

KING EDWARD MEMORIAL HOSPITAL FOR WOMEN, SUITS FOR NEGLIGENCE

1. **Hon Derrick Tomlinson** to the Parliamentary Secretary representing the Minister for Health
- (1) In the past five years, how many suits for negligence have been brought against medical officers of King Edward Memorial Hospital for Women?
- (2) In each case who were the named defendants?
- (3) What is the total sum that has been paid to successful litigants for each of the five past five years?
- (4) Who were the named defendants in those suits and what was the sum awarded against each of them?
- (5) In each case who was the insurer?

Hon LJILJANNA RAVLICH replied:

1. Between October 1997 and September 2002, 9 Writs were issued naming KEMH and medical officers associated with KEMH as Defendants. The Writs were issued in relation to incidents that were alleged to have occurred in the following years: 1994 (1), 1996 (1), 1997 (2), 1998 (1), 1999 (3), 2000 (1). 4 of those Writs named medical officers in their capacity as employees of KEMH, and 5 of those Writs named medical officers in their capacity as private obstetricians or gynaecologists, not as employees of KEMH.
2. In each case the named Defendants were:
- (a) Metropolitan Health Service Board and Hamish Edgar McGlashan (in his capacity as a private obstetrician, not as a KEMH employee)
 - (b) Metropolitan Health Service Board, Diane Patricia Mohen and Denise Ka Wai Koong (in their capacity as KEMH employees)
 - (c) Metropolitan Health Service Board and Brian Roberman (in his capacity as a KEMH employee)
 - (d) Board of Management of KEMH, Bronwen Stuckey and Terence Thomas (in their capacity as private medical practitioners employed by Concept Private Clinic, not as KEMH employees)
 - (e) Metropolitan Health Service Board and Brian Roberman (in his capacity as a private obstetrician, not as a KEMH employee)
 - (f) Metropolitan Health Service Board and Brian Roberman (in his capacity as a KEMH employee)
 - (g) Metropolitan Health Service Board and Robert Ernest Mazzuchelli (in his capacity as a private medical practitioner, not as a KEMH employee)
 - (h) Minister for Health (in his capacity as KEMH), Doreen Yeap (in her capacity as a KEMH employee) and Carol Wolfe (Third Party, in her capacity as a private independent midwife). This claim is ongoing and has not yet been determined.
 - (i) Minister for Health (in his capacity as KEMH) and Christopher Guy Leach (in his capacity as a private medical practitioner, not as a KEMH employee). This claim is ongoing and has not yet been determined.
3. The total sum which is known to have been paid to litigants and claimants in relation to the 20 matters in which KEMH was involved as either a sole or joint Defendant, which were settled or determined a trial between October 1997 and September 2002 is \$7,028,851. Of this sum \$3,401,814, inclusive of legal costs, was paid by KEMH.
4. In 14 cases which were settled between October 1997 and September 2002 settlement was reached by way of Deed of Release. In each of those cases the Deed incorporated a confidentiality clause providing that the Deed and all of the provisions of thereof should be and remain confidential between the parties and not be disclosed to any third party and that the parties should not publish or disseminate information as to the terms of the settlement to any person without written consent of the other parties. In another 6 cases the matters proceeded to trial, were discontinued against KEMH, or were settled without any requirements for confidentiality. In those cases the named Defendants and the amounts paid to the claimants were:
- (a) Board of Management of KEMH, Stuckey and Thomas: judgment of \$1,210,387 against Dr Thomas, but no adverse findings were made against KEMH or Dr Stuckey.

- (b) Metropolitan Health Service Board and Roberman: the settlement amount was \$4,767,000 inclusive of costs.
 - (c) Metropolitan Health Service Board and Mazzuchelli: the action against KEMH was discontinued and the outcome of the action against Dr Mazzuchelli is not known.
 - (d) Metropolitan Health Service Board: settlement of \$46,861 inclusive of costs, paid by KEMH.
 - (e) KEMH: no Writ was issued, no legal costs were incurred by the claimant, and the claim settled for \$260, paid by KEMH
 - (f) Metropolitan Health Service Board: no Writ was issued and the claim settled for \$2,000 inclusive of costs, paid by KEMH
5. In each case KEMH was self-insured, either in its own right, or, in respect of incidents that occurred after July 1997, through the RiskCover Managed Fund. In those cases where the medical practitioner was sued in a private capacity, the settlement sum or judgment sum was borne by the medical practitioner's medical defence organisation.