

**Submission  
No 31**

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

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Committee on the Health Care Complaints Commission  
Parliament House  
By FAX to: (02) 9230 3309  
Via the committee website

7/2/2014

Dear Sir or Madam

**Regarding – The Promotion of False or Misleading Health-Related Information or Practices (Inquiry)**

I am writing in response to the Parliamentary Inquiry into expanding the powers of the Health Care Complaints Commission.

I have personally been on the receiving end of the HCCC's investigative powers and speak from experience when I say that the HCCC acts like the private secret police for practitioners and pharmaceutical interests. This is quite ironic when the reason for the existence of the HCCC is supposedly to protect NSW health consumers against dangerous practitioners and medical devices.

The HCCC has acted illegally in investigating and citing healthcare consumers and voluntary organisations set up to support free health choice and open and transparent access to medical information.

They have abused the powers they were granted by Parliament, yet somehow, this has not been enough for them and now, they are asking for greater powers – not to help the public but to suppress and cite anyone who disagrees with mainstream medicine. This would be a shocking situation in a dictatorship; how much more so for a State in what purports to be a democratic nation.

According to the Terms of Reference (ToR) for the current Inquiry:

**“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.”**

**Unscientific according to whom?** For years, medical practitioners touted such drugs as thalidomide, Vioxx, Avandia and Propoxyphene – as being safe and effective. The list of drugs which were withdrawn due to safety concerns grows on an almost daily basis, yet we don't see the HCCC going to bat for consumers harmed by their use. In general, it is the consumer groups whose voices will be silenced by the HCCC's proposed new powers, who have led the charge for increased drug safety. The HCCC hasn't been leading the charge or

doing their job to protect the public – health consumers have been filling the vacuum left by this organisation and have been active in promoting research into safety and effectiveness.

**Unscientific health related information and practices** could definitely be open to interpretation. As stated above, many if not most of the drugs and treatments which are seen as ‘cutting edge’ today will be replaced by something else down the road. And if the Committee was truly concerned about “information or practices which may be detrimental to individual or public health.”, then why aren’t they doing anything about the thousands of NSW residents who are being killed or permanently injured by ‘approved’ practices every year?

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

Again, the HCCC is looking to expand their already obscene powers to target those who don’t already fall under their jurisdiction. For what purpose? How many people have been killed or injured in this State by accessing information on alternatives to mainstream medical practices? The figure, to the best of my knowledge, is zero or very close to zero. Compare that with the numbers killed or injured by those covered by current HCCC legislation and one has to ask – why concentrate on those whose actions are harmless whilst ignoring the real causes of harm?

**“(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; “**

This is sinister, indeed! What the Committee is considering is censorship – plain and simple. You are trying to remove citizens’ rights to publish or disseminate information that you disagree with. And if the community does not trust or feels anxious about ‘accepted’ medical practices, it shows that they are far more intelligent than the HCCC believes them to be. Trust has to be earned and the medical community has not done anything to make people trust them – quite the contrary.

The Australian constitution and High Court precedents already protect the right to speech provided it is not defamatory, slanderous or inciting hatred (there are several government ministers who would fall foul of these laws were they to speak in public the way they do under parliamentary privilege!) so the Committee should be forewarned that any attempt to take away rights protected by these legal precedents will be swiftly followed by legal action by those who fight to protect freedoms which are considered to be inalienable.

**(b) The publication and/or dissemination of information that encourages individuals or the public to unsafely refuse preventative health measures, medical treatments, or cures;**

This is an interesting point. If a person becomes informed about the risks of a procedure – risks they might otherwise have been ignorant of – and if, based upon that knowledge, they choose to refuse that procedure, who is culpable – the practitioner who withheld or neglected to inform or the individual who provided this information?

According to the NH&MRC, regarding vaccination (and other medical procedures):

For consent to be legally valid, the following elements must be present:<sup>6,8</sup>

1. It must be given by a person with legal capacity, and of sufficient intellectual capacity to understand the implications of being vaccinated.
2. It must be given voluntarily in the absence of undue pressure, coercion or manipulation.
3. It must cover the specific procedure that is to be performed.
4. It can only be given after the potential risks and benefits of the relevant vaccine, risks of not having it and any alternative options have been explained to the individual.

The individual must have sufficient opportunity to seek further details or explanations about the vaccine(s) and/or its administration. The information must be provided in a language or by other means the individual can understand.

According to the ToR, NSW health policy or legislation will now contravene the NH&MRC's requirement that consent must always be informed and that individuals have the absolute right to seek out and obtain further information – even if that information comes from sources that the government does not agree with and are not considered to be 'accepted'. A slippery slope, indeed.

**(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.**

As noted earlier, the HCCC was formed for the specific purpose of protecting the public from dangerous health practitioners. Their powers to do this are very broad and their ability to act in secret (not being subject to subpoena) gives them rights that most government bodies can't claim.

It seems that the HCCC isn't so much lacking in power as they are lacking in the will to perform the job Parliament set them. Giving them yet more power over private citizens and their ability to speak and communicate as they see fit would be an act of bastardry which no democratically elected government should ever consider.

Kind regards,

Please note: This submission was written by myself and represents my personal viewpoints on these issues. It was not approved of nor shown to the Australian Vaccination Network's members or committee prior to submission.