

27 June 2013

Dr Ian Holland
Secretary
Senate Community Affairs Committee
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Parliament House
Canberra ACT 2600

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Dear Dr Holland,

In hearings of the Senate Community Affairs Legislation Committee on the Budget Estimates on Thursday 6 June 2013 (at p72) Senator Concetta Fierravanti-Wells asked the Secretary of the Department of Health and Ageing, Ms Jane Halton:

"... is the department aware that at a national teleconference yesterday morning Mr Yates told the participants various things, including that the aged care bills would go through, that DoHA has already identified individuals for the positions of the Pricing Commissioner and the Aged Care Commissioner..."¹

Following an intervention from Ms Halton, Senator Fierravanti-Wells resumed:

"That candidates have been spoken to, that they are long-term Labor stalwarts, and that this will be announced soon. ... has Mr Yates been given advice contrary to what this committee was told yesterday?"

Ms Halton then conveyed a repudiation of the suggestion that the process she had outlined the previous day had been in any way compromised. Other matters were the addressed, during which Ms Halton telephoned me in respect to the above. At 17.06 (p82) Ms Halton conveyed a repudiation of the allegations based on the advice I provided her in that telephone conversation. Ms Halton also conveyed that she had also spoken with Mr Nick Mersiades who I had advised her was on the only teleconference that I could relate to the allegation.

Ms Halton pointed out that the teleconference to which I presumed the allegation referred was not "yesterday"(5th June) but the day before (4th June). She provided details I had provided her as to the content of and attendance at that teleconference, including that those positions were not discussed. This was all corroborated by Mr Mersiades, who works for Catholic Health Australia and is a former First Assistant Secretary in the Department of Health and Ageing.

After a short period Senator Fierravanti-Wells then said:

¹ I note the reference is to the Pricing Commissioner and the "Aged Care Commissioner". The latter position is not currently vacant and has not been advertised. I assume this was in fact meant to refer to the position of CEO of the Quality Agency, which commences on 1 January 2014 and which was advertised at the same time as the Pricing Commissioner.

"I am sorry, my understanding is that potentially it is another meeting, Ms Halton, I think there is a little bit of an issue here. Anyway, I think Ms Halton and I might have a discussion about this offline. That is probably best."

As Chief Executive of COTA Australia and with a leading role in the aged care reform process I participate in a large number of teleconferences. In the days immediately preceding 6 June I participated in two on Monday 3 June and one on Tuesday 4 June. I can identify participants in each of these and they will provide the same advice as that provided by Mr Mersiades that I did not say what was alleged I said, and indeed that the positions were not discussed.

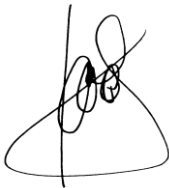
Further, I can categorically and unreservedly advise the Committee that I have made no reference to the appointment process or outcome for either the Pricing Commissioner or the CEO of the Quality Agency in any meeting of any nature, whether by teleconference, face to face or by any other means, during that week or any preceding week.

In respect to what Senator Fierravanti-Wells described (p83) as "information came to me" which led to her raising the allegations against me, I advise the Committee that any such information is false. It has no factual basis at all. It cannot even have been the result of a misunderstanding as there is no basis for such since I was never involved in a conversation about these positions of the nature described.

As a Director of the Aged Care Standards and Accreditation Agency and as a Member of the Aged Care Financing Authority I have assiduously avoided being involved in any discussion of either position, except in relation to factually explaining the role of the Pricing Commissioner when asked.

In conclusion, the allegations referred to in the Hansard of the Committee's hearings on 6 June have absolutely no basis in fact and I believe they are of a defamatory nature against me both professionally and personally.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'I. Yates', written over a large, light-colored scribble or background mark.

Ian Yates AM
Chief Executive