

**Submission  
No 44**

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

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Mrs Leslie Williams MP  
Chair  
Committee on the Health Care Complaints Commission  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Madam Chair

### **Inquiry into false or misleading health-related information or practices**

The Consumers Health Forum of Australia (CHF) appreciates the invitation to provide a submission to the Parliament of New South Wales (NSW) Committee on the Health Care Complaints Commission (HCCC)'s *Inquiry into the Promotion of False or Misleading Health-Related Information or Practices* (the Inquiry).

CHF is the national peak body representing the interests of Australian healthcare consumers. CHF works to achieve safe, quality, timely healthcare for all Australians, supported by accessible health information and systems.

It is important for consumers to have access to reliable, evidence-based sources of information upon which to base their health decisions. Health care professionals, organisations, or individuals purporting to provide a health service should ensure that any information or advice they provide, whether it pertains to services or therapeutic goods, is responsible, robust and supported by evidence, and is not detrimental to the health of a consumer. CHF supports entirely any efforts to ensure consumers receive accurate, evidence-based health information. Provided below are points for the Inquiry to consider in drafting its final report.

The Terms of Reference (TOR) state that the focus of the inquiry is on individuals who are not recognised health practitioners and organisations that are not recognised health service providers. The Committee is to report on possible measures to address the promotion of unscientific health-related information or practices which may be detrimental to individual public health. While CHF provides in-principle support, the TOR as written could be interpreted to mean that the HCCC is exploring options for how to regulate the activities of *any* individual who makes a false or misleading health claim. CHF suggests that in drafting the final report the committee provide examples of the types of individuals or organisations it has in mind when carrying out this inquiry.

Further, while this may not be its intent, CHF questions whether the HCCC possesses the legislated authority to oversee, reprimand or effectively-sanction an unregistered individual or organisation that makes a false or misleading health claim. It would be difficult for the HCCC to oversee, for example, all communication by individuals or organisations on the internet that make (knowingly or not) false or misleading health claims in a public forum.

There is also the question of how the HCCC will determine exactly which investigations it will carry out, as well as jurisdictional limitations to consider as to whether the HCCC has authority if, for example, the individual or organisation being investigated is based or relocates to another jurisdiction.

Taking an example from within the NSW context, such as the history of anti-vaccination promotion activities upon which the Inquiry might have an impact, a regulatory approach to this issue has posed some difficulties. CHF would advise the Inquiry to consider whether targeted health literacy activities, to enhance and raise consumer awareness about the importance of vaccination, could usefully complement regulatory work in this area.

CHF is cognisant of activities by anti-vaccination advocates to dissuade consumers from vaccinating their children, which is of concern given that CHF's position is that immunisation is an important tool in the fight against contagious diseases. This is based on the significant evidence that vaccination protects individuals against diseases such as measles, whooping cough and meningitis (when caused by *Haemophilus influenzae* type b). Evidence also demonstrates that vaccination also protects those who are too young to be vaccinated, or who are more vulnerable to serious complications due to underlying medical conditions, by reducing the risk of spread across the community.

Family tax incentives have been put in place to encourage parents to immunise their children and many childcare centres require children to be fully immunised. However, it appears that some of the key messages around immunisation are not getting across. CHF is concerned that unregistered individuals or organisations are promulgating information that discourages this important preventive health measure, but argues that a consumer awareness-focussed, rather than regulatory, approach might better serve the desired outcome.

Thank you for the opportunity to provide input into the Inquiry. If you have any further questions, please contact CHF Policy Officer, Mr Carlo Malaca, on [REDACTED] or at [REDACTED]

Yours sincerely

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**Rebecca Vassarotti**  
**A/g CHIEF EXECUTIVE OFFICER**