

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

Name: Name Suppressed  
Date Received: 3/12/2013

*Partially Confidential*

Committee on the Health Care Complaints Commission  
The Promotion of False or Misleading Health-Related Information or Practices (Inquiry)  
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Dear Sir/Madam,

I am writing this submission to express my dismay at what I see as an attempt to silence public free speech in NSW. The Committees' title "Inquiry into the promotion of false and misleading health related information or practices" sounds like a worthy cause to pursue at first glance, however the Terms of Reference (TOR) seem to point this enquiry to a more underhanded and sinister direction – possibly creating an environment that is open to wildly ambiguous interpretations and public censorship.

The TOR reflects a heavy tone of public censorship whilst providing protection of drug company and medical establishment dogma and status quo. Any Bill or legislation that may arise from this Committee and TOR will certainly have dangerous implications for the free speech of an individual and public members. Considering the wide and ambiguous scope of the TOR it seems inescapable to form the conclusion that this Committee has been set up to pursue a particular preconceived outcome.

The Shadow health Minister, Dr Andrew McDonald, has expressed his intentions that he would like to stop the Australian Vaccination Network (AVN) distributing information that he feels is dangerous to society. It would be naive therefore to believe that this Committee was not set up to pursue a vendetta against the AVN thus attempting to hand the Health Care Complaints Commission (HCCC) more powers to shut down what Dr Andrew McDonald and the HCCC interprets as dangerous anti-vaccination information.

Unfortunately, by pursuing this vendetta the NSW Government and HCCC has lost logical and rational perspective of this issue and seem ready to throw the baby out with the bathwater. Giving the HCCC any more powers other than its original charter will manifest many unforeseen problems and repercussions that have certainly not been anticipated with the drafting of these Terms of Reference (TOR) and formation of this Committee.

I will try to enlarge upon these possible scenarios and repercussions further.

The HCCC was originally set up to protect the public from dangerous medical practices. The HCCC was to be an independent overseer that could adjudicate whenever there was a question of someone being harmed by medical treatments. The HCCC was not and should not be used in the future as an instrument to clamp down and gag the general public of their right to free speech.

Indeed any scientific debate depends upon open and free discussion and dissemination of ideas and theories, right or wrong, ugly or eloquent, and eventually the truth or most logical hypothesis will prevail. This is why Parliament is also protected by Parliamentary privilege. Scientific truths or hypotheses are only as correct until more evidence overturns past scientific belief structures and ways of thinking, sometimes sooner than later. Valid and robust science will withstand all opposing arguments and does not need protection from dissenting minds. Without the freedom to disseminate opposing theories or scientific studies then we only have censorship, and an attempt at censorship is reflected in this Committees TOR.

It's actually hard to image that there was any serious thought given to these TOR before the Committee was set up, as the implications to free speech are glaringly obvious to the layman so should be blindingly obvious to any Members of Parliament. It seems that the need to pursue this vendetta against the AVN is far stronger than any need to objectively look at this issue.

The drafter of the TOR for this Committee has not realised that by handing such power to the HCCC to police the public then it will in effect stop discussions such as the recent ABC Catalyst program (1, 2) which questioned the validity of the science behind Cholesterol causing heart disease and

atherosclerosis. Indeed some sectors of the medical establishment have already blamed the ABC Catalyst program for causing death and injury by reporting the issue (3).

If the HCCC had the powers back in 1960's that the TOR imply then it could have shut down debate with regards to William McBride and his views on Thalidomide. The same can be said for Merck and Pfizer's COX-2 inhibitor drugs - Vioxx and Celebrex which went on to kill over 55,000 people while using falsified drug company data. This information was in the public domain a long time before the dangers were officially acknowledged by the regulatory agencies and governments. It's concerning and distressing that the public can learn of these issues long before regulatory agencies and governments become aware and act. In future the HCCC could have the power to shut down any questioning of drug issues such as the Vioxx and Celebrex scandal.

Could the HCCC have the power in the future to censor debate about genetically modified crops and the science for and against? If we believe the "common scientific consensus" then GM foods are safe yet most of the studies have been carried out by the GM industry. This is hardly objective science. If the public or individuals distribute information that questions the "common scientific consensus" would the HCCC have the powers in future to silence this debate or censor any information? How all-encompassing will the HCCC be?

The questions and debate about vaccine safety and effectiveness is not just a debate between doctors, parents and laymen, it is also a debate between doctors and doctors, scientists and scientists. Here are over 300 scientific studies (4) that question the safety and effectiveness of vaccination. Will the HCCC attempt to stop or block the NSW public from disseminating scientific information like this?

The AVN is only a small drop in the ocean amongst a greater body of groups and people in the world who are asking the same questions about vaccination and disseminating the same information, scientific and personal opinions. Will the HCCC be given powers to block websites of other groups around the world so that the NSW public are protected and insulated from what the HCCC interprets and dangerous information? Will the NSW Government and or the HCCC create a NSW only internet filter? How will this be administered? Will another Government department have to be created or will the HCCC manage the NSW internet filter? This Committee and TOR have opened a can of worms and the issues have really not been thought out properly.

Below are examples of the different websites available to the public now. It should be plainly obvious that shutting down or censoring the AVN will not stop the public from discussing these issues. It should also be plainly obvious that trying to shut down or censor this information on a global scale is impossible and just not workable. This is just a small list of actual websites. There are hundreds more personal blog sites, Facebook pages and other social media. How will the HCCC block or censor these portals and channels that are growing day by day? It's absolutely impossible.

Websites and organisations questioning vaccines

<http://vran.org>

<http://www.vaccinationnews.com/daily-news>

<http://avn.org.au>

<http://therefusers.com>

<http://vactruth.com/news>

<http://www.vaccinationdecisions.net>

<http://www.nvic.org>

<http://sanevax.org>

<http://www.canaryparty.org>

[www.ageofautism.com](http://www.ageofautism.com)

<http://www.vaccinationinformationnetwork.com>

[www.TruthAboutGardasil.org](http://www.TruthAboutGardasil.org)

<http://vaccines.mercola.com>

Example of a Facebook information page questioning vaccines

<https://www.facebook.com/pages/One-More-Girl/136725669714295>

Examples of miscellaneous websites publishing vaccine articles:

[http://www.naturalnews.com/031279\\_HPV\\_vaccines\\_One\\_More\\_Girl.html](http://www.naturalnews.com/031279_HPV_vaccines_One_More_Girl.html)

<http://www.collective-evolution.com/2013/05/08/italian-court-rules-mmr-vaccine-caused-autism-us-media-blacks-out-story>

How will the HCCC block or censor all these internet portals? The costs and logistics of doing so would be astronomical and it would still not stop this information being promulgated as The Onion Router (TOR) and Peer to Peer (P2P) networks would circumvent any blocking ability the HCCC or Government would have. Without using TOR or P2P users only just have to change their DNS configuration on their computers and they can get under any internet firewall the Government might put in place, it's that easy. Chinese dissidents and the tech savvy Chinese teenagers use Virtual private server (VPS) to thwart the Chinese Governments firewalls. Blocking this information is just not feasible. It's like putting your finger in a dyke hoping to stop the leak that's only going to get bigger. The HCCC's time and money would be better spent on actually doing its present tasks properly instead of wasting considerable resources going after one small fish like the AVN just because of a personal and political vendetta.

Will the HCCC block, censor or prosecute film makers who question the safety and effectiveness of medical treatments such as vaccines? Films like the two documentaries below cannot be stopped by the HCCC and closing down the AVN because of a vendetta will not stop more documentary films from being made about this issue.

The Greater Good

<http://www.greatergoodmovie.org>

Silent Epidemic; The Untold Story of Vaccines

<http://www.youtube.com/watch?v=K1m3TjokVU4>

More film documentaries are in the making as we speak. Will the HCCC try to stop the NSW public obtaining these films? One more Girl is a new film being made about the dangers of the HPV vaccines.

One More Girl

<http://onemoregirlmovie.com/>

Would the HCCC be given powers to censor and block information from a century of medical literature documenting the fact that vaccines can cause:

- brain inflammation;
- chronic nervous system dysfunction;
- seizures;
- arthritis;
- vaccine strain viral infection;
- shock and "unusual shock-like state;"
- protracted inconsolable crying and
- death.

The indisputable fact that vaccines can cause injury and death has been acknowledged by the Institute of Medicine in a series of peer-reviewed reports published between 1991 and 2013. (5,6,7,8). The last one pointed out that there is not enough scientific evidence to determine if the current recommended schedule (in the USA) of 49 doses of 14 vaccines between day of birth and age six (9) is or is not associated with the development of a whole host of health problems in children - everything from autoimmunity, allergy, asthma, epilepsy, ADHD and learning disabilities to - yes - autism. (10,11,12)

The indisputable fact that vaccines can hurt people and that doctors still don't know which individuals are more biologically susceptible to suffering vaccine damage (13) was codified into law by the US Congress in the National Childhood Vaccine Injury Act of 1986.(14) That law has awarded more than \$2.7 billion dollars to Americans harmed by vaccines in exchange for shielding drug companies and doctors from vaccine injury lawsuits in civil court (15, 16).

This is all valid scientific information that the public have access to right now, AVN or no AVN. Will the HCCC try to block this access as it “cause general community mistrust of, or anxiety toward, accepted medical practice” or “encourages individuals or the public to unsafely refuse preventative health measures, medical treatments, or cures”?

Will the HCCC block or censor stories about vaccination that run on national TV like this one being presented on TV in the USA on 4th December 2013 - Is the HPV vaccine a life-saving cancer preventer ... or a potentially deadly dose for girls? (17). Will the HCCC block or censor stories about vaccination that run on national TV like this one being presented in France - Cancer Vaccine Scare Sparks Call For Calm. (18).

Will the HCCC block or censor stories about vaccination that run on national and international print media: Asahi Shimbun News - Health ministry withdraws recommendation for cervical cancer vaccine (19), Kyodo News International - Gov't cautions municipalities on cervical cancer vaccination (20), The Japan Times - Cervix vaccine issues trigger health notice. (21)

Will the HCCC have the powers to censor this information from the main stream media and the USA who have privileged freedom of speech? Will the HCCC block internet mainstream media sites as well or just the single stories negative to vaccination? Giving the HCCC any more powers, especially over public forums, obviously creates huge unmanageable problems.

### **Why do the public question the drug companies and medical establishment?**

Once upon a time the mainstream media (MSM) was considered the “Fourth Estate” that kept Government and other departments and organisations in check. Unfortunately today most of the MSM have become compliant mouth pieces for the drug companies because drug company advertising revenue is depended upon. Health Departments are full of scientists and managers who benefit from not rocking the boat rather than asking the appropriate questions. In 2008 the Therapeutic Goods Administration (TGA) was fined 55 million for abusing its powers, most notably, deceitfully shredding the minutes of a meeting which discussed the lack of evidence against PAN Pharmaceuticals. (22)

The public can no longer trust the MSM or the relevant Government bodies to question the drug company propaganda and lies so the public are left to do this themselves. Ironically, this Committee wants to take the ability to research and freely disseminate information away from the public and prosecute the public from questioning the medical dogma and status quo? This drug company corruption is not an imaginary issue, it's real and unfortunately this Committee and Dr McDonald are doing its bidding, consciously or unconsciously.

Peter Gotzsche is the head of the Nordic Cochrane Centre, the Scandinavian arm of the independent research centre known as the Cochrane Collaboration, which promotes ‘evidence-based’ medicine. Gøtzsche is also acknowledged as one of the world's leading interpreters of medical research. His latest book, entitled *Deadly Medicines and Organised Crime: How Big Pharma has Corrupted Healthcare* (Radcliffe Publishing, 2013), details how the drugs industry uses virtually every tactic used by the mob to sell its products, from extortion, fraud, bribery and embezzlement to obstruction of justice.

One of Gotzsche's most extraordinary disclosures concerns his research into non-steroidal anti-inflammatories while medical director at Astra-Syntex. After studying his company's products and carrying out his own investigations on 244 such studies, he discovered that the drug companies were manipulating evidence for their own products to produce favourable results.

Richard Smith, former editor of the British Medical Journal, wrote a foreword to Gotzsche's newly published book. In the book, Smith says that Gotzsche produces detailed evidence to support his case that Big Pharma is guilty of all the offenses of organized crime, from extortion and fraud, to bribery, embezzlement, and political corruption.

Marcia Angell, MD who was Editor of The New England Journal of Medicine for 20 years says:

*"It is simply no longer possible to believe much of the clinical research that is published, or to rely on the judgment of trusted physicians or authoritative medical guidelines. I take no pleasure in this conclusion, which I reached slowly and reluctantly over my two decades as an editor of The New England Journal of Medicine."*

And

*"In view of this control and the conflicts of interest that permeate the enterprise, it is not surprising that industry-sponsored trials published in medical journals consistently favor sponsors' drugs—largely because negative results are not published, positive results are repeatedly published in slightly different forms, and a positive spin is put on even negative results. A review of seventy-four clinical trials of antidepressants, for example, found that thirty-seven of thirty-eight positive studies were published. But of the thirty-six negative studies, thirty-three were either not published or published in a form that conveyed a positive outcome."*

### **Medical journals for sale**

Gotzsche goes on to say that drug companies are a medical journal's lifeblood not only because of advertising, but also through mass reprints of studies. Any studies shown to be favourable to a drug are highly valuable to a drug company because they can then be passed on in the tens of thousands to doctors, who rely on such information to inform their daily prescribing habits.

Gotzsche quotes a 2012 survey showing that The Lancet journal typically received a median order of £287,353 for reprints, with a maximum order of up to more than £1.5 million.<sup>2</sup> Small wonder that drug companies can threaten to pull advertising when a peer review is too critical, or even attempt to 'buy' the peer-reviewed journals outright.

So we have three prominent, esteemed medical editors and scientists all saying we can't trust drug companies, medical journals vis-a-vis the Government health departments or the MSM, yet this committee is canvassing ways to stop the public debating the questionable science and sometimes out-right fraud?

### **Why doesn't the HCCC do the job it was set up to do in the first place?**

Conversely it could be asked why the HCCC and this Committee do not concentrate upon regulating modern allopathic orthodox medicine, as much of what is practiced in modern allopathic orthodox medicine does not have the science to back up the claims or practices.

The British Medical Journals website "Clinical Evidence" reports that, of the 3000 treatments they have surveyed, only 11% of medical treatments are rated as beneficial, and 23% likely to be beneficial (they don't know for sure), while 67% are of unknown or of unlikely effectiveness or harmful (23).

The HCCC refused to investigate Graeme Reeves, the Butcher of Bega, despite complaints from more than 500 women he had sexually abused and mutilated. They also refused to investigate the hospital responsible for the death of Don Mackay, a quadriplegic whose horrific death was caused by gross negligence by that facility. Obviously the HCCC and Dr McDonald are more focused upon stopping the public disseminating information that questions the medical establishment and drug company status quo rather than tackle the bigger and more serious issues.

Hypothetically, if the HCCC was given powers reflected by the spirit of the TOR then a member of the public may be prosecuted for telling a friend or member of the public who is considering chemotherapy for cancer, that chemotherapy is almost useless for most cancers and even dangerous. Even though a large scientific study in 2004 shows that chemotherapy is only 2.3% effective (24). Another study shows that chemotherapy is linked to brain damage (25).

According to Don Benjamin, past CSIRO researcher and spokesman for the Australian Cancer Information & Support Society "it would be a good idea if orthodox health practitioners supply much of what they claim to provide. About 15% of orthodox medical interventions are proven to be beneficial,

meaning that 85% are not." Don Benjamin says "less than 6% are proven to be beneficial. meaning that about 94% are unproven using the standard levels of proof that orthodox medicine requires of alternative practitioners, such as randomised controlled trials." (26)

Yet the HCCC may interpret any of this information above as:

(a) false or misleading health-related information that may cause general community mistrust of, or anxiety toward, accepted medical practice;

(b) encourages individuals or the public to unsafely refuse preventative health measures, medical treatments, or cures;

(c) promotes health-related activities and/or provision of treatment that departs from accepted medical practice which may be harmful to individual or public health.

If this Committees' TOR manifests in a Bill and future legislation then talking about or disseminating any information in any of the examples I have outlined above may become an offence punishable by the HCCC and courts.

Considering that the HCCC's jurisdiction is limited to NSW, the obvious implications are that this Committee or the drafter of these TOR has not thought about this issue in any great detail or is very much out of touch how information is distributed on a global scale via the internet, rather than just in the small world of NSW.

The other obvious implications are that the drafter of these TOR do not seem to grasp that true and valid science does not need protection from opposing view-points. If the science is valid and robust then it will withstand criticism.

The last obvious implications are that the drafter of these TOR does not seem to care greatly for the public's right to free speech and access to information thus believing censorship to be a valid legal instrument to be used to silence the public.

I still cannot believe that in this day and age we have a Government Committee seeking submissions based upon TOR that are obviously a suppression of free speech and debate. This situation should never have arisen because common sense should have prevailed, yet here we are, the public, having to write and advise elected Members of Parliament and a Parliamentary Committee about the need for freedom of speech and the right to debate science with dissenting scientific studies, theories and opinions. I find this very distressing.

Science is never absolute. Debate in a free society allows for the common scientific consensus and all dogma to be questioned. If the science is robust then it will stand up to any scrutiny, science does not need censorship to protect it from being questioned. The public of NSW do not need the HCCC to adjudicate over what it defines as "the right" science or other information permissible to discuss and promulgate.

Please do not allow the HCCC any greater powers over the public, this is pure folly with grave repercussions. Please only allow the HCCC the powers it was originally designed for and this is to adjudicate whenever there is a question of someone being harmed by orthodox allopathic medical treatments. The HCCC is and should only be a body that deals with complaints about health service providers in NSW.

Thank you for your time in this matter.

Yours sincerely

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