

**13 SELECT COMMITTEE ON OFF PROTOCOL CHEMOTHERAPY IN NEW SOUTH WALES**

Mr Secord moved, according to notice:

1. That this House notes that:
  - (a) on 23 March 2016, the Honourable Walt Secord MLC gave notice of a motion referring to allegations of under-dosing by Dr John Grygiel at St Vincent's Hospital, clinics at Bathurst and Orange and Macquarie University Hospital and calling for there to be laid upon the table of the House within 21 days of the passing of the resolution:
    - (i) documents in the possession, custody or control of the Minister for Health, NSW Health or Macquarie University Hospital relating to the under-dosing of patients undergoing chemotherapy at Macquarie University Hospital,
    - (ii) documents in the possession, custody and control of the Minister for Health and NSW Health detailing dosages of carboplatin given to patients of Dr John Grygiel at clinics in the Bathurst and Orange regions from 1989 to 2013 and any investigations and complaints into these matters,
  - (b) the report of the inquiry into off-protocol prescribing of chemotherapy for head and neck cancer lead by Professor David Currow, Chief Cancer Officer and Chief Executive of the NSW Cancer Institute, was released on 31 July, and
  - (c) it has been reported that off-protocol prescribing of chemotherapy treatment may have also occurred under the treatment regime of Dr Kiran Phadke.
2. That this House calls on the Government to appoint a Special Commission of Inquiry into the off-protocol prescribing of chemotherapy treatment in New South Wales.

Debate ensued.

Revd Mr Nile moved: That the question be amended by omitting all words after "That" and inserting instead:

"a select committee be established to inquire into and report on the off-protocol prescribing of chemotherapy, and in particular:

- (a) the efficacy of electronic prescribing systems, and their capacity to stop or limit off-protocol prescribing of chemotherapy,
- (b) the value of a potential new patient information sheet on dose adjustment for patients and caregivers information,
- (c) the process and systems around informed consent for all medical interventions, including chemotherapy,
- (d) the capacity of the NSW Health system to have all notifiable cancer patients in New South Wales overseen by a Multidisciplinary Cancer Care Teams, and if this may prevent off-protocol prescribing,
- (e) St Vincent's Hospital capability to comply with relevant NSW Health Policy Directives and Guidelines, particularly Open Disclosure Policy (PD2014\_028) and Incident Management Policy (PD2014\_004),
- (f) the NSW Health Code of Conduct and specific programmes within NSW Health and St Vincent's Hospital, in relation to staff raising concerns about the practice of clinicians, and other breaches of the Code of Conduct.

2. That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
  - (a) three government members, being Mrs Taylor, Mrs Maclaren-Jones and Mr Khan,
  - (b) two opposition members, being Mr Secord and Mr Wong, and
  - (c) two crossbench members, being Mr Green and Dr Faruqi.
3. That the Chair of the committee be Mr Green and the Deputy Chair be Mrs Taylor.
4. That members may be appointed to the committee as substitute members for any matter before the committee by providing notice in writing to the Committee Clerk, with nominations made as follows:
  - (a) nominations for substitute government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable, and
  - (b) nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.
5. That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
  - (a) the Chair is present in the meeting room,
  - (b) all members are able to speak and hear each other at all times, and
  - (c) members may not participate by electronic communication in a meeting to consider a draft report.
6. That, unless the committee decides otherwise:
  - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
  - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
  - (c) the sequence of questions to be asked at hearings alternate between opposition, crossbench and government members, in that order, with equal time allocated to each,
  - (d) transcripts of evidence taken at public hearings are to be published,
  - (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and

- (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

7. That the committee:

- (a) commence its inquiry after the inquiry under section 122 of the Health Service Act 1997 releases its findings in relation to the dosing of cancer patients at Western NSW Local Health District, due to occur on 16 September 2016, and
- (b) report by March 2017.”

Debate continued.

Mr Buckingham moved: That paragraph 2(c) of the amendment of Revd Mr Nile be amended by omitting “Dr Faruqi” and inserting instead “Mr Buckingham”.

Debate continued.

Mr Secord moved: That the amendment of Revd Mr Nile be amended as follows:

- (1) In paragraph 1, insert “in New South Wales, including at St Vincent’s Hospital, St George Hospital, Sutherland Hospital, Macquarie University Hospital and clinics at Orange and Bathurst” after “chemotherapy”.
- (2) In paragraph 2(b) omit “Mr Wong” and insert instead “a member nominated by the Leader of the Opposition”.

Debate continued.

Question: That amendment no. 1 of Mr Secord to the amendment of Revd Mr Nile be agreed to—put and passed.

Question: That amendment no. 2 of Mr Secord to the amendment of Revd Mr Nile be agreed to—put and passed.

Question: That the amendment of Mr Buckingham to the amendment to Revd Mr Nile be agreed to—put and passed.

Question: That the amendment of Revd Mr Nile, as amended, be agreed to—put and passed.

Original question, as amended:

- 1. That a select committee be established to inquire into and report on off-protocol prescribing of chemotherapy in New South Wales including at St Vincent’s Hospital, St George Hospital, Sutherland Hospital, Macquarie University Hospital and clinics at Orange and Bathurst and in particular:
  - (a) the efficacy of electronic prescribing systems, and their capacity to stop or limit off-protocol prescribing of chemotherapy,
  - (b) the value of a potential new patient information sheet on dose adjustment for patients and caregivers information,
  - (c) the process and systems around informed consent for all medical interventions, including chemotherapy,

- (d) the capacity of the NSW Health system to have all notifiable cancer patients in New South Wales overseen by a Multidisciplinary Cancer Care Teams, and if this may prevent off-protocol prescribing,
  - (e) St Vincent's Hospital capability to comply with relevant NSW Health Policy Directives and Guidelines, particularly Open Disclosure Policy (PD2014\_028) and Incident Management Policy (PD2014\_004),
  - (f) the NSW Health Code of Conduct and specific programmes within NSW Health and St Vincent's Hospital, in relation to staff raising concerns about the practice of clinicians, and other breaches of the Code of Conduct.
2. That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
- (a) three government members, being Mrs Taylor, Mrs Maclaren-Jones and Mr Khan,
  - (b) two opposition members, being Mr Secord and a member nominated by the Leader of the Opposition, and
  - (c) two crossbench members, being Mr Green and Mr Buckingham.
3. That the Chair of the committee be Mr Green and the Deputy Chair be Mrs Taylor.
4. That members may be appointed to the committee as substitute members for any matter before the committee by providing notice in writing to the Committee Clerk, with nominations made as follows:
- (a) nominations for substitute government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable, and
  - (b) nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.
5. That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
- (a) the Chair is present in the meeting room,
  - (b) all members are able to speak and hear each other at all times, and
  - (c) members may not participate by electronic communication in a meeting to consider a draft report.
6. That, unless the committee decides otherwise:
- (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
  - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
  - (c) the sequence of questions to be asked at hearings alternate between opposition, crossbench and government members, in that order, with equal time allocated to each,

- (d) transcripts of evidence taken at public hearings are to be published,
  - (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
  - (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.
7. That the committee:
- (a) commence its inquiry after the inquiry under Section 122 of the Health Service Act 1997 releases its findings in relation to the dosing of cancer patients at Western NSW Local Health District, due to occur on 16 September 2016, and
  - (b) report by March 2017—put and passed.

---

According to sessional order, proceedings interrupted at 2.30 pm for Questions.

---

**6 SELECT COMMITTEE ON OFF-PROTOCOL PRESCRIBING OF CHEMOTHERAPY IN NSW—EXTENTION OF REPORTING DATE (Formal Business)**

Mr Green moved, according to notice: That the reporting date of the Select Committee on off-protocol prescribing of chemotherapy in New South Wales be extended until Friday 19 May 2017.

Question put and passed.