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FROM THE OFFICE OF THE HEALTH SERVICES COMMISSIONER

NOEL CAMPBELL INQUIRY REPORT - July 2008

DATE: 28 AUGUST 2008

In July 2005 the then Minister for Health, the Hon. Bronwyn Pike MP, requested the Health Services Commissioner (HSC) to conduct an Inquiry under section 9(1)(m) of the *Health Services (Conciliation and Review) Act 1987* into the activities of Noel Campbell. The Report was provided to the current Minister for Health, the Hon. Daniel Andrews MP in July 2008.

Noel Campbell is the sole director of Operation Hope (Australia) Pty Ltd, which operates the Hope Clinic and provides treatments, mainly for cancer. Noel Campbell is registered as a dentist in New South Wales but not Victoria. He allowed his registration as a dentist in Victoria to lapse just as the Dental Practice Board of Victoria was to hold a hearing into allegations of professional misconduct against him. Noel Campbell has a long history of involvement with various regulatory agencies.

This was not an Inquiry into alternative therapies *per se*. Many Australians choose to use alternative or complementary therapies which may be of benefit to them when used appropriately and when patients have been fully informed about whether or not there is any scientific evidence base for their efficacy and any side effects or risks are fully explained. This Inquiry was confined to the practices at the Hope Clinic and it has found that Noel Campbell failed to ensure some of his patients were given adequate information to allow them to give fully informed consent before treatments were administered. Noel Campbell failed to ensure informed consent was obtained from some patients and this was a breach of common law and ethical principles.

In Australia, individuals do not have to be registered as health practitioners to provide some health services. Many who offer alternative treatments do practice in a safe and ethical manner, which includes obtaining informed consent from their patients. This Inquiry has established that Noel Campbell is not one of these.

The Hope Clinic targeted extremely vulnerable patients with terminal cancer. These are people desperately seeking some hope for their situation and the Inquiry has determined that they have been preyed upon by Noel Campbell. Patients paid large amounts of money for treatments which are largely unproven and some were treated in ways that were not conducive to their dignity or comfort.

The recommendations of the Inquiry ask the Minister for Health to give consideration to whether there needs to be further regulation of alternative cancer treatments. The Health Services Commissioner, Beth Wilson, has called upon the Minister to give consideration to the introduction of a 'negative licensing' scheme similar to that in New South Wales. This does not limit the ability of alternative practitioners to continue to provide health services but does provide for a Code of Conduct to be developed and, if practitioners do not comply with the Code, they may be prosecuted.

Beth Wilson has also asked that the Minister for Health refer the matter of Noel Campbell to Consumer Affairs Victoria to consider whether he has engaged in misleading and deceptive conduct within the meaning of the *Fair Trading Act 1999*, whether Noel Campbell has behaved in an unconscionable manner within the meaning of the *Fair Trading Act 1999* and 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 Inquiry also asked the Minister to consider referring this Report to the Australian Consumer and Competition Commission (ACCC) for further investigation under the *Trade Practice Act 1974 (Cth)*. It is also recommended that the Minister ask the Therapeutic Goods Administration (TGA) to investigate whether Operation Hope (Australia) Pty Ltd has complied with the *Therapeutic Goods Act 1989 (Cth)* and to ascertain whether Dr Ralph Ballard, a registered medical practitioner, has complied with the Special Access Scheme of the *Therapeutic Goods Act 1989 (Cth)* in relation to supply of an unapproved medicine.

The Inquiry also found that titles used by Noel Campbell, including 'Professor' Campbell, had the potential to mislead people. The HSC does not have the power to prevent Noel Campbell offering cancer services and has recommended that, if he continued to offer and provide health services, he should ensure that sufficient and accurate information is given to patients to allow them to give fully informed consent (which includes informed financial consent) in accordance with common law principles and ethical practice.

In a letter dated 29 May 2008 Noel Campbell advised he was closing the Hope Clinic. Dr Ballard informed the HSC on 30 May 2008 that he too has ceased involvement with the Hope Clinic and no longer wishes to practice in unorthodox areas.

The Inquiry recommended that 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 to 'respect to the privacy and dignity of persons being given health care'. The Inquiry found that Noel Campbell is not currently behaving in accordance with the guiding principles of health care.

The Inquiry also asks the Minister to refer this Report to the Medical Practitioners Board of Victoria to examine evidence concerning Dr Ralph Ballard.

Intravenous ozone therapy is used at the Hope Clinic. This treatment is able to be used lawfully on terminally ill patients in accordance with the Special Access Scheme of the *Therapeutic Goods Act 1989 (Cth)* and the medical practitioner supplying it is obliged to report this to the TGA within four weeks. This Report has found that Dr Ballard appears not to have complied with this.

A copy of the Noel Campbell Inquiry Report can be downloaded at www.health.vic.gov.au/hsc.

For further information please contact Beth Wilson, Health Services Commissioner on (03) 8601 5225 or 0417 525 149.

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