

COMMITTEES

Community Affairs Committee Report

Senator HUMPHRIES (Australian Capital Territory) (9.55 a.m.)—The Chair of the Senate Standing Committee on Community Affairs indicated that there were a range of views on the evidence that the committee was presented with on this matter. I have to say that my view will be very different to that of other senators who sat through that inquiry. I want to bring closure to a very long inquiry that the committee engaged in on this matter. This inquiry took two years. It conducted three public hearings. There were at least eight private meetings of the committee that I counted to do with this matter. There were hundreds of documents. The Department of Health and Ageing received well over 100 pieces of correspondence on the issue. There were questions at the estimates committee. There was enormous vexation about this issue.

The issue, in my view, boils down to a single word that appeared in a report prepared by what was called an inferior committee in a process designed by the department of health to answer a question about whether Australian medicine should be allowed to have access to this new technology—positron emission tomography. The question is why that one word had been added to a report of the committee charged with a professional review by the department of health in 2000. I should point out that this was not the drafting of a recommendation about to go to the minister for health. The process was much more attenuated than that. It started with a consultancy and then went through a supporting committee, a steering committee and the Medical Services Advisory Committee process and then it went to the minister for health to see whether this particular technology should be approved for general use.

The stage we are talking about was a fairly early one in this review process—the report of the so-called supporting committee, which was making recommendations to the so-called steering committee. The chair of that supporting committee, Professor Richard King, a respected academic and clinician, had the task of preparing the report of his supporting committee to present to the next committee up the line, which was the steering committee. The issue was whether positron emission tomography should be funded by the taxpayer for general or restricted use in Australian medicine.

The meetings, I gather, had been difficult. Members of the committee took different views about this particular technology and there were some arguments in the course of the committee. Eventually Professor King, as the chair of the committee, had to prepare a report. The report, I should say, was not the minutes of this committee; it was a draft of a report which was to be handed up to the next stages until it finally reached the minister. The minister, on the basis of the recommendation from that process, makes a determination.

Professor King felt that he needed to present a report which was cohesive, which logically hung together and which would be useful to the superior stages of the review process. Professor King made a number of editorial changes to the document that he was charged with editing. He did it, as he put it, to make 'the document read logically'. He made quite a number of changes. Some of these changes were to rearrange the order of sentences, to restructure recommendations and to make the flow of the text read generally better than it had previously. One change he made, however, was to attract in due course the furious ire of one doctor who was not a member of the committee, Dr Robert

Ware, and an only slightly less vociferous objection from someone on the committee, Professor Rodney Hicks.

What was the change that was made? I want to read to the Senate the version which was seen by the supporting committee and the version of the relevant paragraph which was handed up to the steering committee. The first version reads:

While the Committee agree that unrestricted funding is unwarranted at this time, the evidence suggests that PET is safe, clinically effective, and potentially cost effective in the indications reviewed.

This was changed to read:

While the Committee agree that unrestricted funding is unwarranted at this time, the evidence suggests that PET is safe, potentially clinically effective and potentially cost effective in the indications reviewed.

I am sure most senators listening to the debate today, and most other people listening, would have failed to grasp the difference between those two paragraphs. The difference is that the word 'potentially' has been inserted before the words 'clinically effective'. Professor King made that addition because he felt that the version that was being handed up did not logically hang together unless that change was made. He went back to another section of the report, which was agreed on by all the parties to the supporting committee, and it read:

Based on the results of the NHMRC Clinical Trials Centre's evaluation and the clinical experience of committee members, the MSAC Supporting Committee concludes that there is insufficient evidence of PET's clinical or cost effectiveness with respect to the six indications reviewed to warrant unrestricted MBS funding.

Those words were modified in being passed over to the next stage—the steering committee—in ways which I invite members to read and to try and understand. I would suggest to them that they will find very little difference in the meaning of the way the words are used from one version to another.

I come back to this central issue about the insertion of the word 'potentially'. Professor King's point was that it was very difficult to justify proceeding with the text as it stood without the insertion of the word 'potentially'. He said, in the agreed text, that the committee 'has concluded that there is insufficient evidence of PET's clinical effectiveness'.

If the committee concludes that there is insufficient evidence of PET's clinical effectiveness, how could it go on to say that the evidence suggests that PET is clinically effective? He said that you cannot do that; that it is a contradiction. 'If we say that there is insufficient evidence of PET's clinical effectiveness, we cannot in turn say that it is clinically effective.' He decided that, to make this document clear and logical, the word 'potentially' should be inserted.

That unleashed a storm of protest. He was accused of being corrupt, of trashing the reputation on an international level of the scientists involved in this process, of engaging in scientific fraud and of pursuing a political objective. Incidentally, Professor Brendon Kearney was also caught in this flack. He was also a member of both the steering committee and the supporting committee, which handed up these amended recommendations. The fact is on any objective reading of these two versions there is very little difference indeed. The change that

Professor King made to the earlier document is an entirely logical and understandable change made by a person who wanted to do a competent job as the chair of that committee to deliver to the next stage of this review process a document which stood on its own strengths and was logical and coherent.

In asking some of the members of those committees to reflect on differences between the two versions, a number of academics and clinicians had different points of view. Professor Brendon Kearney saw no substantive difference between the two versions, for example. Dr John Primrose said:

I can see no difference in meaning between the two versions of the recommendations contained in appendix A of Senator Humphries' letter. The second is merely an expanded and clearer version of the first.

Although it is different to those of other members of the committee—some took a more harsh view about the differences between the two—I think that comment reflects an accurate and fair reading of what occurred in this matter.

I will not have time today to make comments about other allegations that were made, particularly a hysterical comment about criminal fraud alleged about Professor King. I will use an adjournment speech in the future to make comments about that and set the record straight. I think this has been an enormous fuss about nothing. It has been a storm in a test tube.