

**Submission
No 22**

THE PROMOTION OF FALSE OR MISLEADING HEALTH-RELATED INFORMATION OR PRACTICES

Name: Mr Leonard Thomas

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Submission to the HCCC inquiry.

To; An inquiry by the N.S.W. HCCC into the promotion of false or misleading health-related information or practices”..

Committee on the Health Care Complaints Commission
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From

Leonard J Thomas

I am an unregistered health practitioner working with Complementary Therapies and have been in practice since 2000. I work with accepted Energy Therapies. Reiki/EFT/Dowsing/Meditation etc, all designed to balance the psychic/emotional which will allow a persons physical to come into balance.

I respond to inquire to be conducted by the HCCC is a medical establishment and pharmaceutical drug company's dream come true. This should be a grave concern to anyone in Australia who either uses or dispenses holistic or complementary treatments or any other types of treatments that do not conform to the established scientific medical paradigm.

Hypothetically, you might know a friend or member of the public who is considering chemotherapy for cancer. You might tell them that a [scientific study in 2004 shows that chemotherapy is only 2.3% effective](#). Yet this person's doctor tells them that they should have chemotherapy. You may then be examined and or prosecuted by the HCCC.

I have looked at the published information by the HCCC and the terms of reference, submissions by people and organisations including statements that are attributed to the Chair of the HCCC, Mrs. Leslie Williams.

My observation of the available information raises a couple of questions

1. “What is the definition of False and Misleading Health-Related information or practices”
2. “Who is to declare that any practice is “unscientific” or “detrimental” to general public or individual health”
3. “The Inquiry will focus on individuals who are not recognised health practitioners, and organisations that are not recognised health service providers”.

Published statements;

An inquiry by the N.S.W. HCCC into the promotion of false or misleading health-related information or practices”.

UNREGISTERED health practitioners who promote “unscientific” information deemed “detrimental to individual or public health” will be the subject of a NSW parliamentary inquiry by the HCCC.

Members of the public are likely to be called on to testify about their experiences.

The NSW government’s Joint Standing Committee on the Health Care Complaints Commission (HCCC) has launched an “inquiry into the promotion of false or misleading health-related information or practices”. This inquiry will focus on “publication and/or dissemination of false or misleading health-related information that may cause general community mistrust of, or anxiety toward, accepted medical practice”.

The inquiry will also target those spruiking (making available statements that is not accepted by the medical or scientific professions) information “that encourages individuals or the general public to allergy unsafely refuse accepted preventive medical health measures, medical treatments or cures”.

It will also examine the adequacy of the HCCC’s powers to investigate such individuals or organisations outside of their current government mandate and impose penalties or orders.

The committee chair, Port Macquarie MP Mrs. Leslie Williams, has stated that inquiry came after the NSW government boosted the HCCC’s powers and finances earlier this year which following a lengthy legal battle with an anti-vaccine group, the Australian Vaccination Network where the NSW Supreme Court upheld the AVN’s complaint that the HCCC’s investigation of it was outside its powers because there was no patient complaint.

Earlier in 2013 the NSW government changed legislation to give the HCCC “its own motion” or powers to investigate without a complaint being lodged, as this the case with the Medical Board of Australia.

“Our discussions led on from that, and we decided that we would get some public views about the issue of misleading or potentially false health-related information,” Ms Williams said.

The inquiry was not specific to the AVN or those affected by its messages, she added. Groups such as the AVN would be entitled to make submissions as well as members of the public.

“It could be members of the public that may have obtained health information not from a registered medical healthcare provider or practitioner that may have had some unfavorable outcome.

“It could also generally be that a member of the public who has raised concerns about information that’s out there, whether or not they’ve actually used that information,” she said.

My submission focuses on the aims of the inquiry as quoted in the terms of reference;

PARLIAMENT OF NEW SOUTH WALES COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

‘INQUIRY INTO THE PROMOTION OF FALSE OR MISLEADING HEALTH-RELATED INFORMATION OR PRACTICES.’

TERMS OF REFERENCE – *That the Committee on the Health Care Complaints Commission inquire into and report on possible measures to address the promotion of unscientific health-related information or practices which may be detrimental to individual or public health. – The Inquiry will focus on individuals who are not recognised health practitioners, and organisations that are not recognised health service providers. — The Committee will have particular regard to: -*

- . (a) - *The publication and/or dissemination of false or misleading health-related information that may cause general community mistrust of, or anxiety toward, accepted medical practice;*
- . (b) - *The publication and/or dissemination of information that encourages individuals or the public to unsafely refuse preventative health measures, medical treatments, or cures;*
- . (c) - *The promotion of health-related activities and/or provision of treatment that departs from accepted medical practice which may be harmful to individual or public health;*
- . (d) - *The adequacy of the powers of the Health Care Complaints Commission to investigate such organisations or individuals;*
- . (e) – *The capacity, appropriateness, and effectiveness of the Health Care Complaints Commission to take enforcement action against such organisations or individuals; and*
- . (f) - *Any other related matter.*

Comments

The Inquiry will focus on individuals who are not recognised health practitioners, and organisations that are not recognised health service providers. —

The Committee will have particular regard to: (a)-(b)-(c)-(d)-(e) & (f)

1. If you are not a recognised health practitioner and suggest any course of treatment or a particular therapy to a friend then they, the HCCC, may knock on your door.
2. If you claim that what you are aware of, as a spiritual/psychic healer, a method that suggests a technique that is of healing, again, the HCCC may knock on your door.

Within this submission I remind the committee that there are many instances where from time to time the accepted scientific medical practices have been overturned by new evidence against those (accepted) practices often against very strong opposition. My quotes are limited to:

1. The awarding of the Nobel Prize to **Barry J. Marshall** and **J. Robin Warren**

Both from Western Australia

The Nobel Assembly at Karolinska Institute has today decided to award
The Nobel Prize in Physiology or Medicine for 2005 jointly to

Barry J. Marshall and **J. Robin Warren** for their discovery of "**the bacterium *Helicobacter pylori* and its role in gastritis and peptic ulcer disease**"

What would the HCCC, with their new suggested powers have done when Marshall and Warren were working within their investigations. They may have been accused of going outside of all scientific knowledge; but were they. I am aware that they are recognised practitioners within their own fields but what if others outside these fields had produced such evidence.

2. What about the treatments of Polio, were not the suggested treatments that led to major relief outside of the accepted scientific pathways of treatment, but they worked.
3. Currently it is accepted that there is no damage done to a female by having a Caesarean operation and any problems are put down to post natal problems and the rates of this type of birth keeps going up!

Many Maternity Hospitals report that the instance of natural births are in decline and are replaced by surgical intervention described as a Caesarean Operation.

So what is a Caesarean Birth! It is a birth where surgery is used for the Birth instead of natural birth process.

The procedure is by an incision 'across' the abdomen opening up a cavity that allows for the removal of the baby from the mother.

Is there any problem with a surgical assisted birth!

Yes; Yes; Yes, as an unregistered practitioner I claim that;

A surgical assisted birth cuts through many of the meridians that carry life-force-energy that travels through the human body. Chinese practices of health care prove that meridians exist and yet a surgeon who performs this style of operation does not recognise that meridians exist on the operating table.

Is the damage caused to the meridians recognised by western medical techniques?

NO.

The meridians reside within the Psychical/ emotional body and cannot be recognised on the operating table. This leads the medical profession to ignore the fact that damage has been done. Science Fact or Fiction.

Can this damage be repaired. Yes. But to advertise it may lead to investigation by the HCCC if these amendments to the powers of the HCCC are accepted. The repair of the meridians may be deemed to be unscientific and not medically accepted.

The powers of the HCCC should be confined to their original charter which was the investigation of the medical profession for any alleged mal-practice, not to have expanded powers to step outside of those investigations and to investigate the promotion of unscientific (define unscientific) health-related information or practices which may be detrimental to individual or public health.

In Conclusion;

My submission makes reference on a couple of instances where accepted scientific practices or medical practices have been found to be in error, the statements about the interruptions to the human meridians is a line of enquiry that I have been perusing as an unregistered health provider and is only accepted by a minority, but it is fact.

As an unregistered practitioner I accepted the concept of the HCCC providing that it stays within its original aims, unfortunately with the suggested inquiry and possible amendments, the HCCC is attempting to become an inquisition with the powers of an inquisition to withhold information about alleged complaints but to make decisions that a person would have difficulty in mounting any Defence to and to prosecute or make orders.

I reject the concept that any of the suggested amendments or changes that the inquiry may make will be of any benefit to the general public for a couple of reasons.

The HCCC currently, as the statutory authority, can take action against a health organisation or an individual that publishes or disseminates false or misleading health-related information (providing that there is a definition established for False or misleading) that may cause a consumer anxiety but should not be the authority that defines what is classified as false or misleading information. One person's opinion may not be shared by another.

It also has the authority to act where a health organisation encourages individuals or the public to refuse preventative health measures or medical treatments. Further, the HCCC has adequate authority

against a health organisation that promotes health-related activities that departs from accepted medical practice (again one opinion against another) which may be harmful (considered to be harmful by whom) to individual or public health.

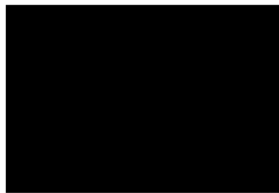
I am not in a position to comment about the decision by the Supreme Court. Or for the reason for the failure of the HCCC against the AVN but, to change the law just to be able to expand the authority of the HCCC was apparently not due to an inadequacy of HCCC's as a statutory authority, but rather a lack of substantive evidence on behalf of the HCCC.

Therefore, for the inquiry to focus on individuals who are not recognised health practitioners I believe that the HCCC has adequate statutory power to act against a health organisation that publishes or disseminates information that does not reflect the current body of knowledge.

An Authority with these proposed powers will remove any investigations or advancement in public health matters from the physical to the Psychic/emotional. I am against any of the suggested amendments or changes that the enquiry may make for reasons that I already expressed.

I do not see any value towards any betterment of public health standards by this inquiry and it's stated aims

Len Thomas



Supplementary Statement

Many Australians self-prescribe complementary and alternative medicine (C.A.M), but do not disclose this to their treating clinicians.

Without a full understanding of patients' health practices, it is difficult for medical clinicians to provide safe and holistic healthcare.

Reasons for patients not disclosing their C.A.M use to their medical clinicians include:

- anxiety that it will evoke their clinician's disapproval
- a lack of awareness of the risk of possible side effects and interactions with other medicines
- their clinician simply failed to ask.

Clinicians should initiate discussions with their patients about what C.A.M they use, just as they do about conventional medicines.

If your patients are using C.A.M, there are two extra lines of inquiry.

Do your patients know...

...whether their C.A.M is effective?

...as a medical practitioner you should encourage your patients to consider scientific evidence in order to make well informed decisions about their healthcare.

As a medical practitioner they may not be aware that the effectiveness of most Complementary and or alternative medicine that has not been evaluated by the Australian government.(T.G.A.)

This makes it important to know what emphasis your patients place on evidence: some do not consider it important; others do not know how to interpret evidence, and instead rely on anecdotes of friends, family or colleagues. Some cultural practices are closely linked with C.A.M use. It is important to be aware of these factors.

You can help your patients identify sources of reliable evidence for the C.A.M they use. Reputable peer-reviewed journals, the Cochrane Library and government websites are good starting points. Patients may need your assistance in examining claims made about C.A.M which are not underpinned by good evidence.

...the potential risks of C.A.M use?

Patients often do not know if an individual C.A.M is safe or harmful. You can explain to your patients that all treatments have potential benefits and harms which need to be considered when choosing healthcare options.

Possible harms from using C.A.M may include adverse reactions and unintended drug interactions. General Practitioners may consider referring their patients to a pharmacist for a Medicare-supported Home Medicine Review to check for possible drug interactions.

You can also help your patients consider the opportunity cost of using a C.A.M of uncertain effectiveness in place of proven and effective conventional medicine.

The National Health and Medical Research Council (NHMRC) has developed 'Talking about Complementary and Alternative Medicine – a Resource for Clinicians'. This resource aims to facilitate discussions between clinicians and their patients about C.A.M use, and also provides further information on C.A.M. The resource is available on the NHMRC website at <http://www.nhmrc.gov.au/your-health/complementary-and-alternative-medicines>.

Some of the language contained in President Eisenhower's retirement speech, the one that coined the phrase "*military-industrial complex*", conjures up an image of Wilhelm Reich, Ike's possible secret ally in the war against extraterrestrials:

"Today," Eisenhower noted, "the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields...a government contract becomes virtually a substitute for intellectual curiosity. The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present..."

Wilhelm Reich wrote in *Contact With Space*.

But he needed no stamp of approval from any government authority to make this claim.

"There is no proof, there are no authorities whatever. No president, Academy, Court of Law, Congress or Senate (State Authority) on this earth has the knowledge or power to decide what will be the knowledge of tomorrow. There is no use in trying to prove something that is unknown to somebody who is ignorant of the unknown, or fearful of its threatening power. Only the good old rules of learning will eventually bring about understanding of what has invaded our earthly existence."

A SHORT HISTORY OF MEDICINE:

"Doctor, I have an ear ache."

2000 B.C. - "Here, eat this root."

1000 B.C. - "That root is heathen, say this prayer."

1850 A.D. - "That prayer is superstition, drink this potion."

1940 A.D. - "That potion is snake oil, swallow this pill."

1985 A.D. - "That pill is ineffective, take this antibiotic."

2000 A.D. - "That antibiotic is artificial. Here, eat this root!"