



Health
Sydney
Local Health District

PRIVATE AND CONFIDENTIAL

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Dr Winston Cheung
Senior Staff Specialist
Intensive Care Unit
Concord Repatriation General Hospital
Hospital Road
Concord NSW 2139

By Email: [REDACTED]

Dear Dr Cheung

Re: Outcome of Initial Assessment

I write regarding allegations raised against you by Dr Andrew Hallahan, Executive Director Medical Services, Clinical Governance & Risk, Sydney Local Health District (SLHD).

As you would recall, on 10 November 2023, you were contacted by Ms Juliette Rex, Employee Relations Manager, SLHD advising she was undertaking an initial assessment into the allegations raised by Dr Hallahan. You were then provided the details of those allegations from Ms Rex in writing as follows:

"On 12 October 2023, during the CRGH Medical Staff Council meeting with the Executives and in your role as the Chair of this MSC meeting, you:

- a) Interrupted Dr Andrew Hallahan, Executive Director Medical Services, Clinical Governance & Risk of SLHD, and in an aggressive manner;*
- b) Appeared angry when you indicated that Executive were not interested in anything other than "band aid" solutions;*
- c) Did not provide Dr Hallahan an opportunity to answer;*
- d) Produced a document you said was published by SLHD related to the implementation of CORE values which you read from in a raised and angry voice;*
- e) Raised this document to the camera, shaking this document and also denigrated Dr Hallahan's association as a member of the Executive;*
- f) Behaved disrespectfully towards Dr Hallahan, including in a manner that was aggressive, angry and rude at this meeting.*

Additional allegations have also been raised as follows:

On 4 August 2023, during the SLHD Medical Staff Executive Council meeting, you:

- g) Interrupted Dr Hallahan when he provided a verbal report regarding Agenda Item 4/5 Health/Wellbeing/Support of JMOs;*

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h) Stated to Dr Hallahan that he "should stop making excuses" and that "more JMOs need to be hired" in an abrupt, rude and disrespectful manner. This was in response to Dr Hallahan's advice of the challenge across NSW, and the efforts to continuing to actively recruit to Concord positions and all shifts are covered safely;

i) Appeared disrespectful through a rude and abrupt manner, including towards the Chair, Dr Alicja Smiech and the Chief Executive of SLHD, Dr Teresa Anderson AM when you expressed your disappointment and strong disagreement when Dr Smiech stated it would not be appropriate to discuss the vote of no confidence in the Chief Executive made by the relevant attendees at the CRGH MSC meeting when there is an Independent Intervention Review Process currently happening into that matter".

I write to advise that the Initial Assessment has now been finalised and submitted to me as the Decision Maker.

You were aware the allegations were being reviewed pursuant to the NSW Health Resolving Workplace Grievances (PD2016_046) and offered the opportunity to provide a response to the allegations at a meeting scheduled for 14 November 2023. I am aware you did not attend that meeting advising that you needed time to obtain legal advice.

As such, Ms Rex advised you in writing that the meeting was rescheduled to 4 January 2024 or that if you were unavailable you could provide a written response by 5 January 2024. Ms Rex also informed you that given you had been in receipt of the allegations since 10 November 2023, that in the absence of any response, the Initial Assessment would be finalised on the available information.

I note that you failed to attend any meetings or provide a written response to the allegations during the Initial Assessment process other than to provide correspondence disputing the process from occurring.

By way of information, I advise the Initial Assessment substantiated the allegations raised but that your behaviour did not meet the threshold of misconduct or that of bullying and harassment as defined in the NSW Health Managing Misconduct (PD2018_031) and Prevention and Management of Bullying in NSW Health (PD2021_030) Policies.

However, due to the nature of the substantiated behaviour towards Dr Hallahan, it was found to be contrary to the NSW Health CORE Values and your obligations under the NSW Health Code of Conduct (PD2015_049), in particular section 4.1 Promote a positive work environment.

SLHD is committed to a safe workplace that promotes a positive work culture that creates a supportive environment that values the well-being and contribution of all staff. Given the substantiated allegations, this correspondence serves to remind you of your obligations under the NSW Health Code of Conduct and I advise that you should provide an apology to Dr Hallahan for the manner in which he was spoken to.

Considering the behavioural and communication concerns over your conduct, the Initial Assessment recommended a mediation consistent with the NSW Health Resolving Workplace Grievances Policy.

Please be advised I accept the above – mentioned recommendation from the Initial Assessment and advise a mediation will be arranged between you and Dr Hallahan. You will receive further information on the forthcoming mediation.

Should you have any further have any questions in relation to this matter, please contact me on [REDACTED] or via email at [REDACTED]

I am obliged to advise you not to discuss this matter with other staff members other than myself, your support person, your union or legal representative or any treating practitioner. You and those involved in this process are required to keep this matter confidential. Any breach of confidentiality, including discussing or speculating about the matters that are subject of this matter, may result in possible disciplinary action.

I recognise this may be a very difficult time for you and I take the opportunity to remind you of the staff counselling services available through the Employee Assistance Program. The Employee Assistance Program is a free and confidential service, and they may be contacted by telephone on 9515 9680.

Yours sincerely



Gina Finocchiaro

Director, Workforce & Corporate Operations, SLHD

Date: 27/2/24