

My husband, David Connell and I had resided in Alice Springs for some six years, when he applied for the position of Director, Norfolk Island Hospital in early November, 2001. He was interviewed via a telephone link up, and was notified that he was the successful applicant.

We were welcomed quite warmly by most of the people we met, and quickly set about to become part of the community. We have lived in quite a few small, isolated communities, so we knew what to expect in terms of trying to fit into the lifestyle. All of us play tennis, and considered it fortunate that tennis appeared to be an important part of the island lifestyle. At that stage, we hoped to stay on Norfolk Island for up to six years, even though David only had an initial contact for two years with an option for another twelve months.

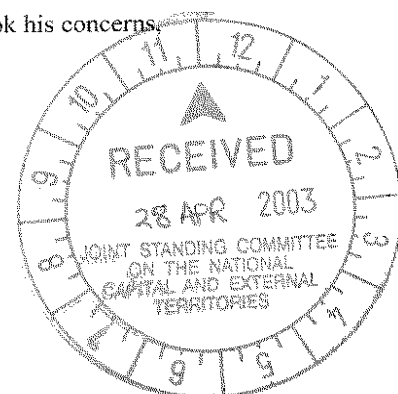
Very soon after David started work at the hospital, it was made known to him that not everything was the way it should be. The nursing staff in particular made it quite clear that David had not been their preferred applicant for the job of Director. Apparently one of the nurses had applied for the job at the same time as David had. Also, Neville Boyce (who had been acting in the role of Director as an interim measure) expressed to David his discomfort regarding one of the doctors, who, in his opinion, had tried to claim from the hospital more than his entitlements. That had been sorted, with the doctor agreeing that he had been mistaken in the amount that he had tried to claim. David was approached by this same doctor very soon after Neville had left the island, and informed by him that his (Damien Foong's) contract was "different" from the other doctors' contracts, in that his contract accorded him hospital indemnity for malpractice insurance. Whilst investigating this statement, David discovered that the hospital carried no insurance coverage for any of the doctors, a situation which has been found to have been the case for years. Also during this time, David discovered that the electronic files within the hospital's computer system were in no way password protected, and that any one could access any file from any computer in the hospital. It has since been confirmed that the files could have (and have been) accessed from a number of doctors' homes. On or about the 13th March, 2002, whilst comparing the document which Damien Foong proffered as his contract, and the document which was in the personnel file in his office files, David noted, and had confirmed by Helen Dowling (the Accounting Officer/Deputy Director), that there were, in fact, more than twenty discrepancies between the two documents (some minor, and some which would have been very beneficial to Damien Foong).

If this issue was not enough to worry David (still trying to come to terms with a new job, new staff, and a brand new life style) members of the Management board were asking him to investigate various issues which had been raised with them (the board members) by members of the public. It was suggested by these Board that Damien Foong had been performing surgery at the hospital that was not appropriate for a health service this isolated, and that he had been charging several thousand dollars for these operations. The Board also suggested that none of this money was being paid to the hospital, but was being sent to America. David questioned his accountant at this stage (Helen Dowling) and was informed that there had been amounts paid to the hospital, and had been accounted for in a separate set of books.

At about this time, David approached Damien Foong and attempted to make an appointment to see him in an effort to sort out the apparent problems resulting from Damien having a "different" contract than the one held on file, which was stamped in red wax, as are legal documents. Damien told David that any discussion about his contract was to be held in his solicitor's office, and that he would meet him there that afternoon. David attended that meeting, where he was informed that Damien was claiming that the document that he held was, in fact, his legal contract, and that there would be no discussion on the matter.

David tabled his concerns in various Board meetings, and during one Board meeting was asked by the then Minister for Health, to "untable" his report. David was duty bound to investigate the allegations the Board and refused this request, knowing what his professional obligations were.

David, on the advice of the then Crown Counsel and with the concurrence of the Board took his concerns, with supporting evidence to the police.



Having regard to the general conduct of Damien Foong, particularly with respect to and unwillingness to explain the differing contract; the performance of surgery by him outside the terms of his employment and doubts arising from the accuracy of the second set of accounts, David suggested to the Board that it was appropriate to terminate Damien Foongs' tenure, and the Board resolved to do so. However, the Minister for Health over ruled the Board and suggested that Damien Foong be suspended on full pay whilst the matter was investigated by the police. David had sent to the Minister a copy of the legal opinion written by the then Crown Counsel, in which it was pointed out that David had a clear duty of care to suspend Damien Foong, or the Hospital Enterprise would be legally at risk.

Mr. John Brown, Damien Foong's solicitor advised Mr. George Smith, the then Minister for Health, to "take that director of the hospital by the ears, and shake some sense into him" during a sitting of the Legislative Assembly. This abuse was broadcast over the air on radio, but as John Brown could claim parliamentary privilege whilst making that statement, apparently he cannot be sued or held liable for this defamatory statement and unwise advice. During the same sitting of the Legislative Assembly, Mr. John Brown claimed that there would be no conflict of interest with him representing Damien Foong in this matter against the Hospital (a government body) because he was performing the role of legal advocate for free.

The Supreme Court of Norfolk Island and to which Damien Foong had made an application, ruled that there was no clause in either Damien Foongs' contract OR in the Hospital Act which allowed for suspension, so ruled that his suspension was invalid. The fact that the same ruling maintained that termination was legal appeared to have been overlooked by Damien Foong's various supporters

When the investigation by the police was completed, it was found that there was enough evidence to have Damien Foong charged with forging and uttering, and appropriate charges were laid.

Damien Foong left Norfolk Island for a period of some weeks, on 6th April, 2002, to await the birth of his child in Brisbane. Soon after his return, another problem arose which gave rise to further questions about his credibility.

Prior to David's appointment, there had been some controversy surrounding the medical superintendant's role. Apparently both Dr. Damien Foong and Dr. Danny Kennedy had been appointed to the role. According to the Crown Counsel, Dr. Danny Kennedy's appointment to the position is the legally binding appointment, as it was dated before Damien Foongs' contract was signed. Drs' Danny Kennedy and Damien Foong agreed to "share" the role, during a discussion with both parties and noted in a letter from John Brown. That letter was found in David's files. Damien Foong has since denied that agreement ever existed and has insisted since his return on being known as the Medical superintendant. David has highlighted both the agreement made between Dr. Damien Foong him and Dr. Danny Kennedy and the ruling from the Crown Counsel, but Dr. Foong refuses to stop using the title, much to the embarrassment of the Administrative staff of the hospital.

The date for the hearing of the criminal charges against Damien Foong was set for the second of December, and subpoenas were served for various witnesses to appear at that court hearing. Since those subpoenas were served, David received communication from Damien Foong's solicitor, which claims that, although Damien Foong did not want to resign, he would be prepared to if various conditions were met. One of those conditions was that the criminal charges be dropped. As to whether or not the criminal charges are withdrawn; that was a matter for the police and/or the Crown Counsel to determine.

Since the date of that hearing was set, Damien Foong commenced a series of personal attacks on David's character. It has become obvious, from statements which he made in public, that he had somehow illegally accessed David's previous medical files, from ten years ago. He had also accessed Davids' medical file from here on the island, and the Community Services file regarding the adoption of our son. He has **NEVER** been authorized to access Davids' file and has never treated David medically. These actions have been reported to the Queensland and New South Wales Medical Boards, as gross invasions of David's privacy. He (Damien Foong) made serious allegations regarding Davids' medical and financial history, in front of several witnesses, one of whom was the current Minister for Health. Damien Foong alleged that

my husband has had psychiatric treatment, has lied in the adoption application for our son, Nathan, and has twice been bankrupt. These allegations are false, scurrilous and defamatory and are unworthy of a medical practitioner. Dr. Foong was either acting irrationally or perhaps with specific intent to intimidate my husband prior to the criminal charges being heard. Dr. Foongs' irrational behaviour gave me concern as to the well being of myself and my family. At this stage, we have been given no assurance that these matters have been dealt with by either of the statutory bodies which are supposedly the watchdogs of professionalism within the medical field. My understanding was that Norfolk Island was part of Australia, albeit an external territory, and still subject to the same rules and regulations which are upheld on the "mainland". I understand that Damien Foong is currently practicing in Brisbane.

Whatever the outcome of the criminal proceedings against Dr. Foong was, it is clear that some of the island community will hold David responsible for the proceedings. It is also clear from a meeting between David and the Minister for Health on 4th November, 2002, that he does not enjoy the support of that Minister. That feeling was reinforced when that same Minister advised the Legislative Assembly in December that David was "being relocated" away from the island. That information was broadcast to the whole island before the Minister had discussed the issue with David at all. The Hospital Board, which first asked David to investigate the matter no longer exists. All actions and investigations taken by my husband emanated from matters raised by that Board, but David now appears as the scapegoat.

My question is; is this fair? And who will independently investigate all the facts and circumstances of this matter which has forced us to leave Norfolk Island, much against our will.