and its Board, Queensland Treasury, and any Human Services Agency.

Closure Decision and Announcement of the Closure Decision in 2013: [TOR: 3(a) to 3 (h) and 4]

- 9. All documents relating to the Closure Decision and the Announcement of the Closure Decision, including documents relating to:
 - (a) the bases of the Closure Decision;
 - (b) the information, material, advices, processes, considerations and recommendations that related to or informed the Closure Decision and the Announcement of the Closure Decision;
 - (c) the decision-making process.

10. The documents sought in paragraph 9 above include but are not limited to documents relating to:
- (a) when the Closure Decision was made;
 - (b) who made the Closure Decision;
 - (c) the timing of the Announcement of the Closure Decision;
 - (d) cost benefit analyses of keeping the BAC open;
 - (e) cost benefit analyses of closing the BAC;
 - (f) the Barrett Adolescent Strategy Group including:
 - (i) any correspondence, memoranda, submissions to or from the Department of Health, West Moreton Hospital and Health Service (and its Board), Queensland Treasury, or any Human Services Agency, or any other Relevant Stakeholder;
 - (ii) briefing papers, meeting notes between the Department of Premier and Cabinet, and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and Board, Queensland Treasury, and any Human Services Agency;
 - (g) the Expert Clinical Reference Group:
 - (i) any correspondence, memoranda, submissions to or from the Department of Health, West Moreton Hospital and Health Service (and its Board), Queensland Treasury, or any Human Services Agency, or any other Relevant Stakeholder;
 - (ii) briefing papers, meeting notes between the Department of Premier and Cabinet, and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and Board, Queensland Treasury, and any Human Services Agency;
 - (h) all documents relating to clinically appropriate models of care for intensive mental health services to young people with severe and complex mental illness that were considered before the Closure Decision was made;
 - (i) all documents relating to best practice models of care for intensive mental health services to young people with severe and complex mental illness that were considered before the Closure Decision was made;
 - (j) any internal or external documents or briefing papers relating to the Closure Decision;
 - (k) any external advice commissioned or received by the Department of the Premier and Cabinet relating to the Closure Decision;

- (l) any clinical advice obtained in relation to the potential effect of the Closure Decision on inpatients and outpatients of the BAC or their families, carers or friends, the Staff of the BAC or any other Relevant Stakeholder;
 - (m) in relation to the Closure Decision:
 - (i) any correspondence, memoranda, submissions to or from the Department of Health, Queensland Treasury, West Moreton Hospital and Health Service (and its Board), or any Human Services Agency, or any other Relevant Stakeholder;
 - (ii) briefing papers, including those relating to submissions from the Department of Health, and meeting notes between the Department of the Premier and Cabinet, and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other relevant Health Service and Board, and any Human Services Agency;
 - (n) documents relating to the Closure Decision in so far as they concern the Queensland Government's obligations with respect to the Australian Government and its mental health priorities;
11. In relation to the announcement of the decision to close the BAC made by the Minister for Health on 6 August 2013 (the **Announcement of the Closure Decision**):
- (a) any correspondence with and records of meetings with inpatients and outpatients, their families, carers, friends, Staff of the BAC, or any Relevant Stakeholder;
 - (b) any correspondence, memoranda, submissions to or from the Department of Health, Queensland Treasury, West Moreton Hospital and Health Service (and its Board), or any Human Services Agency, or any other Relevant Stakeholder;
 - (c) briefing papers, including those relating to Cabinet submissions from the Department of Health, and meeting notes between the Department of the Premier and Cabinet and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and Board, Queensland Treasury, and any Human Services Agency.

Education Program Closure: [TOR: 3(a) to 3(d)]

12. Any documents relating to the decision to cease the on-site integrated education program located at the BAC (the **Education Program Closure Decision**), including but not limited to, documents relating to:
- (a) the bases of the Education Program Closure Decision;
 - (b) the relationship between the Closure Decision and the Education Program Closure Decision;
 - (c) the information, material, advice, processes, considerations and recommendations that related to or informed the Education Program Closure Decision;

- (d) the decision-making process.
13. The documents sought in paragraph 12 above include but are not limited to, documents relating to:
- (a) the implementation of the Education Program Closure Decision;
 - (b) any internal or external documents or briefing papers relating to the Education Program Closure Decision;
 - (c) the Education Program Closure Decision:
 - (i) any correspondence, memoranda, submissions to or from the Department of Health, Queensland Treasury, West Moreton Hospital and Health Service (and its Board), or any Human Services Agency, or any other Relevant Stakeholder;
 - (ii) briefing papers, including those relating to Cabinet submissions from the Department of Health, and meeting notes between the Department of Health, the Premier and Cabinet, and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and Board, Queensland Treasury, and any Human Services Agency;
 - (d) the Education Program Closure Decision and the Queensland Government's obligations with respect to the Australian Government and its mental health and educational priorities.

The Closure: [TOR: 3(d) to (h)]

14. All documents relating to the Closure (including the closure of the on-site integrated education program following the Education Program Closure Decision) including, but not limited to, documents relating to:
- (a) the timing of the Closure in so far as it related to the closing of the BAC and the closing of the on-site integrated education program;
 - (b) how the Closure was to be implemented;
 - (c) the internal and external planning and consultation that took place and resulted in the timing of the Closure;
 - (d) the Closure, including:
 - (i) any correspondence, memoranda, submissions to or from the Department of Health, Queensland Treasury, West Moreton Hospital and Health Service (and its Board), or any Human Services Agency or any other Relevant Stakeholder;

- (ii) briefing papers, including those relating to Cabinet submissions from the Department of Health, and meeting notes between the Department of the Premier and Cabinet and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other relevant Health Service and Board, Queensland Treasury, and any Human Services Agency;
- (e) the internal and external planning and consultation leading up to the Closure including arrangements made in relation to the:
- (i) physical premises at The Park - Centre for Mental Health at which the BAC and the on-site integrated education program were located (Premises);
 - (ii) furniture and office equipment located at the Premises;
 - (iii) storage and safe-keeping of patient files, education records, Staff records and BAC records generally, held on the Premises;
 - (iv) any property belonging to inpatients and outpatients of the BAC and their families, carers, friends, Staff of the BAC, any other Relevant Stakeholder and Human Services Agency which was located at the Premises;
- (f) what in fact happened after the Closure to the:
- (i) premises (including land and all buildings/material infrastructure);
 - (ii) furniture and office equipment located at the Premises;
 - (iii) patient files, education records, Staff records and BAC records generally, held on the Premises;
 - (iv) property belonging to inpatients and outpatients of the BAC and their families, carers, friends, Staff of the BAC, any other Relevant Stakeholder and Human Services Agency which was located at the Premises.

Transition Arrangements: [TOR: 3(d), 3(e), 3(f) and 3(h) and 4]

15. All documents relating to:

- (a) the identity of the BAC patients transitioned to alternative care arrangements in association with the Closure (or anticipated closure), whether before or after the Closure Decision Announcement (the "Transition Clients");
- (b) how care, support, service quality and safety risks were identified, assessed, planned for, managed and implemented for the Transition Clients before and after the Closure (the "Transition Arrangements");

- (c) the process leading to the development of the Transition Arrangements, such as:
 - (i) any correspondence, memoranda, submissions to or from the Department of Health, Queensland Treasury, or any other Human Services Agency or any other Relevant Stakeholder;
 - (ii) briefing papers, including those relating to Cabinet submissions from the Department of Health, and meeting notes between the Department of the Premier and Cabinet, and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and Board, Queensland Treasury, and any Human Services Agency;
 - (d) the information, material, advice, processes, considerations and recommendations that related to or informed the Transition Arrangements;
16. The documents referred to in paragraph 15 above include but are not limited to documents relating to:
- (a) how long the Transition Arrangements were scheduled to take;
 - (b) who was to pay for the Transition Arrangements;
 - (c) the anticipated cost of the Transition Arrangements;
 - (d) the actual cost of the Transition Arrangements implemented;
 - (e) clinically appropriate models for the transition of young people with severe and complex mental illness from one form of intensive mental health services to another that were considered and implemented or considered and dismissed in association with the anticipated closure or the Closure;
 - (f) best practice models for the care of young people with severe and complex mental illness being transitioned from one form of intensive mental health services to another that were considered and implemented or considered and dismissed in association with the anticipated closure or the Closure;
 - (g) any assessment, monitoring and evaluation of the adequacy of the Transition Arrangements before, during and after implementation;
 - (h) any clinical or other advice and or reports obtained as to the likely or actual effect of the Transition Arrangements on the Transition Clients;
 - (i) the Transition Arrangements including:
 - (i) any correspondence, memoranda, submissions to or from the Department of Health, Queensland Treasury, West Moreton Hospital and Health Service (and its Board), or any Human Services Agency or any other Relevant Stakeholder;

- (ii) briefing papers, including those relating to Cabinet submissions from the Department of Health, and meeting notes between the Department of the Premier and Cabinet and the Department of Health, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and Board, Queensland Treasury, and any Human Services Agency;
- (j) the Transition Arrangements in so far as they concern the Department of Premier and Cabinet's obligations with respect to other Queensland Government departments and also the Queensland Government's obligations with respect to the Australian Government and its mental health priorities.

Families of Transition Clients: [TOR: 3(e) and 3(h)]

17. All documents relating to the care, support and services that were provided to the families of the Transition Clients, including all documents relating to:
- (a) any advice and or reports obtained as to the likely or actual effect of the Transition Arrangements on the families of Transition Clients;
 - (b) any consultations, meetings or dealings between the Department of the Premier and Cabinet and the Department of Health and staff, the families, carers, and or friends of the Transition Clients, the West Moreton Hospital and Health Service (and its Board), or any other Health Service and Board, Queensland Treasury, any relevant Human Services Agency or any Relevant Stakeholder, about the adequacy of the care, support and services that were provided to the families of the Transition Clients during the carrying out of the Transition Arrangements.

Alternatives to the BAC: [TOR: 3(g), 3(h) and 4]

18. All documents relating to whether, in association with the Closure Decision, there was any consideration of alternatives for replacing the BAC, including but not limited to documents dealing with:
- (a) any alternative for the replacement of the BAC that was considered;
 - (b) the bases for any alternative that was considered not being adopted;
 - (c) any alternatives that were not considered;
 - (d) the information, material, advice, processes, considerations and recommendations that related to or informed the matters in 20(a), 20(b) and 20(c) above.
19. The documents referred to in paragraph 18 above include but are not limited to documents relating to:
- (a) clinically appropriate models of care for intensive mental health services to young people with severe and complex mental illness;
 - (b) best practice models of care for intensive mental health services to young people with severe and complex mental illness;

- (c) any consultations, meetings or dealings between the Department of the Premier and Cabinet, and the Department of Health and staff, the families, carers, and or friends of the Transition Clients, the West Moreton Hospital and Health Service (and its Board), any other Health Service and Board, Queensland Treasury, any relevant Human Services Agency or any Relevant Stakeholder, about alternatives for replacing the BAC;
- (d) the option of transferring the on-site integrated education program to an alternative site.

Other Matters: [TOR: 3(i)]

20. All documents concerning patient safety and confidentiality in relation to the Closure Decision and Transition Arrangements including:
- (a) any report of self-harm by any patient or former patient of the BAC or Transition Client;
 - (b) any report of harm to any patient or former patient of the BAC or Transition Client, by Staff of the BAC;
 - (c) any report of harm to any patient or former patient of the BAC or Transition Client, by other patients or former patients of the BAC or Transition Clients;
 - (d) any consequential internal or external investigations or reports arising from or related to 22(a) to (c) above;
 - (e) policy or practice changes as a result of any such incidents or events in 22(a) to (c) above;
 - (f) any complaints from patients or former patients of the BAC or Transition Clients, their families, carers, friends, Staff of the BAC, any other Relevant Stakeholder or Human Services Agency, relating to the compromise of patient safety or confidentiality in relation to the Closure Decision or the Transition Arrangements;
 - (g) any consultations, meetings or dealings about patient safety and or confidentiality in association with the Closure and or the Transition Arrangements that took place between the Department of the Premier and Cabinet, the Department of Health, and any of the Department of Health, the Staff of the BAC, the families, carers, and or friends of the patients or former patients of the BAC or Transition Clients, the West Moreton Hospital and Health Service (and its Board), any other Health Service and Board, Queensland Treasury, any Human Services Agency and any Relevant Stakeholder;
 - (h) any directives relevant to patient safety and or confidentiality that were issued by any Health Service Chief Executive appointed under s. 7 of the *Hospital Health Boards Act 2011* or otherwise.

General

21. Any other documents relating to the TOR.