

Health Services Commissioner Inquiry into the activities of Mr Noel Campbell – Minister for Health statement in response to recommendations of the Inquiry.

The Health Services Commissioner Inquiry into the activities of Mr Noel Campbell was initiated in 2005 at the request of the former Minister for Health.

I am satisfied that the Health Services Commissioner has identified all relevant evidence in conducting her Inquiry and I accept her findings. The Inquiry points to a number of potential issues in relation to the operation of Mr Campbell's business and the services that were offered by him and by some employees of his company. The Inquiry has also highlighted that the current regulatory framework at State and Commonwealth level for the provision of services by unregistered health practitioners could be strengthened.

I intend to respond actively to the recommendations that fall under my jurisdiction, including requesting an investigation by the Medical Practitioners Board of Victoria under the *Health Professions Registration Act 2005*, consideration of amendments to that Act and a new regulatory framework for unregulated health professions in Victoria. I have also requested that the Minister for Consumer Affairs gives urgent consideration to the matters that relate to consumer affairs legislation in Victoria. For the recommendations that come under the jurisdiction of the Therapeutic Goods Agency and the Australian Competition and Consumer Commission, I have referred the Inquiry's report to those agencies.

Recommendation 1 – The Minister gives consideration to whether there is a need for amendment to section 169 of the Health Professions Registration Act 2005.

The Minister for Health has agreed to consider amendments to the *Health Professions Registration Act 2005*. An amendment to s.169 would allow the Medical Practitioners Board to investigate the conduct of Mr Campbell and Dr Ballard prior to July 2007.

Recommendation 2 – The Minister refers this Report to Consumer Affairs Victoria for further investigation into the conduct of Noel Campbell which may be misleading and deceptive within the meaning of the Fair Trading Act 1999.

The Minister for Health has referred the report to Consumer Affairs Victoria.

Recommendation 3 – The Minister refers this Report to Consumer Affairs Victoria for further investigation into the conduct of Operation Hope (Australia) Pty Ltd which may be misleading and deceptive within the meaning of the Fair Trading Act 1999.

The Minister for Health has referred the report to Consumer Affairs Victoria.

Recommendation 4 – The Minister refers this Report to Consumer Affairs Victoria for further investigation into the conduct of Noel Campbell and Operation Hope (Australia) Pty Ltd which may be unconscionable within the meaning of the Fair Trading Act 1999.

The Minister for Health has referred the report to Consumer Affairs Victoria.

Recommendation 5 – The Minister gives consideration to whether this Report should be referred to the ACCC for further investigation into the conduct of Operation Hope (Australia) Pty Ltd which may be misleading and deceptive within the meaning of the Trade Practices Act 1974 (Cth).

The Minister for Health has referred the report to the ACCC.

Recommendation 6 – The Minister refers this Report to the TGA for further investigation to ascertain whether Operation Hope (Australia) Pty Ltd has complied with the Therapeutic Goods Act 1989 (Cth).

The Minister for Health has referred the report to the Commonwealth Minister for Health & Ageing for consideration by the Therapeutic Goods Administration.

Recommendation 7 – The Minister refers this Report to the TGA for further investigation to ascertain whether Dr Ralph Ballard has complied with the Special Access Scheme of the Therapeutic Goods Act 1989 (Cth) in relation to the supply of an unapproved medicine.

The Minister for Health has referred the report to the Commonwealth Minister for Health & Ageing for consideration by the Therapeutic Goods Administration.

Recommendation 8 - The Minister refers this Report to Consumer Affairs Victoria for further investigation to ascertain whether the Fair Trading Act 1999 is being complied with in relation to the advertising of health services available at the Hope Clinic.

The Minister for Health has referred the report to Consumer Affairs Victoria.

Recommendation 9 - If Noel Campbell continues to offer and provide health services, he should ensure that sufficient and accurate information is given to patients to allow them to give informed consent (which includes informed financial consent) in accordance with common law principles and ethical practice.

The Minister for Health has written to the Health Services Commissioner asking her to inform Mr Campbell of his obligations in this regard.

Recommendation 10 - The Minister refers this Report to the Medical Practitioners Board of Victoria to examine evidence concerning Dr Ralph Ballard, in particular information provided to the Inquiry by complainant I.

The Minister for Health has referred the report to the Medical Practitioners Board.

Recommendation 11 - If Noel Campbell continues to offer and provide health services, he should do so in accordance with the guiding principles of health care set out in the Preamble to the Health Services (Conciliation and Review) Act 1987, and in particular guiding principle (c) with 'respect for the privacy and dignity of persons being given health care'.

The Minister for Health has written to the Health Services Commissioner asking her to inform Mr Campbell of his obligations in this regard.

Recommendation 12 - The Minister gives consideration to whether there should be regulation of intravenous ozone therapy at the state and/or Commonwealth level(s).

Regulation in relation to informed consent already exists through the *Therapeutic Goods Act 1989*. This matter has been referred to the Commonwealth Minister for Health & Ageing for consideration.

Recommendation 13 - If Noel Campbell continues to offer and provide health services, he should ensure that the practice is accredited and that all staff are adequately trained and qualified to provide relevant services.

The Minister for Health has written to the Health Services Commissioner asking her to inform Mr Campbell of his obligations in this regard.

Recommendation 14 - The Minister gives consideration to the New South Wales approach to unregistered health practitioners to determine if 'negative licensing' or some variation of it is warranted in Victoria.

In April 2008 the Minister for Health proposed that Victoria lead work on options for future regulatory arrangements for unregistered health professionals, in the context of the National Registration and Accreditation Scheme. This work is currently underway and involves consideration of current arrangements in New South Wales.