Special Commission of Inquiry into Healthcare Funding

Before: The Commissioner, Mr Richard Beasley SC

At Tamworth District Court Marius St & Fitzroy Street, Tamworth NSW 2340

Friday, 20 September 2024 at 9.41am

(Day 53)

Mr Ed Muston SC	(Senior Counsel Assisting)
Mr Ross Glover	(Counsel Assisting)
Dr Tamsin Waterhouse	(Counsel Assisting)
Mr Ian Fraser	(Counsel Assisting)
Mr Daniel Fuller	(Counsel Assisting)

Also present:

Mr Richard Cheney SC with Mr Hernan Pintos-Lopez for NSW Health

THE COMMISSIONER: Good morning, everyone. Yes, Mr Glover.
MR GLOVER: Thank you, Commissioner. This morning we have evidence from three of the board chairs concurrently. They are all by AVL: Mr Peter Treseder, Associate Professor Martin Cohen and Mr Peter Carter. I think they are coming up on the screen now. They should be sworn or affirmed.
THE COMMISSIONER: Mr Treseder, can you hear me?
MR TRESEDER: I can, yes.
THE COMMISSIONER: Mr Carter, can you hear me?
MR CARTER: Yes, sir.
THE COMMISSIONER: And Associate Professor Cohen, can you hear me?
A/PROF COHEN: I can.
THE COMMISSIONER: Excellent. Good morning to all of you.
If I could start with you, Mr Treseder, would you like to give your evidence by way of oath or affirmation?
MR TRESEDER: Affirmation, please.
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THE COMMISSIONER: Mr Carter, oath or affirmation?
MR CARTER: Affirmation, please.
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THE COMMISSIONER: And Associate Professor Cohen?
A/PROF COHEN: Affirmation, please.
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THE COMMISSIONER: Thank you. Yes, Mr Glover.

1 MR GLOVER: Thank you, Commissioner. Mr Treseder, I was 2 going to start with you, but I'll address these initial 3 remarks to each of you. 4 5 If at any stage the connection breaks up and any of you can't hear me, let us know and we can repeat questions 6 7 and start again. All right? So at any stage that's fine. 8 I am also going to address a series of questions to each of 9 you in relation to topics. If one or other of you wishes 10 to add, qualify, build on an answer that is given, or add some other point of view, you're free to do that. 11 12 and remember to ask you as we go along, but if I forget, please feel free to raise your hand and we'll make sure we 13 get your point of view as well. All right? 14 15 16 MR TRESEDER: Okay. 17 Mr Treseder, can you tell us your full name, 18 MR GLOVER: 19 please? 20 21 MR TRESEDER: It is Peter John Treseder. 22 23 MR GLOVER: You are currently the chair of the board of the Mid North Coast LHD, correct? 24 25 MR TRESEDER: That's correct. 26 27 28 MR GLOVER: You have been in that position since 29 about June 2023? 30 MR TRESEDER: 31 That's right. 32 MR GLOVER: 33 When did you first join the board? 34 MR TRESEDER: In December '22. 35 January '22. 36 37 MR GLOVER: To assist the Commission, you have made a The first, dated 13 September of 38 couple of statements. 39 this year, correct? 40 41 MR TRESEDER: That's right, yes. 42 43 MR GLOVER: And you wish to make some amendments or 44 qualifications to a few of those paragraphs, which you have 45 done in a supplementary statement dated today; is that 46 right?

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That's correct
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         MR TRESEDER:
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                      And when taken together, those statements are
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         MR GLOVER:
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         true and correct to the best of your knowledge and belief?
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         MR TRESEDER:
                         That's correct
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         MR GLOVER:
                       Thank you. Associate Professor Cohen, can you
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         tell us your full name, please?
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         A/PROF COHEN:
                          Martin Cohen.
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         MR GLOVER:
                       And you are the board chair of the Hunter New
         England Local Health District?
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         A/PROF COHEN:
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                      When did you join the board?
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         MR GLOVER:
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         A/PROF COHEN:
                          I think it was September 2015.
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         MR GLOVER:
                       And you have been the chair since about 2021,
         is that right?
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         A/PROF COHEN:
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                          That's correct, yes.
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                       And you are a psychiatrist in private
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         MR GLOVER:
         practice?
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         A/PROF COHEN:
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                          I am, yes.
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         MR GLOVER:
                      And to assist the Commission in its work, you
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         made a statement dated 16 September?
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         A/PROF COHEN:
                          Yes, that's correct.
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         MR GLOVER:
                       That is [MOH.0011.0073.0001].
                                                       Have you had a
         chance to review it again before giving your evidence
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         today?
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         A/PROF COHEN:
                          I have, yes.
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         MR GLOVER:
                       And is it true and correct to the best of your
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         A/PROF COHEN:
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         MR GLOVER:
                       Mr Carter, could you tell us your full name,
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         please?
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         MR CARTER:
                       Peter Henry Carter.
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         MR GLOVER:
                       You are the board chair of the Northern NSW
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         LHD; is that right?
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         MR CARTER:
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         MR GLOVER:
                       You have held that position since January
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         2023?
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         MR CARTER:
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         MR GLOVER:
                       And been on the board since about January
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         2019?
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         MR CARTER:
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         MR GLOVER:
                       To assist the Commission in its work, you made
         a statement dated 5 September; is that right?
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         MR CARTER:
                       Yes.
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         MR GLOVER:
                       [MOH.0011.0059.0001]. And you wish to make
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         some corrections to paragraphs 12 and 16 of that statement,
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         which you've done by way of a supplementary statement of
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         yesterday; is that right?
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         MR CARTER:
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         MR GLOVER:
                       And when those two statements are taken
         together, they are true and correct to the best of your
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         knowledge and belief, correct?
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         MR CARTER:
                       They are, yes.
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         THE COMMISSIONER:
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         find the supplementary statement. If someone could --
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                       Of which? Or Mr Treseder or Mr Carter?
         MR GLOVER:
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         THE COMMISSIONER:
                              Mr Carter.
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         MR GLOVER:
                       I will hand you a copy.
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THE COMMISSIONER: Actually, I might be missing Mr Treseder as well. Oh, no. I have an email with corrections.

MR GLOVER: Yes. That's what I have. That's right.

THE COMMISSIONER: Thank you. I now have everything. Thank you.

MR GLOVER: Mr Treseder, can I come back to you. Can you tell us a little bit about your professional background, please?

MR TRESEDER: My professional background was as a banker, looking at commercial activities for the bank, large loans, everything up to \$1 billion loans, et cetera. Over the last couple of decades, though, my focus has been on raising money for medical research, heading up CEO of a number of hospital foundations to do that because my passion is to help people who are sick by way of - and I wasn't smart enough to be a doctor, but I had the passion to raise a bit of money and I have been very successful at that over two decades.

MR GLOVER: Thank you. Professor Cohen, could you tell us a little about your professional background, please?

A/PROF COHEN: Yes. I am a psychiatrist by training. I have had a broad range of experience both as a senior staff specialist and a junior doctor, obviously within the public health service. I then moved through to take over as director of psychiatry training and developed a psychiatry training program. I moved on to the executive director of the Hunter New England Local Health District mental health services and progressed from there to joining the board when I left to set up private practice.

My broad interests are, similar to Peter, actually, medical research and optimising the translation of evidence-based into practice and supporting the local community, keeping trained specialists local and then from working into large cities, keeping them in a rural and regional context.

MR GLOVER: Thank you. Mr Carter, would you tell us briefly about your professional background, please?

 MR CARTER: Yes. I started in higher education management principally, but some teaching as well, and in the '80s, I moved into healthcare by becoming the first chief executive of the Royal Australian and New Zealand College of Psychiatrists. And then I went from there to the chief executive of the Royal Australasian College of Surgeons, and doing consulting work along the way. And then I moved international to become chief executive and then a board member of the International Society for Quality in Health Care. And then when I returned from overseas, I was appointed by the minister as a member of the board of Northern NSW.

MR GLOVER: Thank you. Mr Treseder, if I can come back to you, and I will take you to paragraph 5 of your statement. That is, your statement of 13 September.

MR TRESEDER: Yes.

MR GLOVER: There, you tell us a little about your approach to your role as board chair, but before I take you to some of the detail in that paragraph, can you just describe to us what you see as the role and function of the board chair?

MR TRESEDER: My principal responsibility is to ensure that the board functions as efficiently as it can. That involves making sure the information that flows to the board is succinct, that a lot of - the abbreviations are explained, there are no acronyms sitting in those documents. And then the process of the board at the board meeting is making sure that we arrive at resolutions as quickly and as easily as we can. And my other principal role is to make sure that I support and hold accountable the chief executive.

MR GLOVER: Thank you. Professor Cohen, would you wish to add anything to that answer of the role of board chair?

A/PROF COHEN: Aside from what my colleague has said, just ensuring that all board members have equal access to good quality information, that we have the capability and capacity to ask the right questions of our chief executive and our board, and that we continue to uplift the capability of the board, keep a strong connection between board and the executive, so that we have, as far as is possible, our finger on the pulse. My job also is to

support the CEO and ensure that she is well supported in what is a very challenging role. So supervision and mentoring as well.

MR GLOVER: We'll come back to some of those concepts during the morning. Mr Carter, is there anything you would wish to add to those descriptions of the --

MR CARTER: I would just think I would just wish to add that I have been interested in recent work that's been done on the correlation between board governance and board governance practices and the outcomes and outputs of the body in which they're governing. So it's work done by the IHI, Institute of Healthcare Improvement, and they introduced a white paper that showed a strong correlation between healthcare quality outcomes and board governance, and I think that's an area that is worth pursuing and that's an interest I have, and I would want to further that.

And the other interest I have is in how to reframe the concept of a skills mix on a board. And I've got a working party here looking at that with the Clinical Excellence Commission, because I think we're probably not doing it optimally and I think it is an area worth - again, an area worth pursuing.

MR GLOVER: When you say "reframe the concept of skills mix on the board," can you give practical examples of the things you are referring to?

MR CARTER: Yes. I think we appoint board members because of specific skills they might have or their community connections or their experience, and I don't think we've looked carefully enough at how we apply the peripheral skills, if you like, that board members might have to the advantage of the work of the board as opposed to say, their, specific skills.

And I give an example in my brief of evidence that we have one of our board members is a PhD in engineering in the energy sector and of course his skills, training and experience would make him a natural candidate to lead our environmental sustainability and healthcare group. But I also have an interest in, say, his and every other board member's, on the ethical dimensions of the matters, their views on the ethical dimensions of the matters we are

looking at, for example.

 And I have another board member who is the director of intensive care at one of our larger hospitals, and he has some particular interests in governance and other areas. He's done studies in those areas, and I'd like to maximise those, if you like, peripheral activities of board members, because with the minister's ambition to have board members limited to eight, you cannot cover all the skills that are required of a board member in that number. So you have to develop skills beyond their particular professional skills in the board, both individually and collectively. So that's what I mean by utilising the skills mix differently.

MR GLOVER: I think, Mr Carter, the deputy chair of your board is the CEO of an Aboriginal controlled community health organisation; is that right?

 MR CARTER: That's correct. Scott Monaghan, he is deputy chair of the board and he runs one of the three Aboriginal medical services in our district, and naturally that's a benefit to us. It helps in the partnerships we have with Aboriginal health and the work we're doing to improve Aboriginal health. But in addition, Scott has other skills that we seek to utilise as well.

MR GLOVER: From that answer, do we take it that - you have described it as a benefit - that there are real benefits in a member of your board being involved in the delivery of care in a different sector?

MR CARTER: Absolutely, yes.

MR GLOVER: What are the practical advantages of that?

MR CARTER: Direct communication. We have three Aboriginal medical health services in our footprint and we have a body which is the Aboriginal partnership, which puts those three together with the primary health network and ourselves, and that's a frontline line of communication directly into the Aboriginal population. And we have a larger population here than most other parts of the State, and that means there is more immediacy to what we do. The connection is direct, it's not delayed, and we can action things very rapidly through that forum. And through Scott, we have not only to his Aboriginal medical service, but to the Aboriginal community generally, we have that direct

line, which is a great advantage. 2 3 THE COMMISSIONER: Can I just ask you, Mr Carter, I think 4 there is 11 members of your board? 5 6 MR CARTER: There are 11 at the moment, sir, and the 7 ambition of the minister is to reduce boards to eight. So 8 I'll be tendering - sorry? 9 10 THE COMMISSIONER: Can I just ask you then, do you have a concern that if you lost three of your board members, you'd 11 12 lose skills and experience that you consider vital to the 13 governance of your local health district? 14 15 MR CARTER: So, not if we reframe the way in which we 16 understand and use skills. I think we will be fine with eight if we look at it a little differently. 17 18 19 THE COMMISSIONER: Right. In the manner you described 20 before to Mr Glover? 21 22 MR CARTER: Sorry, yes, that's correct, sir, yes. 23 THE COMMISSIONER: In terms of expanding skillsets and 24 25 et cetera? 26 MR CARTER: 27 Yes. Within eight members it can be done, if 28 we do it the right way. 29 THE COMMISSIONER: Do you have a view about the actual 30 31 legislative requirement about the skillset of boards in 32 section 26 of the Health Services Act? I mean, it seems fairly broad; it probably looks like it covers everything 33 34 that's needed, but do you have a different view? 35 36 MR CARTER: I have an expanded view. I agree with 37 those --38 THE COMMISSIONER: Just go ahead and tell us. 39 Go ahead 40 and tell us about your expanded view. 41 MR CARTER: Well, I think that they are very specific and 42 43 applications for membership of the board suggest certain 44 categories of skills and, I think we want more from board 45 members than just fulfilling those or representing those 46 categories, and it's not something that they might naturally bring to the board, but it is a matter of 47

developing a range of their skills and experience and communication in different ways so that we have board members that can speak on a wider range of issues than their own particular areas of training and interest.

THE COMMISSIONER: Sure. There is section 26(3)(e) is kind of like a catch-all, because it says:

... backgrounds, skills, expertise, knowledge and experience appropriate for the district.

Which, provided it was relevant, could - that covers a lot of territory. Please don't feel as though you need to answer me now, and this applies to all three of you. I'd invite you to consider this: if you felt based on your experience as board chairs that you thought section 26(3) of the Health Services Act could be better framed - you don't have to do this on the run, but take it on notice - you could come back to the Inquiry with some ideas if you have any. You might be perfectly satisfied that 26(3) is adequate, but if you don't, you can let us know. But I wouldn't require you to answer that question on the spot.

MR GLOVER: Thank you. Professor Cohen, is there anything you would wish to add to the answers given by Mr Carter both as to the number of board members and its composition generally?

A/PROF COHEN: Look, I actually concur with what Mr Carter just said. I think, broadly speaking, you know, reducing the board number to eight is manageable. I think there is a community expectation as well that communities will have an opportunity to connect with and engage with board members, and our district is far flung, it's wide, it's big, and so the practicality of having representation, geographic representation and skill mix, I think is important.

Nonetheless, you know, if you turn to the proper business of the board, which is governance, I agree with Mr Carter in terms of uplifting. And that's what I meant by using that term earlier, uplifting the capability and utilising skills that include both the capacity to mentor other the board members, provide leadership, improve the quality of conversations and questions within the context of board meetings, but also to bring a broad range of

skills and knowledge to represent the type of wisdom that is required in this space.

Knowing what questions to ask is a complex matter for individual board members, and then the convocation of skills and knowledge and experience prompts interesting questions and probing questions to be asked of our CEO and executive. And in addition, seeing our board members evolve over time to add skills and capability to their pre-existing skills when they come to the board is critical, both in the governance space but also in terms of communication with each other and their executive and community.

 THE COMMISSIONER: I am conscious Mr Treseder needs to have a go at this, but could I also ask all three of you to consider this: I think, Mr Carter and Associate Professor Cohen, you both indicated that if there were eight board members, it shouldn't be a problem, or it's manageable, but can I ask you this: all three of your LHDs cover a very large geographical area. It's not like being the Sydney LHD where you can have a group of board members that all probably live relatively close to each other. Your LHDs cover large areas, and I imagine your board members are representative of having a large geographical area.

 Does that pose any difficulties - if it was limited to an eight-member board, would that pose any difficulties of getting, (a), the skill set, but, (b), representations at the southern end and, you know, the northern end across the geographical area of your LHD? If it doesn't, that's fine, but I'm just curious about that. I'll maybe start with you, Mr Treseder, because you haven't had a response yet to this issue.

MR TRESEDER: Commissioner, I generally agree with what Peter and Martin have said. In terms of managing a board, it is easier to manage a smaller group of people than, say, 16 people sitting around a board table.

THE COMMISSIONER: Of course.

MR TRESEDER: My opening comments were around managing the chief - the main responsibility of the chair is to make sure the boards run efficiently and you can do that with a smaller number. Where we do run into a little bit of strife is that we have got eight sub-committees, for example, and our expectation is to have board representation, sometimes two board members, on some of those subcommittees, because that's where our grunt work occurs in the system and feedback. So sometimes a little bit thinly spread across those subcommittees, but I agree with the guys. I think eight will be sufficient.

THE COMMISSIONER: Okay.

MR GLOVER: Mr Treseder, I think I'm right in this, and you will no doubt correct me, but there was for a time a member of your board who was a clinician that was engaged within the LHD; is that right?

MR TRESEDER: Mr Glover, there still is a clinician involved, in Shehnarz. She is a breast cancer surgeon. She is a VMO that works privately and in the system, and she provides good feedback in terms of what's happening in that space to the board.

MR GLOVER: Are there benefits in one of the board members being a clinician who is actively involved in the work of the LHD, from your point of view?

MR TRESEDER: Yes, I think there is. It is. But I want to make the distinction between having, say, a medical staff council coming along to every board meeting. think that works. And having some sort of standing rule to say they've got to come along, and I know, Commissioner, that's been said in some of the round tables, that they would seek an advantage. The reason I speak against that is that, one, the board is working on a governance level, not an operational level. The appropriate decision-making in relation to getting the thing right in the system is the So the way we do it in our LHD is I meet with the CE, with the chair of the medical staff councils, with the expectation that CE will sort out the problem, and then I'll report that back to the board, rather than having the medical staff council just come in every time.

 The other thing is we've got to be fair to the other aspects of the medical continuum: the allied health people, the nurses, et cetera. So why do we focus on one area?

So I think, to come back to your original point, I think there is an advantage of having a clinician sitting

on the board, yes. That doesn't need to be the chair of the medical staff council.

THE COMMISSIONER: What's the advantage of having a clinician, a senior clinician, on the board?

MR TRESEDER: We can get information from that particular sector as to what's happening. Are there problems with rostering? Are the surgeries - what are the difficulties, say, with managing surgeries through particular areas? Are there industrial-type problems occurring in that space that can be fed back to us pretty quickly, and then we can go back to the CE and try and go back to the medical staff council and try and sort it out.

THE COMMISSIONER: Sticking with you for a moment, Mr Treseder, could the senior clinician be a senior nurse as much as a senior doctor?

MR TRESEDER: I think so, yes. Absolutely. To be fair and transparent, yes.

THE COMMISSIONER: And to your other point about medical staff council, if we do it at the highest level of generality, your point is board is primarily governance, medical staff council is primarily operational. Whilst there should be a line of communication between the staff council and the board, it's not necessary for that to be by means of actually a seat on the board for the chair of the medical staff council?

MR TRESEDER: Absolutely.

THE COMMISSIONER: Okay. Mr Carter, Associate Professor Cohen, is there anything you want to add to what Mr Treseder just said?

MR CARTER: Commissioner, just one point. Your question about can eight people properly represent a large geographical area, we don't have a problem with that. I think we're something like 20,000 square kilometres and we have rural and we have city, and we travel, our board travels, and that's a good thing, but I don't believe that geographical representation or community representation will be compromised by a reduction from my current 11 to eight.

1 THE COMMISSIONER: Okay. It might be more of an issue, 2 you know, like the Murrumbidgee LHD, which covers basically the size of France, is a slightly different issue to yours. 3 4 5 MR GLOVER: Perhaps Professor Cohen is - we'll hear from him? 6 7 8 THE COMMISSIONER: Yes, of course. 9 10 Professor Cohen, is there anything you wish to add to the answers given by your colleagues on those 11 12 topics? 13 14 A/PROF COHEN: Look, I've found it helpful to have the medical staff council executive present at board meetings, 15 16 and it is usual for the medical staff council to speak to 17 the board and provide a brief report. 18 19 MR GLOVER: Pausing there, why do you find that useful? 20 21 A/PROF COHEN: It's connection. Part of our 22 responsibility is to maintain independent verification in terms of the functioning of the medical staff council. 23 24 experience is that is helpful and useful for the board. There are, you know, several other mechanisms for us to 25 26 connect with clinicians such as district health and council 27 and we travel around as well. 28 29 MR GLOVER: But is it a practice of your board to have a presentation from the chair of the executive medical staff 30 31 council at your board meeting? 32 33 A/PROF COHEN: Yes, a verbal presentation, yes. 34 And that is useful for the reasons that you 35 MR GLOVER: 36 have just described? 37 Yes, but also the medical staff council 38 A/PROF COHEN: 39 will - that's actually where we will - so one of the 40 requirements is for us to be able to select a clinician to 41 sit on the board, and so there's always a clinician who is 42 currently an employee of the health service who sits on the 43 And it gives us an opportunity to assess, I guess,

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the capability of that person, and from my personal

perspective, yeah, spending time with that person and

building their capability in the governance space bodes well in terms of development of, you know, potential future

clinician board members, although I concur with my colleagues that that board member certainly doesn't have to be a doctor. It can be from any of the clinician backgrounds.

THE COMMISSIONER: Would this be fair as a summary, and I invite all of you to comment on this, that whether or not there was some hard and fast rule about whether the chair of the medical staff council was on the board or not, these are relationships between human beings and those relationships can be good, bad or indifferent based on who the human beings are and whether they get along with each other and all those sorts of things. Is, rather than a hard and fast rule, would you agree that in the end the most important thing is that there is a well-documented process by which there is good lines of communication between the medical staff council, and perhaps all of the staff, with the board? Mr Carter?

MR CARTER: Commissioner, thank you. We have two clinicians on the board.

THE COMMISSIONER: Yes.

MR CARTER: One of whom happens to be the chair of the medical staff council in his hospital.

THE COMMISSIONER: Right.

MR CARTER: He is a new appointee and he is quite young, very bright, a very great contributor, and I spend a lot of time with him discussing potential conflicts of interest. I prefer Mr Treseder's model to Professor Cohen's model, and I do think a clinician, whether it be a doctor or a nurse or some - even an allied health professional, is valuable, but I like the idea of distance between the work of the medical staff council and the board. And as I say, the chair of the medical staff council at Grafton, who is an appointed board member, does struggle from time to time with questions of potential conflicts of interest.

THE COMMISSIONER: Right. Okay.

MR GLOVER: Professor Cohen, just to round out this topic, I don't think we have heard from you about whether there would be a challenge if there were only eight members of your board in covering the vast geography from Newcastle to

the border. You might have alluded to it in an earlier answer, but do you see that as being a challenge for a district like yours?

A/PROF COHEN: We'll manage. I think the number - you know, with that, my main concern is the number of committees of the board and their work, and the number of board members. I think with representation we can work it out, as long as there is, I guess, collaboration and cooperation between ministry and the appointment process so that we can, as far as possible, get the right skill mix as well as making sure, as far as is possible, that we get geographic representation.

MR GLOVER: So if there are to be only eight members, there would need to be some strategic analysis done of the location of those members and their skill mix to ensure that you covered what you needed to cover on your board; is that the idea?

A/PROF COHEN: Yes.

MR GLOVER: Mr Treseder, did you have your hand up to say something as well?

MR TRESEDER: Yes, Mr Glover. I was going to agree with the Commissioner's last comment. We are absolutely in the people business, and the way the system works is all around relationships and respectful conversations between those people.

In our situation, those respectful conversations occur better one-on-one, so myself, CEO, medical staff council, as opposed to medical staff council standing up in front of eight people around a board, which is harder - that process is harder to manage. It is much easier one-on-one, sort it out, and then with the outcome of those discussions. So, Commissioner, I agree with what you just said.

MR GLOVER: Professor Cohen, in your statement - I don't need to take you to it, but do let me know if you'd prefer to read it - you tell us one of the functions of the board is to monitor the performance of the chief executive.

A/PROF COHEN: Yes.

MR GLOVER: Do you see that as being a particularly

important part of the board's function?

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So there are a number of functions A/PROF COHEN: Yes. that I as chair have. One is performance management process whereby I will actually sit down with the chief executive and rate her performance, discuss with her the board's thoughts in relation to different aspects of her leadership and strategic capabilities, and there is also a joint meeting with the secretary for Health whereby a conversation will be had where we will actually discuss the These are complex organisations with, CO's performance. you know, requirements to engage with community and politicians, multiple stakeholder groups, and the pressures for CEOs who, in my opinion, are entitled to a psychologically safe workplace, can be extensive and quite extreme at times. And, consequently, part of my role is both holding my CO accountable but making sure my CO is well looked after in performing a very complex role and also has the opportunity for professional development in that context.

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MR GLOVER: I'll come back to the idea about board support for the CEO generally, but what would you say to the proposition that there ought to be an adjustment to the employment arrangements of chief executives so as to have a single line of accountability directly to the secretary?

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A/PROF COHEN: Look, my view is that the local accountability is important. I would also - and I would never speak for the secretary, but I wonder whether the secretary might find that the number of local issues that the secretary would have to be across would be enormous and, consequently, whilst the relationship between the CEO and secretary is a very close and consistent one, the secretary would need to reach out to the board chair as well as the CEO on many occasions to discuss issues as they arise. So consequently, I would see that that dual accountability is both sensible and practical.

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MR GLOVER: Mr Carter, just on that last issue about whether there ought to be a change so that there is a single line of accountability for the CE direct to the secretary, what is your view?

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MR CARTER: I agree absolutely with Professor Cohen and I think I would add word "essential." I think it would be not unmanageable but extremely difficult for both the CE

and the secretary if there was one line of accountability and if I thought, just quickly off the top of my head, the number of matters that would be brought to me by the CE that would otherwise without that relationship have to go to the secretary, it is a significant proportion of what we do. So I would think that that would be a detrimental move, to have that one line of accountability.

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MR GLOVER: Mr Treseder?

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I agree 100 per cent with what my colleagues MR TRESEDER: have said. The key relationship in any district - in fact in any company - is the relationship between the chair and Not only to hold them accountable, but, as Martin said, to look after their health and wellbeing, because these guys are under enormous pressure from so many angles. So the first thing I do every time I walk into a meeting on a weekly basis is ask him how is he going, "Are you okay?" And in fact I do that with the senior executive team when I meet with them twice a year. "Are you okay?" Because we have lots of mechanisms in the system to look after the staff, but we have very few mechanisms to look after the mental health of our senior people sitting on the top. part of the chair's role is to make sure that those - the mental health of our CEOs are strong and robust, and that often means that the only person the CEO can offload to, to seek guidance, is the chair. And as Peter said, if that is replaced by offloading to the secretary, it's not going to She will be just overloaded. So I think the current accountability to the chair with a dotted line to the secretary is appropriate at the moment.

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MR GLOVER: Mr Treseder, staying with you, one of the functions of the board is to monitor the district's performance against its KPIs, correct?

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MR TRESEDER: That's right.

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MR GLOVER: And one of the main purposes of an LHD is to promote, protect and maintain the health of its community?

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MR TRESEDER: That's right.

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MR GLOVER: I take it you're familiar with the suite of KPIs that apply to your district?

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MR TRESEDER: Well, there is a suite, that's right. We

are.

THE COMMISSIONER: He may not know them all off by heart, and I'm not going to criticise him for that.

MR GLOVER: No, I am not going to ask him to quote them, but you would have a very good working appreciation of the matters addressed by them, correct?

MR TRESEDER: Yes, that's right.

MR GLOVER: Do you have a view about whether those KPIs enable you as a collective board to determine whether the LHD is achieving its purpose of promoting, protecting, and maintaining the health of its community?

MR TRESEDER: Mr Glover, I think there's too many. I mean, we were just joking a little while about not remembering them all. There are just simply too many. There is a great suite of them. What the boards tend to do is focus in on the KPIs that they consider to be important. So, for example, the financial KPIs that we're all focused on at the moment or the health quality KPIs. even narrow that down to specifics that we can consider important, because I don't think any human being could get their head across all of the KPIs that are important to us. Whilst they all come back to us in various forms and they are reported to us via the various direct reports - we have all of our senior people reporting to the board twice a year with detailed reports and those KPIs are broken down into individual responsibilities - as a general comment, I'd say there's too many.

 MR GLOVER: Approaching it in the way you have described, are you able to get a sense from the reports that you receive on those key KPIs as to how the district is progressing in fulfilling its aim to protect, promote and maintain the health of its community?

MR TRESEDER: Yes I am, and yes the board is, because we have a very good function where those KPIs are summarised for us. So each board report, that suite of KPIs that come through from - that we are reporting against for ministry - are reported. So they're summarised in terms of what's performing well, what's not performing well, where is the red line, all those sort of things. We have a dashboard arrangement so we can get our heads around where we are not

meeting the KPIs and focusing on those things.

MR GLOVER: What particular performance metrics would you be looking to, to determine whether the district is promoting, protecting and maintaining the health of its community?

MR TRESEDER: We're looking across all of our directorates, not only the financial but the health quality ones. Look, there are so many that we consider at each board meeting and throughout the course of the year as we focus on particular aspects of the business.

MR GLOVER: I take it from the answers in this little passage that you would be in favour of rationalising the KPIs?

MR TRESEDER: Absolutely.

MR GLOVER: And do you think that if that process were undertaken, the board would be in a better position to monitor the performance of the district generally?

MR TRESEDER: I think so. I think, look, any one human being would struggle to keep abreast all the KPIs that are currently put to it. So I said at you the outset, part of the function of the chair is to make sure that the papers that are presented to the board are succinct, and we try and do that the best we can by summarising that information to the board. But the simpler we make that, the better.

MR GLOVER: Mr Carter, is there anything you would wish to add or qualify or build on in the answers given by Mr Treseder?

MR CARTER: I think if I can - thank you, Mr Glover. If I can return to the reference I made to the Tejal Gandhi and Kedar Mate paper from the IHI, which talks about the board being familiar with and skilled in healthcare governance practices that enhance quality outcomes, I think that goes to Mr Treseder's point about identifying the key indicators that we need to be able to do that, and the board needs to be skilled in identifying those areas.

Recently, we had a workshop and we invited the chair of the Clinical Excellence Commission to be part of that workshop, and it was called, "How do we know what we're

missing?", and I presented a number of case studies where things had gone wrong and the history of those case studies that recognised, that identified areas where things were missed to cause bad things to happen. And the chair of the Clinical Excellence Commission spoke at length on the data we have and the flags that we get in those data to identify potential errors.

So I think it is a matter of rationalising. I agree with Peter; it is a matter of rationalising the data we get to make sure that it highlights the areas that we need to be very well aware of where difficult things can happen if we are not aware of those. I didn't express that very well, but I hope you understand what I'm getting at.

MR GLOVER: No. Could we have another go at that last bit?

MR CARTER: Sure. So I guess the point that was being made by the CIC is that the vast amount of data that we get, either healthcare quality, or that from healthcare quality committee drifts through to the board, is not necessarily the most useful data we get. We need --

MR GLOVER: Just pausing there, why do you say that?

MR CARTER: Well, I think it tends to look at trends and not individual events that can happen. We tend to be overwhelmed, so much so that the traffic light system that we use - red, amber and green - doesn't necessarily give us the information we need as a board to govern properly. It doesn't necessarily give the staff at the operational level the information it needs to identify things that are going wrong. We can do it from what we're getting, but the point that was being made at the workshop is that we need to refine the data so it's more obvious what's going on in our LHD that we need to know, particularly in relation to adverse events.

 MR GLOVER: Just pausing there. Can you just give us some practical examples of the information that you are getting now, and then I'll ask you to turn to the information that you think you need to enable the board to better perform its function.

MR CARTER: Well, the data we are getting now is healthcare quality, which in a different form finds its way

to the board, goes to pretty much every aspect of delivering services. So it goes to - in Aboriginal health, it goes to DAMA, which is "discharged against medical advice", for example. And for Aboriginal that's higher than for other people. And so that's an example of the detail that we get into. But it's vast, and I think we need, and the Clinical Excellence Commission, I believe, was suggesting we need to refine the data we are getting to a form that is more understandable not only at the board level, but particularly at the board level, but also at the operational level.

And I think that work is underway. What we're not getting - I'd have to think about that, if I might take that on notice?

MR GLOVER: Absolutely. Professor Cohen, is there anything you would wish to add to this series of answers?

 A/PROF COHEN: So I think there are a couple perspectives I have. The first is that KPIs, as many as there are, they inform the system, as in NSW Health, as to how the entire system is performing. They're broken down into tier 1, tier 2 and we retain certain forms of KPIs as service measures when we believe that, in consultation with our executive, that these KPIs give us important information about how our system is functioning.

I completely agree with my colleagues that there are a large number of them and part of the work of the board is to, as far as is possible, refine down our focus on which KPIs are most relevant within our current sort of risk and strategic and framework. So, much of that is done for us in our service agreement and much of the grunt work is done in committees of the board where specific quality and safety or financial KPIs will be reviewed in detail in collaboration with the executive.

I see KPIs as washing in and through the system, and progressing system evolution over time. There are multiple other factors that, whilst not KPIs, are indicators of the stability and quality of our services, such as accreditation with international standards for safety and quality, which all of our services are accredited against, are not directly matched to but aligned with many of the KPIs that are included in our service agreement. And so there is a triangulation function that I think all boards

are working on to uplift from purely operational and sometimes lagged data to getting lead data that tells us more about our strategic risks, whether we're heading in the right direction, and what - and how the board should be responding in conversation with the executive as to risk signals as they emerge over time.

THE COMMISSIONER: Can I just ask, the notion that there are too many KPIs, as Mr Treseder mentioned, it's kind of attractive because there are a lot. It's like, you know, health reviews or royal commissions or special commissions with too many recommendations might be criticised. I look at the service agreement, they're broken up into The sections are, you know, patient and carers sections. have positive experiences; two, safe care is delivered across all settings; three, people are healthy and well; four, staff are engaged and well supported; five, about research innovation; and six, the system is managed None of that sounds like madness as a topic sustainably. for KPIs and it all seems to generally relate back to the statutory functions of LHDs.

When I look at the subsets of measures like "hospital acquired infections", or "discharge from ED within a certain number of hours", it's very difficult, particularly - I think it is difficult to know, if you wanted to reduce the number of KPIs, where you would start? Which one would you take out? I can't see any - whilst there is a lot, I can't see any that - particularly saying this as a non-clinician - that look obviously like they should be removed. Is there a - do any of you have an idea about a better approach?

A/PROF COHEN: Commissioner, I can tell you how the system, in my opinion works now.

THE COMMISSIONER: Yes.

A/PROF COHEN: So we have a State strategy and state plan. From that, we develop our local health district strategy and plan. We have a service agreement. The service agreement applies key performance indicators. Through the work of the CE and the executive, those KPIs are then allocated down through the tiers of management and clinician "seniority", is the best way I can describe it, and are monitored down, if you want to call it, at a local level. So some of the KPIs are more high-level, but

they're operational --

THE COMMISSIONER: Yes.

A/PROF COHEN: -- and might be a general manager-typeset of KPIs, whereas other KPIs might apply to specific - so, for example, you know, if we're talking about community-based, you know, Aboriginal children vaccination and how we're performing, so how are we engaging with community, our local AMSs and ensuring vaccination. So it is difficult, because I see them as important and I do see them as ways that, both centrally and locally, we are able to monitor performance, but they are not governance metrics.

THE COMMISSIONER: Yes.

A/PROF COHEN: And I think, you know, boards are evolving and they need to evolve over time, and I think the work that lies presently before us, and moving forward, is to uplift and create, I guess, packages of data that represent governance information rather than operational information. And we've got very capable executive teams and CEOs that can sit and discuss with us the specifics of each KPI and provide us with narratives as to good- or under-performance.

So personally, looking at the work of the committees of the board, when if you look at the governance chain flowing up from a committee sitting at a ward level all the way up to, perhaps, you know, a specialty arm then up into a sub-committee of the board, you know, there is a governance loop, these KPIs have a role in ensuring system safety and quality, and I think the understanding that different KPIs apply at different levels of the system --

THE COMMISSIONER: Yes.

A/PROF COHEN: -- is the best view from my perspective to take, and that has been a tendency, although there are a hell of a lot of them, and quite frankly it is overwhelming for any board member to be across all of them. But that's not our job.

THE COMMISSIONER: But the utility is that, as you say, some are more related to governance, but some are highly operational and they have their use there?

1 A/PROF COHEN: 2 Yes, correct. 3 4 THE COMMISSIONER: Before I come back to Mr Treseder, 5 Mr Carter, is there anything you wanted to add to that? 6 Professor Cohen has articulated it 7 MR CARTER: No. 8 beautifully. 9 10 THE COMMISSIONER: 0kay. Mr Treseder, is there some other point or further point you were seeking to make in relation 11 to the concern about the number of KPIs? 12 13 14 MR TRESEDER: No. I think Martin has articulated it well I mean, what boards need to be concerned with are 15 16 those governance KPIs, not the suite of thousands of KPIs 17 that are increasing. So I think part of the ongoing gestation of wards will be working out what KPIs are 18 19 relevant for the boards to get a good handle on what is 20 happening in the system. 21 22 THE COMMISSIONER: Okay. Thank you. 23 24 MR GLOVER: Mr Carter, just before leaving this topic, you mentioned a paper and I just want to make sure that we have 25 identified it at this end correctly. 26 I think you were 27 referring to the white paper by the Institute for 28 Healthcare Improvement on the framework for effective board 29 governance of health system quality. Is that the paper that you referred to? 30 31 32 MR CARTER: That's correct, yes. 33 34 MR GLOVER: Thank you. Mr Treseder, if I could come back 35 Do you have a copy of your statement with you 36 there? 37 38 MR TRESEDER: I do, yes. 39 40 MR GLOVER: I'll just take you to paragraph 26, please. 41 42 MR TRESEDER: Paragraph, sorry? I didn't hear that. 43 44 MR GLOVER: Yes, I've got that, Mr Glover. 26. 45 46 MR GLOVER: There, you tell us that when you became chair 47 of the board, you regarded as a priority the development of

a memorandum of understanding between your district, the Northern NSW Local Health District and the operator of the primary health network to enter into. Can you just tell us why you saw that as a particular priority on assuming the role of chair?

MR TRESEDER: Even as a novice, reviewing the system, it was obvious that we're going to ultimately provide patient-centred healthcare, but that healthcare has to start at the primary, through the acute, and end up in the geriatric side. And in order to do that, we needed to have some good solid arrangements with the primary healthcare network as a first step, and back to the Commissioner's point about that this is people-centric, I went to some early board meetings with the PHN where nothing seemed to happen and it went round in circles.

 And I remember I stood with the chair of the PHN in a carpark at Coffs Harbour and said, "Look, if we are continue to have these board meetings, we are wasting our time. We have either got to do something properly to make this work," ie, this MOU, "or not." And so we both agreed that we were going to push it. We rank Peter, Peter Carter, and he agreed on the spot as well. So this idea came out of the relationship of the three of us and then we went back into our respective boards and networks and made it happen, and it's now the first one of its kind, I understand, that is happening in New South Wales. But the idea is to broaden the scope so we end up with patient-centric healthcare from the beginning to enter the acute setting. The next parcel of work is what we do at the other side.

MR GLOVER: What do you mean by "the other side"?

MR TRESEDER: Well, as I said at the beginning, the continuum of healthcare starts in the primary, it comes through the acute if necessary, and it ends up in aged care facilities, where we all end our days, probably. But if the primary healthcare network, if that is managed correctly, that will reduce the number of people that are coming into the system. We've then got to work out how do we get people out of the system on the other side, and that's not working very well at the moment. So the next parcel of work needs to be around how do we move people through the system? And that, to my mind, is going to be or will form another MOU like we formed on this side, but

focused on the aged care side.

MR GLOVER: I take it you saw this pursuing of this relationship in this more formal way was critical to furthering the integration of care delivered in the primary and acute care sectors?

MR TRESEDER: As a lot of what we achieve as humans are. A lot of this stuff is done informally, because as the Commissioner said, it's all about relationships. It's relationships at every level between the chair and the medical staff councils, to the nurses, the senior clinicians, and all of our operating partners, the Aboriginal health services. It is all about relationships at every level.

MR GLOVER: And have you seen benefits in integration of services between the acute and primary care settings as a result of this MOU?

MR TRESEDER: What I've seen and what's been told to me is that some of the people that have been around a lot longer than I have said that for the first time - there is a subset to this, by the way, in terms of we've launched an MOU in connection with mental health initiatives as well, and for the first time in 10 years, the heads of each of the mental health divisions - that is, Northern, ourselves, and the PHN - are working together. So they're starting to work on systems, systems which will ultimately benefit patients, given enough time of coordinating a patient's journey through the system.

MR GLOVER: And in addition to the benefits to the patient, do you see that coordination of services as being important to the sustainability of healthcare generally?

MR TRESEDER: Absolutely. What it's firstly done is it's broken down the barriers and silos that staff have quite rightly put in place, I suppose, to protect their own patch. What we've done is we've come and said, "Well, that patch is much broader now. It is okay to share data between the various systems, it's okay to go and have joint meetings, it is okay to develop these processes." And so there is a certain relaxation that has occurred within the teams to make this thing better.

MR GLOVER: Mr Carter, your district is also a part of

1 this MOU. Do you have anything to add to Mr Treseder's 2 answers on this topic? 3 4 MR CARTER: Thanks, Mr Glover. No, I agree with what 5 Peter has said. It will move us forward collectively 6 rather than going parallel. 7 8 Professor Cohen, from your perspective, do you MR GLOVER: 9 see it as being important that the acute and primary care 10 sectors - we'll just deal with those two at the moment -11 work together to coordinate their services? 12 13 A/PROF COHEN: Yes, I do. You know, there is - you know, 14 our patients come from the community and come into our acute services and return to the community. 15 16 relationship with the Hunter and Central Coast PHN, the 17 CEOs from the two local health districts sit on the board 18 of the PHN. We've got a number of newly formed strategies 19 that have been operationalised across, for example, the 20 diabetes space and a number of other initiatives where the 21 continuum of care has required the district and PHN to 22 share data and to collaborate. 23 24 We have got the Feds funding primary It makes sense. 25 care, we have got State funding our acute care and hospital services, but we are one community and integration as far 26 27 as possible is fairly strategically necessary and is 28 necessary for the health of our community, particularly in 29 the context of some of the challenges with the primary healthcare workforce that we are experiencing right now and 30 31 will continue to experience into the future. 32 33 MR GLOVER: Mr Treseder, can I take you to paragraph 28 of 34 There, you tell us: your statement. 35 36 If we are to improve the wellbeing of our 37 patients there needs to be better coordination between primary, acute and 38 39 aged care health providers. 40 41 As we have just discussed. And then you go on to say:

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It would be my suggestion that one Board representing the three aspects of our business could achieve this better than say the two LHDs boards and PHN that currently administer the MOU ...

Do you see that?

MR TRESEDER: Yes. Yes, I've said that, yes.

MR GLOVER: Do you want to expand on the issue and the concept that you are drawing to our attention in that paragraph?

MR TRESEDER: This is something that is going to be very difficult to achieve, Mr Glover, because it would involve the breakdown of the various funding sources from federal and State and the various arrangements that sit around that. My view is we should have one funding source; the politics of the Federal government and the State government get in the way of providing good patient-centred healthcare. So if you could break those barriers down, it makes sense to have one governing body that looks after that patient journey as opposed to having separate governing bodies that currently look at that.

Maybe as an interim measure, for example, our district and the PHN could have a separate board that runs these projects. But, to me, ideally, these boards are combined into one governance arrangement.

MR GLOVER: Just dealing with the interim measure for the moment, when you say the district and the PHN could have a separate board that runs these projects, do you mean as might happen in a joint venture-type scenario?

MR TRESEDER: Yes, exactly.

 MR GLOVER: Professor Cohen, in addition to coordination with primary health networks is there also a benefit in greater coordination with Aboriginal community controlled health organisations and Aboriginal medical services across the district?

A/PROF COHEN: Yes.

MR GLOVER: Is there work being done in your district to further that aim?

A/PROF COHEN: There is. I think one of the challenges in terms of closing the gap has certainly been, I guess, focusing on outcomes rather than process, and the board has

a very positive view of the work of our CEO in, firstly, meeting with our AMSs but also in terms of the leadership 2 3 that our CEO has installed for the district in terms of 4 Aboriginal health services. 5 6 So cooperation and collaboration is clearly important, acknowledging that different AMSs have had different 7 8 perspectives and different levels of trust in terms of how 9 they engage with the district, and we're continual working 10 to work at how we can focus on actually closing the gap by improving clinical outcomes for our Aboriginal communities. 11 And implicit to that is trust and listening to both 12 communities and the leadership in those communities. 13 14 15 MR GLOVER: Do you have a copy of your statement with you 16 there, Professor Cohen? 17 18 A/PROF COHEN: I do. 19 20 MR GLOVER: Can I take you to paragraph 24, please. 21 22 A/PROF COHEN: Sure. Almost there. Yes. 23 You see there in the first sentence: 24 MR GLOVER: 25 26 The Board is kept informed of [the 27 district's | collaborative planning with 28 ACCHOs and Aboriginal healthcare partners. 29 Do you see that? 30 31 32 A/PROF COHEN: Yes. 33 34 MR GLOVER: What initiatives are you referring to there? 35 36 A/PROF COHEN: So, for example, so our CEO appointed a new director of Aboriginal health care within the district and 37 really set a new strategy or a change in strategy. 38 I think - I was about to say don't quote me, but it's 39 40 transcribed - I think we were in Moree or Tamworth at the 41 time; I can't actually remember. So we had that executive director come to the board, talk about relationship 42 43 formation, talk about the strategy and the consultation 44 process. So that's what I mean by that statement.

MR GLOVER:

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add to this passage concerning the importance of

Mr Carter, do you have anything you wish to

collaboration between districts and providers of Aboriginal medical services?

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MR CARTER: No. I think I have already referred to the relationship we had with the three AMSs in our district. And in relation to Mr Treseder's remarks about a single board, I believe that Peter was referring to a single board to oversight joint projects rather than a single board to run three entities.

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MR GLOVER: I think he might have been referring to both, but one as perhaps a blue sky scenario and the other as a bit something closer to home; is that right, Mr Treseder?

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MR TRESEDER: That's right.

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MR CARTER: I would agree with that. I think - I mean, I am not sure how having one board to run all the business of the three areas or the three entities would work, but I do agree that we need a single oversight of joint projects, yes.

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MR GLOVER: And in your statement, Mr Carter, at paragraph 32, you tell us that there has been an Aboriginal health partnership entered into between the district and three Aboriginal medical services?

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MR CARTER: That's correct.

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MR GLOVER: Can you tell us a little bit about that partnership and its benefits to your district?

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MR CARTER: I think it's both symbolic and actual. meet jointly. I attend, chief executives attend, the heads of the medical services and their chief executives attend. And the PHN and the groups are working together on various projects all the time, and I think this think-group brings together a reporting mechanism for how progress on those various individual projects - so it might be one AMS working with us on one project and another AMS working with the PHN on another, and I think this ensures that we all understand the amount of work and the nature of work that's going on, so we get a comprehensive view across our geographical footprint of what is being done in Aboriginal And I think also it shows goodwill. It shows the collaborative efforts we all feel are important for Aboriginal health. So it serves a few purposes, and

I think it really just keeps us conscious of what needs to be done.

THE COMMISSIONER: The Aboriginal health partnership you refer to in paragraph 32 of your statement, you say the board participated in a meeting in August - well, last month. When was the partnership formed?

MR CARTER: I can't tell you that, Commissioner. I would have to take that on notice.

THE COMMISSIONER: Was it a long time before August '24, or --

MR CARTER: Oh, yes. Yes, it's been going for some time. As far as I'm aware, it has been going for as long as I have been on the board.

THE COMMISSIONER: Right, okay. Thank you.

MR GLOVER: And, Mr Carter, the likely arrangement that is the subject of the memorandum of understanding with the PHN, do we take it that you see it as being valuable to have some more formal structure around these engagements?

MR CARTER: I think the particular project that Mr Treseder referred to on mental health is one - I think it is the first joint project following the signing of the MOU, and that being largely driven by the chief executives of the two organisations, and I think that it's - of the three organisations, and I think that having a joint oversight of those projects, as Peter mentioned, is important, and I would agree with that. And I think that we are advised of the progress on these through the chief executives, and it might be nice to have just a slightly more formal structure to do oversight. There are going to be more, we hope many more, and we need to keep a collective eye on those.

 MR GLOVER: And do we take it that setting up partnerships like the Aboriginal health partnership is one of the means by which you see the district and those providers being able to work more closely together in the delivery of services to that population?

MR CARTER: Correct.

1 MR GLOVER: And putting somewhat of a structure around 2 that process through the partnership is important to 3 achieve that aim, in your view? 4 5 MR CARTER: In my view, yes. 6 7 MR GLOVER: Can I come to Professor Cohen, and if I invite 8 you to take up your statement at paragraph 25. 9 A/PROF COHEN: 10 Okay. 11 MR GLOVER: 12 There, you introduce the topic of consultation with community and consumers in relation to service 13 Do you see that? 14 closure. 15 16 A/PROF COHEN: I do. 17 18 In the paragraphs that follow, really through MR GLOVER: to 28 and 29, you describe how important communication with 19 20 community and consumers is about potential service changes, 21 including closures? 22 A/PROF COHEN: 23 Yes. 24 25 MR GLOVER: And you give an example in Moree about 26 pathology services? 27 28 A/PROF COHEN: Yes. 29 MR GLOVER: Can you just step us through that example? 30 31 32 A/PROF COHEN: Well, there was a provider that provided 33 local pathology services. That contract was due to expire. 34 The service provider was not NSW Health Pathology and so, 35 consequently, initially in discussions with my CO, who previously had been the CO of NSW Health Pathology, she 36 briefed me on potential changes to that service type and we 37 discussed the risks and the process that would be put in 38 place in cooperation with NSW Health, that operates 39 40 services. Subsequently, that conversation was then 41 presented to the board and the board was reassured that 42 appropriate negotiation processes had been put in place.

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We were aware that there was community consternation with regard to service change, and I can advise that, in my experience, I have never seen a service-type change that does not cause some consternation for some aspects of

community. Change is always hard; we like the status quo. And so, consultation both with clinicians and community did occur and the board were updated on that process, and the board was satisfied that appropriate risk mitigation processes had occurred, but also that the service using point-of-care testing and using existing NSW Health Pathology resources was the right thing to do, bringing all of our services in line with a statewide NSW Health Pathology structure.

MR GLOVER: And in terms of engaging with the community, were the reasons why that service change was to occur, like those clearly described to the board, were they conveyed to the community?

 A/PROF COHEN: I don't know. I think discussing the details of an operational change with community can be challenging to convey, and so I couldn't comment on the exact nature of the conversations that were held, but my understanding is that a discussion regarding, number one, that appropriate services would continue to be provided and that there were certain advantages from the POCT, point-of-care testing, would be put in place and the board were reassured that from both an efficiency and safety and quality perspective, that this was the right thing to do.

MR GLOVER: In your earlier answer, you mentioned that it would be rare that a service change did not generate some concern within community, from your experience.

A/PROF COHEN: Yes.

MR GLOVER: Is there a role in managing that concern, as best as one can, in communicating with the community at an early stage about potential service changes and the reasons for them?

A/PROF COHEN: It depends on the context. I think there is always a positive opportunity that can be taken to communicate early and effectively with as many stakeholders as possible, but at times service changes and context requires things to change more quickly, and so I would expect that our team operate within the framework that context provides for them and do the very best that they can to communicate effectively for safe health.

MR GLOVER: Mr Carter, do you have a copy of your

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statement there with you?
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                      Yes, I do, Mr Glover, yes.
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         MR CARTER:
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         MR GLOVER:
                      Can I direct your attention to paragraphs 34
         and 35 on this topic.
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         MR CARTER:
                      Yes.
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         MR GLOVER:
                      And there you tell us that:
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              Communication, consultation and management
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              are key to listening to the community and
              informing the community about matters
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              relevant to the delivery of [healthcare]
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              services ...
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         MR CARTER:
                      Yes.
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         MR GLOVER:
                      And then in 35, you tell us:
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              Communication with leaders in the
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              community, particularly local mayors, and
              the provision of reasons for decision
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              making, are an important part of the
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              Board's role.
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         MR CARTER:
                      Yes.
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         MR GLOVER:
                      Does that extend to matters like service
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         changes?
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         MR CARTER:
                      Yes.
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         MR GLOVER:
                      And what do you see the board's role as being
         in communicating with the community and community leaders
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         about potential service changes?
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         MR CARTER:
                      I think it is at two levels, Mr Glover.
         at the level of individual cases, like the case that I cite
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         in my brief of evidence, and it's also over time
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         socialising the community to the prospect of ever-changing
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         healthcare services and healthcare delivery models.
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         I mention that in my brief and I also attached a copy of a
         letter we wrote to the mayor of one of the local councils.
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So we have to try and socialise the community to understand that innovation in healthcare is essential, and even more important as we move into increasingly unaffordable healthcare, an ageing population, and a community and population whose demand for healthcare is insatiable, because it is something that doesn't respond to price changes like would happen in normal transactions. it is - the community will continue to demand the best healthcare, whatever the price of the healthcare, and the high prices of healthcare only to some extent drive the demand down. So healthcare is becoming increasingly unaffordable, and we need over time to try to help the community to understand that we must continue to innovate and we must continue to innovate in a way that makes healthcare more acceptable, more bearable and more So we're communicating on an individual basis when a particular service might be changed, and we need to be communicating on a broader basis to try to help the community understand that the change is inevitable and desirable.

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MR GLOVER: And do boards, in your view, have a leadership role in that?

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MR CARTER: Yes, absolutely.

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MR GLOVER: Is a board taking a leadership role in that process also a means by which support can be given to the chief executive?

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MR CARTER: I'm sorry, you faded out there for a minute?

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35 36 MR GLOVER: Yes. Is the board taking an active role in communicating with its community about, for example, service changes, also a way in which the board can provide further support to its chief executive?

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MR CARTER: Yes, and often the chief executive and I do this in tandem. We often spend - we often attend community gatherings in tandem and present papers and advice and mix with the community to discuss. We also need to do that with our workforce. Although the workforce is well aware of what healthcare is, you know, there are other dimensions to their experience in healthcare, which is earning a wage, having a job. So whatever changes are coming down the line in healthcare so we have less invasive healthcare and

hospital in the home and those sort of things are going to affect the lives of the workforce as well as the community, so we need to socialise both groups equally. And it is an important role of the board, and especially the chair, and it should be obviously done in consultation and in partnership with the chief executive and individual executive members where it's relevant.

MR GLOVER: That's because it is often the case, isn't it, that where there are to be changes in services, some of the consternation, whether it be from community or elected representatives, or perhaps even staff, is directed towards the chief executive of the district?

MR CARTER: The chief executive probably - the chief executive would be the one that would be targeted most when that happens, particularly by local members, if the local member sees it detrimental to chances of re-election. And the chair not so much directly in the fire line, but the chair has to take a lead. The chair has to be seen out there as spreading that message, and it's good for the chief executive and the chair to be seen together.

MR GLOVER: Mr Treseder?

THE COMMISSIONER: Can I - sorry, just before you move to Mr Treseder. Just so I don't misunderstand you, Mr Carter, and I completely understand you, where you've said - and this is flowing on from what you were talking about in relation to the mayor of the local council, you said:

 ... so we have to try and socialise the community that innovation in healthcare is essential, and even more important as we move into increasingly unaffordable healthcare, an ageing population and a community and population whose demand for healthcare is insatiable, because it is something that doesn't respond to price changes like would happen in normal transactions.

Are you raising there the important issue, but the difficult and awkward issue, as to what the boundaries should be for a public health system in the sense of, perhaps, picking up what you said about an ageing population and insatiable appetite or demand for

healthcare, that very expensive interventions for people that might be at the end of their life, in any event? Is that the kind of, well, arguably low-value care but expensive care you are talking about, or is there some other point you were seeking to make there that I should know?

MR CARTER: I think essentially you have summarised it. I do talk elsewhere about promoting wellness and looking less at treating illness. And one of the slides I use in the presentation is moving, for example, in healthcare and approach from an approach of one-size-fits-all to personalised medicine; from patient - for patient information flow fragmented one way to integrated two-way communication; a focus on not provider-centric but patient-centric; monitoring, rather than it being centralised hospital monitoring, to decentralised, shifted to the community; treatment being less invasive and image-based rather than invasive; and reimbursement being episode and outcome based rather than procedure based; and ultimately treating - promoting wellness rather than treating illness.

But there is an interesting - I provided the Commission with some literature on the advantages in various ways of promoting wellness rather than treating illness, and I think the references I provided too late to be included in my brief, but I think they're going to be added later.

THE COMMISSIONER: Yes.

MR CARTER: It raises an interesting question. It is in the Journal of Public Health, and one of the things that is often failed to be considered when we talk about the cost savings ultimately of wellness - and there is another study that says for every dollar spent on promotion of wellness, you save \$3.74 - I don't know how they came to that figure - in treatment. But there is something called the "cost of life years gained", and there is a suggestion that the amount - the cost of life years gained might exceed the savings gained through preventative measures.

THE COMMISSIONER: Yes.

MR CARTER: But that invites you to speculate about whether you would be allowing people to die in order to

save money. But it is summed up best, I think, by a writer named Gertzel who says instead of debating whether prevention or treatment saves money, we should determine the most effective ways to achieve, improve population health. And I think that's the key, and that's what we ought to be doing, in my view.

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THE COMMISSIONER: And that - I think there is probably decades of literature suggesting that that involves a shift, for want of a better expression, from acute services to community and primary-type care?

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MR CARTER: Yes.

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THE COMMISSIONER: You were going to say something?

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35 36 MR CARTER: Well, two things. One, when I first started talking about this, I was warned against using the word "rationing", the "R word", they called it, but we're getting - it's now almost impossible to avoid the use of the word "rationing", because ultimately healthcare will become unaffordable, so you can't afford the unaffordable. And I think it was Finland, which is a very progressive area, but it may be one of the other Scandinavian countries, where there was discussion when I was working with them at the International Society for Quality in Healthcare, about a nuclear family being provided with a That was their health budget, and they health budget. could expend that budget as they saw fit, but when the budget was expended, it was expended, and it might mean making choices between vaccinating your children or giving your grandmother a new hip. Now, ultimately, unless we change the way we are delivering healthcare, it will come to rationing and it may come to family budgets for healthcare. Extreme, maybe sort of like Clockwork Orange or something, but otherwise how can you afford the unaffordable?

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THE COMMISSIONER: That is probably a bit beyond the greater investment in prevention of primary care that has been a common theme of many reviews culminating with Lord Darzi last week, but, in any event, the entire subject is highly relevant to this Inquiry. But bearing in mind, no doubt, some things are achievable, but as we have already recognised, we have a fragmented system where different governments say they take responsibility for different aspects of the system, which is something we obviously have

to navigate and find some solutions for. Is there anything, Associate Professor Cohen or Mr Treseder, you want to add to what Mr Carter just said on this general tropic?

MR TRESEDER: That's a nice segue, Commissioner, back to what Mr Glover's original point was in relation to consultation for the community. So, for example, we - at the moment, we are in the process of testifying a healthcare service plan for the district, so what will it look like over the next few years.

And as part of that process there is consultation with staff, there is consultation with the community, and ultimately there will be consultation with the politicians at the three levels of government. And the way we do that is that most of the consultation with the staff, et cetera, are done at an operational level. Where we involve the board is with the political level, and that will generally take place with myself and the CEO talking to local council mayors, state politicians, federal politicians, et cetera, and go to them with a plan in relation to - if we decide to change service delivery, if there is something drastic like that, we would go to them with a plan and seek their concurrence well before it needs to be put in place. That's why, if you look at paragraph 31 of my statement, there is a brief detailing of what our initial planning looks like.

MR GLOVER: Professor Cohen, do you have any observations or reflections on that passage of evidence?

A/PROF COHEN: Briefly, there is an enormous number of forces that are shaping healthcare at the moment. I would not pretend to deign to understand them all. I have confidence in the national standards for safety and quality; I think they are shaping our systems to reduce low-value care and reduce unwarranted variation. And I express a level of confidence in terms of the strategic planning at a state level and at a local level, and the current system that we have in New South Wales with the pillars allows for clinicians to influence clinical guideline safety and quality of policy and feed that back to them through NSW Health, back into the system. So I think it is an iterative, strong system.

With regard to the state and national or federal

divide in terms of funding, that's beyond my capacity to comment on here today. But certainly healthcare is expensive, it is becoming increasingly less affordable, and we will need to find ways to move care out of our acute services and ensure efficient and safe ways to deliver care in the community. And the challenge for us in that space is the primary care workforce challenges at the moment.

So I think, you know, looking at our hospitals and across various levels of services that we have, I believe that we do pretty well in New South Wales, and I believe that we will becoming increasingly more efficient in terms of managing our cost base, and I think ABF has had a role in that. I'm not exactly sure that's entirely fit-for-purpose anymore, but nonetheless it has provided significant advantages in terms of cost control across the system. And there are many ways that we are seeking to manage growth in terms of our costs, including looking at, you know, our environmental footprint and what financial and environmental advantages we can gain from positioning ourselves differently, but also in terms of how we collaborate with our clinicians in relation to choices of prosthetics or choices of medications.

So I have a great deal of confidence in terms of the governance loop that includes the wise independence of our clinicians back into our system, and for our system to take account of those and produce policy that watches through the system to produce reductions in cost whilst not compromising safety and quality.

MR GLOVER: Thank you. In that, you reflected on some of the benefits of the ABF approach to funding, but you also said that you are not sure that it is entirely fit-for-purpose anymore. In what way might that model not be fit for current purposes in your view?

A/PROF COHEN: Well, for example, across our district, we have ABF and non-ABF-funded hospitals, so block funded hospitals. The challenge for us is that in services that are block funded, the premium labour cost has gone up and the utilisation of those services is either - has grown slightly or is very stable or reduced. And so consequently, within the framework of our budget, which is both block funded and ABF funded, there is a cross-subsidisation of those block funded hospitals which poses challenges for us as a district in terms of managing

our overall budget.

THE COMMISSIONER: That's a familiar problem, I think, that is raised in regional LHDs about, not just in terms of block-funded hospitals but in terms of ABF hospitals, but ones where, due to the case mix and the volume, that the cost is higher than the funding that is represented by the activity. It probably doesn't mean, I think, that ABF may not be a great means of ensuring efficiency in a hospital like the RPA or the Randwick sites, but it presents a difficulty for, I think, from what we're told, for most of the regional LHDs for the reasons you have identified.

MR TRESEDER: Yes, Commissioner.

THE COMMISSIONER: Is there any disagreement from either you, Mr Treseder, or you, Mr Carter, in relation to that general topic? I think you probably agree.

MR TRESEDER: I agree.

MR CARTER: I agree.

THE COMMISSIONER: Yes.

MR GLOVER: Mr Treseder, does the board have any role to play in the annual budget process, that is, the process by which the ministry allocates the LHD its budget each year?

 MR TRESEDER: Mr Glover, you'll see the board does have a role, of course, and particularly recently, in relation to the budget efficiency measures that are being applied to all the districts. So the board takes that role very seriously in terms of oversight as to what has been planned, what has been presented to ministry, where we are likely to end up. Every board meeting, we have a report back from our finance people as to how we're progressing with those plans, what is working well, what is not working well, how are our numbers tracking, what our net cost for service results are. So it takes a very active role in that budget process.

MR GLOVER: The matters you just referred to are ongoing monitoring against budget; is that right?

MR TRESEDER: Yeah, absolutely. That's - at every board meeting, we have - not only budget, but there is an overlay

of budget efficiency measures now that are being applied and we have a focus on that as well.

MR GLOVER: What measures do you have in mind when you are talking about that particular aspect of the board's work?

MR TRESEDER: Well, for example, we've been asked to ministry has been very good in helping us seek efficiencies
in the system. That could be rostering efficiencies. They
could be reduction in FTEs. It could be anything. And so
our expert teams have been working out where - how they can
identify efficiencies in the system. Ministry, signing off
efficiencies, say, "Yes, they are appropriate. We suggest
you do more in certain areas or less in certain areas."
And so, at the end of the day the board then needs to
monitor that process to make sure that we are applying a
certain rigour to achieving the end result that we've been
set.

MR GLOVER: Each year in the lead-up to the execution of a service agreement there is something called a purchasing roadshow. Are you aware of that?

MR TRESEDER: No. No, I'm not.

MR GLOVER: So to the extent that there are discussions between the LHD and ministry about the amount of funding that might be allocated to the district each year, is that something that is dealt with at the chief executive level?

MR TRESEDER: Yes. Yes, it is. Those initial discussions are at the chief executive level. We get involved once the numbers are basically presented to us.

MR GLOVER: In paragraph 33 of your statement, you tell us that the budget is difficult to understand and needs to be simplified. Do you see that?

MR TRESEDER: Yes, that's right. I think I've - my background as a banker, I have looked at lots of balance sheets, profit and loss statements, over a long period of time but I've got to say that the ones that are presented by Health are the most difficult ones to understand.

MR GLOVER: Can I just pause you there. Would it assist if we brought up on the screen the budget that is replicated in the service agreement so you can --

THE COMMISSIONER: It would assist me, I think, in any event.

MR GLOVER: We will have that brought up. It is [SCI.0011.0415.0001] and it is at doc ID page 13. And hopefully, Mr Treseder and others, it will appear on your screen in a moment. Can you see that, Mr Treseder?

MR TRESEDER: It is a bit blurry, but I understand what it is saying, yes.

MR GLOVER: When describing to the Commissioner first of all why you say it is difficult to understand and then why it needs to be simplified, there are examples on this page or any of the following pages that deal with the budget. If you could draw those to our attention, I'd be grateful.

MR TRESEDER: Now, this page is fine, Mr Glover. So, for example, the first thing you notice is that there is a deficit of \$20 million proposed in this budget. I've never come across budgets - normally, budgets are presented to corporations where the budgets balance, and this budget is presented to us with a \$20 million shortfall, which I assume, just by looking at it, is the net cost of service, because that's how we generally run - examine how we are working.

When I speak to our finance people, they say, "No, that is not the net cost of service," because that is actually adjusted for a whole range of other things such as asset adjustments, et cetera. The net cost of service is actually a lot worse than that. So my point is that, one, we're presented with a negative budget to start with, which doesn't quite make sense to me, and secondly, the budget that is presented to us, again, doesn't lead us to where we're supposed to be.

The other thing that I've never understood is that we are - we're presented with a --

MR GLOVER: Sorry to interrupt you, Mr Treseder, but for those of us who became lawyers because we don't like numbers, can you just assist me, is part of the difficulty in understanding this budget because the expenses are presented as blue numbers but revenue is then presented as

a deduction, so the net result is actually a negative? 2 Have I understood that correctly? 3 4 MR TRESEDER: Well, that's right. A budget shouldn't have 5 a negative result. I mean, a budget needs to at least balance in a general sense. But my second point is that 6 that \$20 million isn't, from what our finance people tell 7 8 me, is not the net cost of service that we judge - that we 9 will be judging our financial results going forward. 10 To work the net cost of service out requires 11 12 adjustments through a number of appendices that are 13 attached to this. 14 The other very simple thing --15 16 17 MR GLOVER: Sorry, Mr Treseder. Before you move on, just 18 pausing there, is the effect of that that what is presented 19 on this page that we are looking at as a net result of 20 negative \$20.9 million does not actually reflect the net 21 result that the LHD will achieve by performing all of the 22 activity that is in this budget? 23 24 MR TRESEDER: That's right. 25 26 And what is the variance, as you understand MR GLOVER: 27 it? 28 29 MR TRESEDER: Well, the variance that we are currently working on at the moment is about \$15 million. 30 31 32 MR GLOVER: Sorry, I interrupted you. 33 34 MR TRESEDER: The other thing, which is simpler, but, again, I strive to understand it, the first thing that I do 35 36 is I run my calculator through this budget that's presented And so, for example, you've got a state efficient 37 price has been set at \$5,675 per portion of activity --38 39 40 MR GLOVER: NWAU, yes. We are familiar with NWAU. 41 MR TRESEDER: 42 Part of the NWAU, that's right. And then in

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MR GLOVER: So you are looking at line 69,519 NWAU to

the target volume column they say, "Well, we will apply

this amount of NWAU to," say, "acute admitted," for

example.

acute admitted volume, just so we are all at the same 1 2 point? 3 4 MR TRESEDER: 69,413. Oh, You have it slightly different But that's the column I am talking about, yes. 5 to me. 6 MR GLOVER: 7 Okay. 8 9 MR TRESEDER: So if you multiply - a reasonable person 10 would say you multiply the state efficient price by the NWAU that's provided to you, that should give you the 11 dollars that's reflected in the next column, and it 12 13 doesn't. 14 MR GLOVER: Why is that so? 15 16 17 MR TRESEDER: Well, they're saying that - I'm not sure 18 why, but that's my point. It doesn't make a lot of sense. 19 20 Just pausing there, you're not sure THE COMMISSIONER: 21 why? I am going to assume it's not because you don't 22 have - sorry, can you still hear me, Mr Treseder? 23 24 MR TRESEDER: Yes, sorry, we had a little computer 25 malfunction there, Commissioner. 26 27 THE COMMISSIONER: Don't worry. The fact that you don't 28 fully understand it, I assume, is not because you haven't asked? 29 30 31 MR TRESEDER: Well, that's right. I mean, I will go -32 what I do is I go back into our finance teams that have a 33 much better knowledge of these things and they will explain 34 But my point is that when this is presented to a it to me. 35 board member to sign off a service agreement, this should 36 make simple sense. 37 THE COMMISSIONER: And one of the reasons it should make 38 simple sense is not just - well, one of the fundamental 39 40 reasons it should make simple sense to all the board 41 members is that unless it does, it's very hard for the board as a whole and the board members to fulfil their 42 43 statutory obligations as board members under the Act. 44 45 MR TRESEDER: Absolutely. 46

THE COMMISSIONER:

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There might be other reasons as well in

terms of good governance, but that's one fundamental 1 2 reason. 3 4 MR TRESEDER: Yes. 5 THE COMMISSIONER: 6 Sorry. And sitting there now, do you now understand how this all makes arithmetic sense or still 7 8 have uncertainties? 9 10 MR TRESEDER: No, that page does not make sense. 11 THE COMMISSIONER: 12 Right. 13 MR GLOVER: The Commissioner raised with you the 14 15 difficulties in performing the board's function of 16 financial oversight by these vagaries of the budget. 17 the year progresses and as the monitoring function that you 18 described to us earlier is engaged in, do those problems 19 become more acute? 20 21 MR TRESEDER: No, they don't, Mr Glover, because what we 22 do is we put aside this page that doesn't make a lot of 23 sense, work with our finance people into a sensible situation that we all understand, and then we move forward 24 with that situation. 25 So it actually becomes easier once there is some rigorous thought from the finance people, a 26 place for this, and then we understand it. My simple point 27 28 is that this should be simple from the word go. 29 In your statement, you suggest it needs to be MR GLOVER: 30 31 simple not only for the reasons we have already discussed 32 but to encourage full transparency and accountability? 33 34 MR TRESEDER: Absolutely. 35 36 MR GLOVER: Why do you say that? 37 Well, we are signing off to a service 38 MR TRESEDER: agreement that doesn't make a lot of sense, and so we are 39 40 taking it in good faith in some ways with the knowledge 41 that finance people have unpacked it and described it to us 42 in a proper way. 43 44 THE COMMISSIONER: When you are talking about the "finance

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MR TRESEDER: Yes, that's right.

people", you are talking about people within the LHD?

THE COMMISSIONER: Please don't think this question is an implied criticism because it definitely is not of anyone, but you have probably discussed this difficulty you have encountered with your chief executive. Do they have a full understanding of the budget or do they have the issues that you have also identified, the same issues that you have identified for us?

MR TRESEDER: Initially, they have the same issues I have identified. It is only after there is sufficient work done and it is all unpacked that the starting position starts to unravel.

THE COMMISSIONER: Right.

MR GLOVER: And that work in unpacking is done by your district team rather than ministry?

MR TRESEDER: By our district team, that's right.

MR GLOVER: Mr Carter, do you have a view about the clarity or otherwise of the budgets that are given to your district each year?

MR CARTER: I have just an observation about the extent of communication that goes on between the ministry and the LHDs in the lead-up to the service agreement. I don't know how much in detail that is, but I sense that it would be nice to be more involved in those negotiations. The LHD model might not be in a position to change them, but I think more work needs to be done in the lead-up to the production of the service agreements on a collaborative basis.

MR GLOVER: Just pausing there, Mr Carter, when you say "more involved", do you mean that there should be more input from the LHD into the setting of its budget?

MR CARTER: Yes. I mean, the service agreement from my chief executive says that one of her responsibilities is to negotiate the service agreement with the ministry.

MR GLOVER: Yes.

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MR CARTER: And I'm not sure that the extent of negotiation that goes on is evenly balanced, shall I say.

MR GLOVER: Yes.

MR CARTER: To Mr Treseder's point about the budgets, our position would be similar. We have a financially highly literate board member who chairs our finance and performance committee. I attend all - as an observer, I attend, and particularly since the financial difficulties that Peter is referring to, all finance and performance meetings as an observer to be fully informed.

I also put together or arranged a delegation from our board to a smaller group to be able to respond quickly when we need, when we had short turn-around time, so that comprised myself as chair, deputy chair and the three board members who are on the finance committee, and so we could get together much more quickly and discuss with finance much more quickly the implications of data that we're getting and what they mean. And that delegation in fact bound the board, if you like, and the board then ratified the decisions that were taken through that delegation. So we put a few mechanisms in place to try and overcome the sort of difficulties that Peter is referring to.

But yes, they're complex and difficult papers. I've made an assumption which may or may not be correct, but it looks a little like a basic formula that started many years ago that's had add-ons and subtractions and built, you know, extensions and all of that, that it comes up now as a complex, very complex arrangement that is hard to understand, that has probably not been re-thought from the ground up for some time. I may be wrong. It's an assumption.

MR GLOVER: Professor Cohen, did you wish to add anything to this topic?

A/PROF COHEN: No, I have nothing further to add. I have been involved in the roadshow. I have been involved in the service agreement negotiation processes in the past. I see it as an iterative process whereby the district expresses a level of need and specific foci where we believe budget enhancement should occur and there was a negotiation process. The service agreement, itself, is a complex document, and as with my colleagues, we rely on our director of finance and CEO to reconstitute that into budget flow so that we can get a sense of what it looks

1 like across the year. 2 3 Do you agree with Mr Treseder, though, that at MR GLOVER: 4 a board level it would assist in the performance of the board's statutory function if the budget as presented in 5 the service agreement was clear and intelligible? 6 7 8 A/PROF COHEN: Look, I think that we have local finance 9 people who can make it clear and intelligible for us. 10 not --11 12 MR GLOVER: Should you have to do that work, Professor Cohen? Shouldn't it be clear and intelligible from the 13 14 get-go? 15 16 THE COMMISSIONER: There was an assumption in your 17 question it is not clear and intelligible, but --18 19 MR GLOVER: It wasn't objected to. 20 21 THE COMMISSIONER: -- there is no objection from Mr Cheney, so. 22 23 MR GLOVER: My point is, Professor Cohen, should it be 24 25 down to the LHDs to, on one view, reverse-engineer the budget to make it understandable? 26 27 28 A/PROF COHEN: I can't answer that, because there are 29 functions that the service agreement provides for the ministry and, I'm assuming, in terms of its arrangements 30 31 with Treasury, that may well be beyond my camp. What I am 32 confident in is our finance team's capacity to interpret 33 the schedules and provide a broad degree of advice with 34 regard as to what the implications are for our budget. 35 36 But I take it you would agree with the MR GLOVER: 37 fundamental proposition advanced by Mr Treseder that in the LHD agreeing to a service agreement, it ought to be able to 38 readily understand the budget that is contained in it and 39 40 how that budget has come together? 41 42 A/PROF COHEN: Well, the context I am opening from is that I have confidence in our financial team to be able to 43 44 advise us of what the budget means and so, consequently,

interpretation.

the contract be made simpler?

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I'm sure it could and it

So if you're asking me the question: could

our - we do understand it, but the contract itself needs

would make it easier for the board, but we also have a responsibility to enquire and seek clarification if we don't understand things.

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THE COMMISSIONER: Can I ask the three of you a more high-level question, and we have heard differing views about this, but one of the things that's been said to us by some people is that there would be benefit in a longer budgetary cycle. Now, this is an issue that's raised not just in relation to overall budgets but also in relation to some much smaller time-limited grants for which there is a problem in relation to workforce at a time when a grant is about to expire and no-one knows whether it is going to be extended or not. But in terms of your LHD budgets, do you have any view about whether the 12-month cycle is perfectly satisfactory and understandable as to why it's done that way, or whether you could see benefits in a longer budgetary cycle like three years or something else? Does any of you have a view about that? I will start with you, Mr Treseder, and we will move anti-clockwise around my screen.

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MR TRESEDER: Commissioner, I think a 12-month cycle is okay at the moment, particularly when it is being overlaid and pressured by budget efficiency, which is focused on a week-to-week, day-to-day at the moment. So to push that out any longer, the 12-month cycle has the advantage of we get to an end point and then we reset and go again in terms of what we are trying to achieve at the moment.

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THE COMMISSIONER: Mr Carter, do you have a view?

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35 36 MR CARTER: Not particularly. I mean, I'm used to working in quinquennial, triennial and annual budgets, and, you know, there will always be an annual review in any case, even with a triennial budget, so I would agree with Mr Treseder.

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THE COMMISSIONER: All right. And Professor Cohen?

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A/PROF COHEN: I agree with my two colleagues, and nothing further to add.

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THE COMMISSIONER: Thank you.

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MR GLOVER: Finally, Mr Treseder, in paragraph 46 of your statement, you draw attention to the concept which we have

heard elsewhere that if we spend the entire NSW Health budget on health, it still would not be enough. We have covered some of this ground already through Mr Carter, but I wanted to give you the opportunity to expand, should you wish to, on what you think might be done to better ensure the future sustainability of the healthcare system in this state?

MR TRESEDER: Thanks, Mr Glover. Those last couple of paragraphs I'll summarise.

So I have always been inspired by the notion of large balance sheets. So if you look at the nation as a family, you have got income coming in, you have got expenses coming out, and as a family you try to save some money for your holidays. But as a nation, we don't tend to do that and as a state we don't tend to do that. We have some income coming in from taxes, et cetera, we overspend and we borrow, and there is very little savings that occurs. So each of the organisations that I've been CEO of, we've built substantial balance sheets, \$50 million, \$100 million balance sheets. And those are there forever, nobody can touch them and the interest that they generate supports an ongoing system.

So I suggested to one notable prime minister that we should have a trillion dollars sitting in a sovereign wealth fund, and the answer at that point, quite rightly, was, "Well, we are running negative budgets and we can't - we don't have any money to put into, to support a trillion-dollar sovereign wealth fund." The upshot of all that is we negotiated the Medical Research Future Fund, where the Federal government dropped \$20 billion into it. And that had the advantage that it will be there forever, it will grow if it is managed correctly. The income that it generates has doubled the amount of dollars that are available to fund medical research requests from young researchers across the nation.

So that was a somewhat not what I was after, but it was a good result. And so the notion here is that why can't the State do the same thing, except that it is in a similar situation to the federal government, that it is running negative budgets at the moment. But over time, with some foresight, you could build a medical research fund in New South Wales, and I've suggested popping \$60 billion into it, and I come up to 60 billion because

I just doubled the New South Wales current health budget. It would take time to do it, but at the end of, say, 10 years when it is in place, the income that that generates might be used to support the State government's initiatives to fund its ongoing health arrangements.

THE COMMISSIONER: If I was asked what would be the source of the revenue for that \$60 billion, what would the answer be? I mean, I have to say in theory, what you are saying is very attractive, but we had the chance to buy back the farm in the mid '70s, but Rex kind of got sacked and Gough got shafted and we didn't buy the farm. I should just say for most of the people on the Inquiry they may not know who Rex Connor is or Gough is, but especially the member of the team last night that told me she didn't know who Bob Dylan or the Beatles were, for which there will be consequences in due course, but where would the revenue come from? I mean, it sounds great but where would it come from, do you think?

MR TRESEDER: That's the difficulty with my argument, Commissioner.

THE COMMISSIONER: Oh, okay.

MR TRESEDER: And that was the difficulty with the Federal government.

THE COMMISSIONER: The Federal government could raise tax rates to make them more in line with Scandinavian countries, but I don't know whether if I put that in a recommendation how well that would go. Maybe it is the only one I should make. So is there anything else you wanted to add to that?

MR TRESEDER: No. I think, I mean, it was a serious comment.

THE COMMISSIONER: It is.

MR TRESEDER: And it was a comment that where there is a will, there's a way. So governments have money which tends to slosh around a little bit, and if they really - if it was politically palatable to do it, they could put the money aside over a period of time. But generally it's not politically palatable. That's the problem.

 THE COMMISSIONER: I mean, yes, there is a future fund so the concept hasn't been rejected by the country. It's just the size of the money and who puts it in and where it's from; they are all unknowns.

MR GLOVER: Mr Carter, was there anything you wished to add to your earlier answers about what might need to be done, whether through funding approaches or other mechanisms, to ensure the future sustainability of the healthcare system?

MR CARTER: Just one thing, and if we talk about wellness, then we have to look straight to the social determinants of health. If we can address or focus on the social determinants of health such as education, unemployment, job insecurity, food insecurity, housing, and so on, we will be striking at the heart of the problem of the cost of future healthcare.

If I can give one example from Finland. They have, in regard to homelessness, which is a key social determinant of health and very expensive to society, including the health system, they have - they turned the approach to homelessness on its head and - with a system called Housing First. So the first thing in Finland that they do for a homeless person is provide them with a home. Not a shelter, but a home. And it's from that security they then work with them to address whatever it is that might have caused them to be homeless.

And the system - Finland is the only country in Europe, and maybe the only one in the world, where homelessness is dropping. The recidivism rate of the homeless on that system is one in seven. In the rest of the world, it is about five in seven, where they approach homelessness differently. Once the homeless have a home and start to develop what we might refer to as a normal They are no longer a drain life, firstly, they get a job. or they are much less a drain on the health system, they are much less a drain on social security, police, and they pay taxes and they get a job, and they spend money when they get a job. The approach has been very successful and it cost-neutral, because the cost of caring for or providing for a homeless person is much greater than the cost of providing them with a home.

So, I don't think we've looked enough at the social

determinants of health or addressing them, or if we're looking at them, we're not looking at them with enough seriousness and we're not looking at them the right way. So I think there could be a greater investment in focusing on those aspects.

THE COMMISSIONER: I agree with you. I think the point you are making is that the burden on NSW Health includes things that are entirely beyond the control of NSW Health, like education, like housing, like social services. Fortunately those things, I think, are outside my terms of reference but are still of some relevance to them. But I don't know that I'd get to make recommendations on them.

But whilst you have been speaking, it has occurred to me maybe the punishment for the member of the inquiry team that didn't know who the Beatles were should be to learn, off by heart, the entirety of the Beveridge report for the creation of the welfare state in the UK, so I think that will be the punishment. But I understand the point you are making, and it is absolutely relevant and is not one we're ignoring.

MR CARTER: Thank you.

MR GLOVER: Professor Cohen, finally, is there anything you would wish to add to this topic to ensure the future sustainability of our healthcare system?

A/PROF COHEN: Sorry, your voice was breaking up a bit.

MR GLOVER: Sorry. Is there anything that you would wish to add on this topic about initiatives or changes that might need to be made to ensure the future sustainability of healthcare in this country?

A/PROF COHEN: I agree with my two colleagues. Investing in the first thousand days of a child's life in terms of bang for buck is enormous, reducing, you know, morbidity, mortality. I think as an acute health system, that really is where we need to be directing system evolution and improve the sophistication of both the availability of resources, I guess in the social determinant space, but also investing directly in ensuring that in that first thousand days our youngsters are healthy sets them up for less chronic disease in future life.

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1
         THE COMMISSIONER:
                             That point you have just raised, that
2
         first thousand days, that is within the control of Health,
        whether you are talking Commonwealth or State. And I think
3
4
         the point you are making there, that investment not only
         has potentially great benefits for the health of the person
5
         as they go beyond the thousand days, but also for the -
6
         I mean, it takes economists to work these things out, but
7
8
         productivity of the country as well?
9
10
         A/PROF COHEN:
                         Yes, Commissioner.
11
         MR GLOVER:
12
                      I have no further questions of these
13
        witnesses.
14
         THE COMMISSIONER:
15
                             Mr Cheney, do you have any questions?
16
17
         MR CHENEY:
                      No. Commissioner.
18
        THE COMMISSIONER:
                             To all three of you, thank you very
19
20
         much for your time. We are very grateful for it and you
21
         are excused.
22
23
        MR TRESEDER:
                        Thank you, Commissioner.
24
        MR CARTER:
                      Thanks Commissioner.
25
26
        A/PROF COHEN:
27
                        Thank you.
28
29
         <WITNESSES EXCUSED
30
31
        MR GLOVER:
                      Can I just --
32
33
         THE COMMISSIONER:
                             Of course you can.
34
35
                      -- formally tender the tender bundle for this
         hearing block, which I think, Commissioner, has come to you
36
37
         by way of list, in the usual way?
38
         THE COMMISSIONER:
                             It was handed to me earlier.
39
40
41
         MR GLOVER:
                      I tender those documents in that list, down to
         K.109.
42
43
44
         MR CHENEY:
                      I am sure there would be no objection,
45
         Commissioner.
                        I just haven't had a chance to consider
46
         every document.
47
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THE COMMISSIONER: We can defer it. We can defer it till the next, and the next sitting day, I think, is Tuesday 8 October. MR GLOVER: It is. THE COMMISSIONER: So we will adjourn till 10.00 on Tuesday, 8 October, and we will defer the tender of the tender bundle for these Tamworth hearings until that date, or it can be done in chambers if you have a look through it --MR GLOVER: Thank you. THE COMMISSIONER: -- at any time before that as well. Thank you, so we'll adjourn till 8 October at 10.00 am, in Sydney. AT 11.47 PM THE HEARING WAS ADJOURNED TO 10.00 ON TUESDAY, 8 OCTOBER 2024, IN SYDNEY

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