

**INQUIRY INTO OFF-PROTOCOL PRESCRIBING OF
CHEMOTHERAPY IN NSW**

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**SUBMISSION TO NSW LEGISLATIVE COUNCIL SELECT COMMITTEE ON
OFF-PROTOCOL PRESCRIBING OF CHEMOTHERAPY IN NEW SOUTH WALES**

The Chair and Members,
Select Committee on Off-Protocol Prescribing of Chemotherapy in NSW
Legislative Council, Parliament of New South Wales

Attention: The Hon Paul Greene MLC, Select Committee Chair

NOT CONFIDENTIAL

Dear Mr Greene and Select Committee Members,

In the Final Report of their Inquiry into off-protocol chemotherapy prescribing by Dr John Grygiel at St Vincent's Hospital Darlinghurst,¹ Prof. David Currow and his team appointed by the Secretary of the NSW Ministry of Health under s.122 of the *Health Services Act 1997* state on page 4 in regard to the sources of information that informed their Inquiry:

"Interviews were conducted with key current and former staff of St Vincent's Hospital and other relevant people who agreed to be interviewed. Several people declined an invitation to meet members of the Inquiry team."

Prof. Currow and his Inquiry team would not have issued invitations to particular people unless the Inquiry team believed these people had information relevant to their Inquiry. The fact that these people declined to meet with members of the Inquiry team indicates that critical forensic information which should have been available to the Currow Inquiry was not available, potentially compromising the findings of the Currow Inquiry.

Dr Grygiel has alleged that other members of the Cancer Services staff at St Vincent's Hospital were aware of his off-protocol prescribing but he has not named these people.

A key question remaining for inquiry in this incident is whether or not there was, in effect, an unauthorised, informal and potentially illegal clinical trial of deescalated carboplatin chemotherapy by Dr Grygiel at St Vincent's Hospital without the informed consent of patients and whether other medical staff at St Vincent's were aware of this off-protocol experimental treatment of head and neck cancer patients by Dr Grygiel before August 2015.

It is important that the Parliamentary Inquiry obtains from the Currow Inquiry the names of any members of staff at St Vincent's Hospital who declined the invitation to meet with members of the Currow Inquiry. Unless the Select Committee is able to obtain the evidence that the Currow Inquiry failed to obtain from people that the Currow Inquiry identified as relevant in this matter then it is unlikely the Select Committee will be able to provide any better understanding of the extent of knowledge about Dr Grygiel's off-protocol prescribing amongst other clinicians at St Vincent's before August 2015.

Dr Laurence Denholm
23 October, 2016

¹ <http://www.health.nsw.gov.au/patients/cancertreatment/Documents/section-122-final-report.pdf>