

WhistleBlowers' Documents Exposed

WBDE Panels - Human Rights and Ethics Panel

PO Box 140

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Web: <http://www.wbde.org>

TO: HealthQuest

20 July 2006

Level 13, 59 Goulburn St, Sydney; 2000 Postal Address: PO Box K609 Haymarket NSW 1240

Phone: (02) 9289 7700 Fax: (02) 9289 7799 Email: enquiries@healthquest.gov.au

Other interested parties

Re: HealthQuest assessment Confidential at this time

Attention: DR PETER DODWELL Chief Medical Officer, HealthQuest

Who We Are:

WhistleBlowers Documents Exposed (WBDE) is a self-funded people's initiative arising from our dissatisfaction with the performance of some existing funded organizations and personnel, who are considered to have failed to perform their duties effectively within the law, and in the public interest. More information is available on our WhistleBlowers' Documents Exposed site: <http://wbde.org/>

Almost 2 years ago we were asked to assist [Confidential] claim her right to be placed on the eligibility list for casual teaching with the Department of Education and Training (DET). We refer to our letter from WBDE Human Rights and Ethics Panels 27 October 2005 to HealthQuest, Dr Casolin and Ms Viney.

At that time we noted with alarm that although HealthQuest had been advised that [Confidential] was currently already teaching. Therefore, evidently HealthQuest intended to direct [Confidential] to go/submit to an unspecified number of specialists in various medical fields including neuropsychology, psychiatry and neurology to obtain outside 'reports' on the standard of health and work she was currently demonstrating within the Catholic system, some hundreds of km away.

To date we have not seen legislation either empowering HealthQuest personnel to direct her to these 'assessments', or to require all/any retired teachers (including [Confidential]) to submit to same. We ask that HealthQuest inform us of the Act and section.

It is our understanding that HealthQuest raises most of its operational revenue from the sale of HealthQuest services to their clients. Its clients include DET. In this case WBDE Human Rights and Ethics Panel perceives HealthQuest's actions as problematic due to adverse impressions including possible over-servicing, conflict of interest, collaborating with third parties, inappropriate treatments, overcharging and prolonging contact with [Confidential]. Dr T Thirumoorthy writes of "*Conduct or Misconduct*" in http://www.sma.org.sg/sma_news/3206/focus.pdf

As we are of the understanding that throughout all this time [Confidential] had been satisfactorily fulfilling her duties as a teacher in the similar Catholic schools system, and continues to do so, we ask

also for HealthQuest to inform us how these latest services to its client DET fit within [Confidential] entitlement to the basic, world-wide right work, and ethical medical practices. We base this on material such as that available in our References Section <http://www.wbde.org/references/> not only in

- * *The Universal Declaration of Human Rights, 1948*; but also
- * *International Covenant on Economic, Social and Cultural Rights*. Australia Ratified 10 Dec 1975;
- * *Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1975*; and
- * *United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment* (from United Nations Office of the High Commissioner of Human Rights.) Australia ratified 7 Sept 1989.

It appears to us that [Confidential], having already provided medical and rehabilitation documentation sufficient to permit the teaching she was already doing, did not request these medical processes,

If this is the case, we express deep concern that HealthQuest appear to have, for either their own or DET's purposes, denied [Confidential] her right to work for an extraordinary length of time, and probably caused her financial and personal damage.

We again point out may be considered unethical, if not illegal for HealthQuest to require [Confidential] to submit to unwanted medical processes/assessments, and this may constitute trespass and/or assault.

If HealthQuest has gathered, used, or supplied any documents containing comments or allegations of a private nature about [Confidential], we advise that HealthQuest is subject to Privacy Principles as set out in the *Privacy Act*. Did HealthQuest check this before gathering and/or using allegations or opinions? Some relevant excerpts may be found at

<http://www.wbde.org/references/privacyPrinciples.php>

This case appears to have similarities with those of other public servants who were 'HealthQuested' after they spoke up about corrupt practices. We refer to the articles:

- * "*HealthQuesting Val Kerrison*"

http://www.wbde.org/documents/2006_Mar_03_IndyMedia_HealthQuestingValKerrison.php

and

- * "*My name is Qu'ach Nhung. I was a Vietnamese Boat Person. HealthQuest ruined my life here in Australia*" <http://sydney.indymedia.org/node/35310>

As HealthQuest's actions may be currently causing [Confidential] to be disadvantaged compared to others seeking teaching employment with DET, we look forward to your reply, supporting documentation if you claim differently to the impressions we articulate above, and for HealthQuest to confer on [Confidential] all possible support/remedial actions as soon as possible. Please reply within 14 days of the date above to:

WBDE Human Rights and Ethics Panel, PO Box 140, NEWTOWN, NSW, 2204

Yours faithfully

L Arnott

WBDE Human Rights and Ethics Panel