

STATEMENT OF DECISION

Respondent:	Mrs Barbara O'Neill
Complainant:	Various

The Commission has removed from this Statement of Decision material which it considers to be confidential information under section 41B(5) of the *Health Care Complaints Act 1993*.

1 The Complaints

- 1.1. Mrs Barbara O'Neill is an unregistered practitioner who describes herself as an author, educator, qualified naturopath and nutritionist and an international speaker on natural self-healing.¹ There are many videos of Mrs O'Neill's lectures and seminars on health and nutrition available on YouTube and other websites. Mrs O'Neill has also published several books on health and nutrition. From 1998 onwards, Mrs O'Neill has worked across three health retreats in Queensland, Victoria and NSW.
- 1.2. From October 2018 to January 2019, the Commission received a number of complaints regarding Mrs O'Neill. All the complaints relate to claims Mrs O'Neill has made in her publications and lectures regarding infant nutrition, causes and treatment of cancer, antibiotics and vaccinations. By way of summary, the concerns raised in the complaints are that Mrs O'Neill makes dubious health claims that are not evidence based or supported by mainstream medicine. The complaints have been made by concerned members of the public including a registered nurse, dietician and nutritionist and a vaccination advocacy group. The details of each complaint, Mrs O'Neill's responses and the Commission's investigation are set out in paragraph 5 below.
- 1.3. Pursuant to section 41AA of the *Health Care Complaints Act 1993* (the Act), the Commission made an interim prohibition order restricting Mrs O'Neill from providing health services, with effect from 20 December 2018. The terms of the order include that Mrs O'Neill not provide any health services of any description to any person. Further interim prohibition orders with the same terms have been made continuously every eight weeks since 20 December 2018.

2 Issues

- 2.1. The Commission investigated the following issues in this case:
 - 2.1.1 Whether Mrs O'Neill breached the Code of Conduct for unregistered health practitioners ('the Code of Conduct') during her provision of health services.
 - 2.1.2 Whether Mrs O'Neill poses a risk to the health or safety of members of the public.

3 Respondent

- 3.1 Mrs O'Neill was born on 28 July 1953 and is currently 66 years old. Prior to the imposition of the interim prohibition order on Mrs O'Neill in December 2018, she was

¹ <https://www.barbhealth.com/> at Tab 20.

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working as a Health Director and Health Lecturer at the Misty Mountain Heath Retreat located at 1800 Nulla Nulla Creek Road, Bellbrook NSW 2440 (Misty Mountain).

- 3.2 Mrs O'Neill is a member of the Seventh Day Adventist Church and mainly conducts health lectures to her co-religionists which are predominantly organised by the Church. Due to the terms of the interim prohibition order, Mrs O'Neill has refrained from conducting any lectures in Australia since 20 December 2018, however has continued to lecture overseas.
- 3.3 In accordance with a Notice served pursuant to s34A of the Act, Mrs O'Neill took part in a recorded interview with Commission officers on 27 June 2019.² The Commission obtained most of the information about Mrs O'Neill's qualifications and work experience during the course of this interview.

Education

- 3.4 In her resume (Tab 1), Mrs O'Neill states that she was a psychiatric nurse at the North Ryde Psychiatric Hospital between 1974 and 1976. At the interview, Mrs O'Neill confirmed that she was a trainee nurse during this period and did not sit her final exams at the end of the 3 years to obtain a badge of registration by state registering authorities.³ Mrs O'Neill did not return to nursing at any stage after 1976.⁴
- 3.5 The next qualification listed in Mrs O'Neill's resume is a Diploma in Naturopathy obtained from the 'Thompsonian Institute Australia' in 1990. At the interview, Mrs O'Neill clarified that the Thompsonian Institute was run by Mr Fred Steed at Coffs Harbour, who is no longer alive and therefore, the Institute is not operating in Coffs Harbour anymore. Mrs O'Neill explained that she did not undertake any coursework and the Diploma had been awarded to her under the grandfather clause because of her work "*helping young mothers*" in the region.⁵ Internet searches by the Commission have not found any information about the Institute, however, searches have confirmed that Mr Fred Steed was an herbalist in Coffs Harbour who died in 2007. Mrs O'Neill states that she has lost her certificate of Diploma. Given the circumstances, the Commission has been unable to verify Mrs O'Neill's qualification. However, the Commission's research via the Australian Government training website⁶ indicates that the Thompsonian Institute is neither a current or past Registered Training Organisation (RTO) and does not appear at any time to have been an approved RTO to deliver a Diploma of Naturopathy.
- 3.6 The last qualification in Mrs O'Neill's resume is a Diploma in Nutrition & Dietetics from the 'International Christian and Natural Therapist Inc' ("I.C.A.N.T Inc."). At the interview, Mrs O'Neill confirmed this qualification took her three to four years to attain and involved a correspondence course and two weeks of face-to-face lecturing every year. Mrs O'Neill has provided the Commission with her certificate of Diploma and miscellaneous coursework material in relation to this qualification (Tab 18). According to Mrs O'Neill, I.C.A.N.T Inc was a recognised training organisation, however it "*shut down*" approximately 3 years ago. Mrs O'Neill claims her qualification was at "*Bachelor*

² The Transcript of the s34A interview is referred to as 'Transcript' and appears at Tab 17.

³ During this period, nursing education had not transferred to the university sector. Nurses were trained on the job in a three-year course of theory and practice instruction. Three years of student nursing culminated in final year exams, after which a badge of registration was awarded.

⁴ Pages 5-6 of Transcript.

⁵ Pages 6-7 of Transcript.

⁶ <https://training.gov.au/>

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of Science level'.⁷ Internet searches by the Commission have not found any information about the organisation apart from an old Facebook page which contains no details. ASIC searches have revealed that the organisation was registered in Queensland as an Association with registration number IA18119 on 12 June 1997 and deregistered on 19 April 2018. Given the circumstances, the Commission has not been able to attain any further information about Mrs O'Neill's qualification from I.C.A.N.T Inc. However, the Commission's research via the Australian Government training website indicates that I.C.A.N.T Inc is neither a current or past RTO and does not appear at any time to have been an approved RTO to deliver a Diploma of Nutrition and Dietetics.

- 3.7 During the interview, Mrs O'Neill confirmed that she has never held any membership with any professional associations and she conceded that she does not meet the minimum qualification requirements for membership.⁸ The Commission's inquiries have confirmed that the Australian Natural Therapists Association require a bachelor's degree or graduate diploma; the Nutrition Society of Australia require a 3 year university degree or equivalent; the Dieticians Association of Australia require a master's or bachelor's degree and; the Naturopaths Association of Australia require a bachelor's degree (from 2016).

Work experience

- 3.8 As noted above, Mrs O'Neill's work as a trainee nurse at North Ryde Psychiatric Hospital concluded in 1976. She did not qualify as a registered nurse. Between 1976 and 1995, Mrs O'Neill has listed her employment as "*Mother – Family responsibilities in raising 6 children and study of natural medicine and treatments*".

Health retreats

- 3.9 Mrs O'Neill's next work experience was in the Living Valley Springs Retreat in Queensland from 1995 to 1998 as Health Centre Supervisor. From 1998 to 2003, Mrs O'Neill has stated that she was working at Mountain View Health Retreat in Victoria as a Health Director. From 2003 until December 2018, Mrs O'Neill has been working at the Misty Mountain as a Health Director and Health Lecturer.
- 3.10 Misty Mountain is managed by Mrs O'Neill's husband, Mr Michael O'Neill. On their website, Misty Mountain promises that their Detox Programs can help in recovering from heart disease, chronic fatigue, hormonal imbalance, diabetes, candida/fungus, drug addictions, cancer treatments, heartburn and obesity. The Detox programs range in duration from 1 to 2 weeks.⁹
- 3.11 During the interview, Mrs O'Neill stated that she was not involved in the business side of things at Misty Mountain.¹⁰ Mr O'Neill advised the Commission that Mrs O'Neill is not on the board of directors of the entity. Mr O'Neill indicated that Misty Mountain receives approximately 300 visitors per year. All the visitors are asked to complete a health questionnaire. People who are unable to care for themselves are refused entry to the retreat.¹¹

⁷ Pages 7-9 of Transcript.

⁸ Page 11 of Transcript.

⁹ <https://www.mmh.com.au/> at Tab 20.

¹⁰ Page 15 of Transcript at Tab 17.

¹¹ Pages 15, 20 & 21 of the Transcript at Tab 17.

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3.12 During the interview, Mrs O'Neill explained that the programs at the retreat involve exercise programs, good nutrition, massages, steam sauna and lectures on the "*eight laws of health*"¹². She stated that she had not personally provided any treatments or therapies to visitors of Misty Mountain for several years and her main role had been to conduct lectures and provide consultations.¹³ Mrs O'Neill explained that during the consultation she would go through the health questionnaire, discuss the aim for attending the retreat and ask about bedtimes, food and water intake, stress and medical procedures.¹⁴

Health lectures and books

3.13 During the interview, Mrs O'Neill confirmed that she first started lecturing in around 1992 mostly in churches. Mrs O'Neill explained that her lecturing was religious based on the '*eight laws of health*'. Mrs O'Neill stated that this came about as there were people in her local area seeking alternatives to medications and drugs. Mrs O'Neill used to give meetings to local mothers to discuss alternate therapies for common ailments. Mrs O'Neill stated that she has never advertised herself and gained popularity through word of mouth. According to Mrs O'Neill, she does not have anything to do with her videos being uploaded on the internet, however concedes that she has given permission to her lectures being filmed and disseminated.¹⁵

3.14 There are many videos of Mrs O'Neill's lectures and seminars on health and nutrition available on YouTube and other websites. Mrs O'Neill has also published several books on health and nutrition. In its investigation, the Commission has focused on the publications set out in paragraph 4.1 below.

Consultation outside of retreats

3.15 In some of her lectures, Mrs O'Neill makes references to people ringing her for health advice. For example, in her lecture entitled "*Cancer: Causes and Treatment*" (Tab 12), Mrs O'Neill refers to a mother ringing her for advice to treat burns sustained by her child.

3.16 During the interview, Mrs O'Neill also confirmed that she had provided telephone consults to people in the past. She would charge a fee for advice provided. Mrs O'Neill stated that due to high demand, she decided to discontinue this "*a year or 18 months ago*". Mrs O'Neill stated that she had kept written records of the telephone advice and consults she provided.¹⁶ However, in response to the Commission's s34A notice dated 19 July 2019, Mrs O'Neill stated that she does not have any records of these consults (without offering any explanation).

4 Investigations

4.1 The Commission obtained evidence during this investigation from the following sources:

- Mrs O'Neill's resume (Tab 1)
- Complaint from Person A dated 16 October 2018 (Tab 2)
- Complaint from Person B dated 12 December 2018 (Tab 3)

¹² According to these religious teachings, for maintaining health in the body, you need nutrition, pure air, sunshine, rest, exercise, water, self-control and trust in divine power.

¹³ Page 21 of Transcript.

¹⁴ Page 16 of Transcript.

¹⁵ Pages 14-16 of Transcript.

¹⁶ Page 18 of Transcript.

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- Complaint from Person A dated 27 December 2018 (**Tab 4**)
- Complaint from Person C dated 28 December 2018 (**Tab 5**)
- Mrs O'Neill's response to the Commission dated 20 November 2018 (**Tab 6**)
- Mrs O'Neill's response to the Commission dated 31 January 2019 (**Tab 7**)
- Mrs O'Neill's response to the Commission dated 3 March 2019 (**Tab 8**)
- Mrs O'Neill's response to the Commission dated 3 March 2019 (**Tab 9**)
- Article authored by Mrs O'Neill "What Shall I Feed My Baby" (**Tab 10**)
- Edited Video Analysis Document prepared by the Commission (**Tab 11**)
- Mrs O'Neill's lectures on videos (various dates) (**Tab 12**)
 - Cancer Causes and Treatment
 - Empowering your Immune System
 - Healing the Gut/From Sickness to Health
 - Child Nutrition
 - Diabetes and Weight Loss
 - Part 12 Sodium Bicarbonate Wraps
- Interview of Mrs O'Neill "12 Questions for Naturopath & Nutritionist Barbara O'Neill" (**Tab 13**)
- National Health and Medical Research Council (NHMRC) Infant Feeding Guidelines for Health Workers 2012 (**Tab 14**)
- Mrs O'Neill's book "Self-Heal By Design – The Role of Micro-Organisms For Health" (**Tab 15**)
- Correspondence received in support of Mrs O'Neill (**Tab 16**)
- Documents produced by Mrs O'Neill in response to Commission s34A Notice dated 19 July 2019 (**Tab 18**)
 - Emails from Mrs O'Neill to the Commission dated 21 July 2019
 - AON Certificate of Currency (Malpractice & Public Liability) as at 19 June 2018
 - I.C.A.N.T Inc Certificate of Diploma dated 4 October 2005
 - I.C.A.N.T Inc Certificate of Accreditation (Naturopath) valid for 2015
 - Guest Health Questionnaire for Misty Mountain Health Retreat
 - 11 Miscellaneous documents of coursework in relation to qualification at I.C.A.N.T Inc
- Documents produced by Misty Mountain Health Retreat in response to Commission 34A Notice dated 22 July 2019 (**Tab 19**)
 - Emails from Mr Michael O'Neill to the Commission dated 29 July 2019
 - Documents for Elizabeth and Eileen
 - Material provided to visitors at Misty Mountain Health Retreat
- Internet searches for Mrs Barbara O'Neill and Misty Mountain Health Retreat (**Tab 20**)
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4.2 As noted above, the Commission held a hearing on 27 June 2019 to obtain further evidence (The Transcript is at **Tab 17**).

5 Summary of Evidence

Infant Nutrition

5.1 On 16 October 2018 the Commission received a complaint from Person A (Dietician and Nutritionist) (Tab 2) concerning dietary advice that Mrs O'Neill had been providing to parents on her website 'www.barbhealth.com' in the form of a downloadable article titled 'What Shall I feed My Baby?' (Tab 10). According to Person A, the foods and

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feeding schedule outlined by Mrs O'Neill contradict the National Health and Medical Research Council (NHMRC) Infant Feeding Guidelines for Health Workers 2012 (Tab 14) and if followed, would lead to faltering growth, injury or death of the infant. In particular, Person A raised concerns regarding Mrs O'Neill's promotion of raw goat's milk as an alternative to infant formula.

- 5.2 Extracted below, are Mrs O'Neill's statements in her article about alternatives to breastfeeding:

"Milk formula made from powdered milk is 'dead' milk. Baby needs live milk as breast milk is live, being full of enzymes. Here are some alternatives to 'live' alternative milk formulas:

Almond Date Milk

...

Banana Milk

...

Juice

...

Goat's Milk

Milk from a healthy goat"

- 5.3 In her response to the Commission dated 20 November 2018 (Tab 6), Mrs O'Neill stated that the information she has presented in the article comes from her own experiences with her own children and many others that she has seen to be helped by it. In relation to her recommendation of goats milk, Mrs O'Neill states:

"Regarding the goats milk. This has been used as an alternative milk to breast milk for thousands of years. "Karicare" and other companies produce goat formulas that many mothers have found to be very effective when babies have shown allergies to cows milk. Traditionally, especially in Europe, raw goats milk has been given to babies and children. I have met many who were raised on this. There may be a problem if the goat is not healthy and milking conditions not clean. I trust the average parent's common sense will guide them."

- 5.4 According to the NHMRC Infant Feeding Guidelines, "any unmodified milk from non-human species, including...goat's...milk, is not suitable for infants due to differences in protein and electrolyte concentrations" and "an exclusive, whole goat's milk diet can cause severe morbidity and potentially mortality in infants, including electrolyte imbalances, metabolic acidosis and antigenicity..."¹⁷
- 5.5 During the interview, Mrs O'Neill stated that she doesn't advise mothers to give "real goat's milk" to infants, but tells them to get "goat's milk formula", which is readily available in supermarkets. When it was pointed out to Mrs O'Neill that this contradicted her written article and response to the Commission, she stated that she should have been "clearer" and "redefined" her reference to formula.¹⁸
- 5.6 During the interview, Mrs O'Neill confirmed that she had not ever read a copy of the NHMRC Infant Feeding Guidelines for Health Workers 2012. When asked by Commission officers whether it was incumbent on her to read the Guidelines before

¹⁷ Section 9.4.3 of NHMRC Infant Feeding Guidelines 2012 (Tab 14).

¹⁸ Pages 28-29 of Transcript.

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publishing advice regarding infant nutrition, Mrs O'Neill stated "*Quite possibly but I - I say this most of the time, I really see myself as a teacher.*"¹⁹

Causes and treatment of Cancer

- 5.7 On 12 December 2018, the Commission received a complaint from Person B (Registered Nurse) (Tab 3) regarding advice that Mrs O'Neill had been providing in her lectures regarding the causes and treatment of cancer. Some of the main concerns raised by Person B regarding Mrs O'Neill's lecture entitled "*Cancer: Causes and Treatment*" (Tab 12) are as follows:
- 5.7.1 Mrs O'Neill cites the thoroughly discredited theory of former oncologist, Tullio Simoncini that cancer is caused by a fungus.
- 5.7.2 Mrs O'Neill creates fear and distrust in mainstream medicine by claiming that Simoncini's theory is not acknowledged by doctors because "*if cancer is a fungus and if fungus plays a role in the majority of diseases then medicine would have to acknowledge that some of their main medications are putting it into people.*"
- 5.7.3 Mrs O'Neill offers a program at Misty Mountain for people with cancer that includes sodium bicarbonate wraps, alkaline diet, hyperbaric oxygen, probiotics and orbitally rearranged monoatomic elements. Mrs O'Neill claims that a woman named "Elizabeth" underwent this program and tumours in her abdomen disappeared.
- 5.7.4 Mrs O'Neill's dietary advice to patients with cancer is dangerous as it encourages removal of essential food groups from their diet. In her video, Mrs O'Neill states for cancer the diet is "*no fruit for six weeks, no wheat for six weeks [and] very little carbohydrate*".
- 5.7.5 Mrs O'Neill absolves herself of responsibility by stating that she cannot cure anyone, but she can teach people and give the body the "*right conditions*" to "*heal itself*".

Causes of cancer

- 5.8 In her response to the Commission dated 31 January 2019 (Tab 7), Mrs O'Neill claims that she is not stating "*that fungus is the only cause for cancer at all*", however, the Commission notes that there is no reference to any other causes of cancer in her publications.
- 5.8.1 In Chapter 6 of her book, "*Self Heal By Design – The Role of Micro-Organisms For Health*", Mrs O'Neill refers to the "*compelling evidence linking fungus with cancer*". She refers to Simoncini having "*phenomenal results by treating cancer with a very simple treatment that has been used to treat fungus in agriculture for many years – sodium bicarbonate*".
- 5.8.2 In her lecture "*Cancer: Causes and Treatment*", Mrs O'Neill states that Simoncini had a "*90% success rate*" for cancer by injecting it with sodium bicarbonate and in every case, Simoncini found cancer to be a fungus.

¹⁹ Page 30 of Transcript.

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5.8.3 In her response to the Commission dated 31 January 2019, Mrs O'Neill references literature that supports "*the fungal link in every human disease*".

5.9 During the interview, Mrs O'Neill denied that her publications present fungus as the only cause of cancer, however, contradicted herself by stating "*Cancer is multifactorial and there can be different reasons why there would be fungus there.*"

Discredited theories

5.10 As noted above, Mrs O'Neill is a proponent of Simoncini's cancer theory. The Commission's research revealed that Simoncini was found guilty of manslaughter for treating a patient with a brain tumour with sodium bicarbonate.

5.11 In addition to Simoncini, Mrs O'Neill cites the work of Robert Young who theorised that making the body alkaline can cure all disease. The Commission's research revealed that Young was successfully sued by a former cancer patient he persuaded to forego effective treatment in favour of alkaline diet resulting in the progression of her cancer. Young was also convicted of practising medicine without a licence.

5.12 During the interview, Mrs O'Neill confirmed that she had recently become aware of Simoncini's conviction and Young's civil case settlement. She agreed that she would provide this information in future lectures and publications, however would still keep their theories in her lectures.²⁰

5.13 Mrs O'Neill stated that she agrees with the views expressed by Simoncini. When asked during the interview, as to what Mrs O'Neill meant when she stated in her lectures that Simoncini had a "*90% success rate*" with cancer. Mrs O'Neill could not explain what was underpinning this statistic. She conceded that she was quoting theories without being sure of the details.²¹

Mainstream treatment

5.14 In her lecture "*Part 12: Sodium bicarbonate wrap*", Mrs O'Neill states that the cancer treatment at Misty Mountain, would "*almost be a waste*" if the person was undergoing chemotherapy.

5.15 In Chapter 6 of her book, "*Self-Heal By Design – The Role of Micro-Organisms For Health*", Mrs O'Neill has concluded that "*toxic treatments*" such as chemotherapy, radiotherapy, surgery "*are dangerous approaches involving risks. Common sense speaks to us that a treatment that burns, poisons and slashes the human body is contrary to the body's inbuilt healing mechanisms.*"

5.16 During the interview, Mrs O'Neill did not initially accept that her publications could encourage people to forgo mainstream treatment such as chemotherapy. She stated that she doesn't tell people what to do besides give them the information and it is up to the people as to how they interpret her.²² Mrs O'Neill eventually conceded that in her opinion, her treatment was more likely to be successful if the patient stopped chemotherapy. Further, she accepted that her book would discourage someone from undertaking mainstream treatment for cancer.²³

²⁰ Pages 32-33 of Transcript.

²¹ Pages 35-36 of Transcript..

²² Pages 24 & 34 of Transcript..

²³ Page 36 of Transcript.

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Testimonials

- 5.17 In addition to a story about "Elizabeth", Mrs O'Neill's has referred to other women who completed a program at Misty Mountain.
- 5.17.1 In the website interview "*12 Questions for Naturopath and Nutritionist Barbara O'Neill*" (Tab 13) Mrs O'Neill shared a story about "Emily" who had liver and bone cancer. She rang her three months after her attendance at the retreat and told her that she had a scan that confirmed the tumour on her liver had gone.
- 5.17.2 In her lecture "*Part 12 Sodium bicarbonate wrap*", Mrs O'Neill has shared a story about "Eihleen" who had breast cancer and chose the program at Misty Mountain instead of surgery, chemotherapy and radiotherapy. Mrs O'Neill stated that she rang her 8 months after the program and said she didn't understand the results of a test she had undertaken. She read the report to Mrs O'Neill, who explained to her that her cancers were gone.
- 5.18 During the interview, Mrs O'Neill confirmed that she had not seen any medical reports or test results in relation to Elizabeth, Emily or Eihleen. Mrs O'Neill told Commission officers that these women had read their medical reports to her over the phone. She had no communication with their treating practitioners. Mrs O'Neill believes that she is qualified to interpret complex medical reports. Mrs O'Neill told Commission officers that she relied on her knowledge of medical terminology from her trainee nursing in the 1970s and her course as a nutritionist in interpreting these medical reports.²⁴ Mrs O'Neill also believes that it was appropriate for her to share the above stories publically based on only what had been relayed to her by the patients, without the need to verify the facts herself.²⁵

Dietary advice

- 5.19 In her response to the Commission dated 31 March 2019, Mrs O'Neill stated that her recommended diet for people with fungal problems and cancer is "*a diet with good nutrition*" as it is "*high in fibre, low in carbohydrate, and has good amount of protein and healthy natural fats*".
- 5.20 In Chapter 9 of her book, "*Self-Heal By Design – The Role of Micro-Organisms For Health*", Mrs O'Neill refers to her "*cancer-conquering diet*" which "*enables the body to eliminate cancer*". Mrs O'Neill states "*The human body since alone has the power to heal itself if given the right conditions. This diet is the ultimate formula to bring about a radical change that will cause death to cancer cell. Cancer cells self-destruct when deprived of glucose.*"
- 5.21 The Commission notes Mrs O'Neill does not provide any scientific evidence to support her dietary advice and guarantees.

Curing cancer

- 5.22 Despite the information set out above in paragraphs 5.17 and 5.20, Mrs O'Neill maintains that she does not claim to cure cancer. In her lecture, "*Cancer: Causes and*

²⁴ Page 42 of Transcript.

²⁵ Pages 37-40 of Transcript.

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Treatment" and during the interview, Mrs O'Neill stated that she has never claimed to cure cancer and the body heals itself if given the right conditions.²⁶

- 5.23 During the interview, the Commission officers asked Mrs O'Neill whether she believed that her treatment programs at Misty Mountain can cure cancer, she stated²⁷:

"I can only speak on anecdotal – I guess that's what it's called – evidence and that is that we have seen it do that."

Antibiotics in Labour

- 5.24 On 7 January 2019, the Commission received a second complaint from Person A (Dietician and Nutritionist) (Tab 4) regarding advice that Mrs O'Neill had been providing pregnant woman to not take antibiotics for Group B streptococcus (Strep B). In particular, Person B raised the following concerns about Mrs O'Neill's lecture entitled "*Empowering your Immune System*" (Tab 12):

5.21.1 Mrs O'Neill has stated that "*no baby has ever died from Strep B catching out of birth*".

5.21.2 Mrs O'Neill has stated "*if a woman has an antibiotic through labour if a woman has antibiotic in her pregnancy if she's had an antibiotic even in the year before she gives birth that antibiotic breaks down the gut flora and so that the mother can give a compromised gut flora to the baby...And let every mother know she does not have to have the antibiotic drip. She can give birth to her baby and her baby will not be hurt...Because something even more serious can happen the baby can be born with compromised gut flora. Now the baby's lost the ability to finally breakdown, absorb, protect the blood and nourish the cells.*"

- 5.25 In her complaint, Person A has referenced statistics from the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (2016) which indicate that early onset Strep B has a contemporary fatality rate of approximately 14% in neonates and the risk of it can be reduced by 80% with use of intrapartum antibiotics. The Commission has verified these statistics to be accurate.

- 5.26 In Mrs O'Neill response to this complaint dated 3 March 2019, she states that she has been "*talking to midwives and nurses for years about the issue of Strep B and the consensus is always that they have never seen an occurrence.*" Further, she states that she "*personally has never heard or seen of a fatality from Strep B in babies either*".

- 5.27 Mrs O'Neill states that she is "*not against antibiotics*" but warns "*of the overuse of antibiotics*".

- 5.28 In relation to the statistics referenced by Person A, Mrs O'Neill states "*Obviously if what I have said is verifiably incorrect, then I will not say it again and give what is the correct fatality rate in Australia.*"

- 5.29 During the interview, Mrs O'Neill maintained that despite now having awareness of the statistics in relation to Strep B, she does not change her opinion about the use of antibiotics in labour. Mrs O'Neill stated that she would advise mothers that "*14% [fatality rate] is not very much that antibiotics would cover compared to what it does to*

²⁶ Page 17 of Transcript.

²⁷ Page 36 of Transcript.

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*the gut flora.*²⁸ When questioned by Commission officers as to whether Mrs O'Neill believed she was qualified to provide that type of advice, Mrs O'Neill stated she was not advising and was only providing information.

Antibiotics generally

- 5.30 In addition to her comments regarding the use of antibiotics for pregnant woman, Mrs O'Neill has made other claims regarding the use of antibiotics generally. In her lecture "*Cancer: Causes and Treatment*", Mrs O'Neill states that "*most people should go through their whole life never having them*" and "*the human body can only cope with about two course in a lifetime*".
- 5.31 During the interview, when questioned about the source of her assertions, Mrs O'Neill explained that this was "*anecdotal evidence*" of what she observed and experienced with raising her children.

Vaccinations

- 5.32 On 28 December 2018, the Commission received a complaint from Person C (Vaccination Advocacy Group) regarding the information Mrs O'Neill has provided in her lectures regarding the safety and efficacy of vaccinations. In particular, Person C has raised concerns regarding comments made by Mrs O'Neill in her lecture entitled "*Child Nutrition*". Some of these comments are extracted below:
- 5.32.1 "*The human body was designed to heal itself and does not need to be vaccinated.*"
- 5.32.2 "*Children can be naturally vaccinated against tetanus by drinking plenty of water, going to bed early, not eating junk food and running around the hills.*"
- 5.32.3 "*The public is being lied to about vaccines.*"
- 5.32.4 "*There are no safe vaccines.*"
- 5.32.5 "*Vaccinations contain neurotoxins. Neurotoxins in vaccinations have caused an epidemic of ADHD, autism, epilepsy and cot death.*"
- 5.32.6 "*Most doctors are not aware of the dangers of vaccines because they have not done the research.*"
- 5.32.7 "*Dr Andrew Wakefield's research indicated that MMR vaccine was linked to autism and published in the Lancet but later retracted because of a medical/pharmaceutical conspiracy.*"
- 5.32.8 "*If you stop taking the flu shot, it will prevent you from getting Alzheimer's disease.*"
- 5.33 In her response to Person C's complaint (Tab 8), Mrs O'Neill defended all her above statements in relation to vaccinations. Mrs O'Neill states that there was a decline in the incidence of measles, whooping cough and polio before vaccinations were introduced and there is very little to fear about these illnesses. Mrs O'Neill claims that all vaccinations contain aluminium and formaldehyde which can damage nerve cells and

²⁸ Page 46 of Transcript.

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contribute to autism and epilepsy. Mrs O'Neill acknowledges there being multiple causes of Alzheimer's disease, however claims that mercury in the flu shot may contribute to it. Mrs O'Neill states that from her reading, she does not believe that any criticism of Dr Wakefield's research is "*anything more than a manufacturer protecting the interest of their product.*" Mrs O'Neill draws from her own experience with her children who have had no problem despite not being vaccinated and discussions she's had with mothers and nurses regarding the negative impacts of vaccinations they have seen.

- 5.34 In her response to the Commission dated 31 January 2019 (Tab 7), Mrs O'Neill states that she does not advise "*people to vaccinate or not to vaccinate*" but advises "*people to investigate.*" Mrs O'Neill also refers to selective research to support her claim that there is a connection between autoimmune disorders and the ingredients that vaccinations contain.
- 5.35 During the interview, Mrs O'Neill was not prepared to concede that the above statements (at paragraph 5.32) would discourage people from vaccinating. Mrs O'Neill again stated that she was merely providing information and it was dependent on the people as to how they interpreted her.²⁹
- 5.36 During the interview, Mrs O'Neill was unable to quote the scientific research that formed the basis of her opinions. Mrs O'Neill made references to anecdotal conversations she had with parents who complained to her about their children's reaction to vaccinations.³⁰ Mrs O'Neill could not recall whether or not she had reviewed information published by the Australian Government Department of Health and World Health Organisation regarding the incidence of measles, whooping cough and polio since the introduction of government vaccination programs. The Commission's review of this data reveals that vaccinations have played a considerable role in reducing death caused by these contagious diseases. The number of measles deaths has fallen to near zero since vaccination was introduced for all infants in 1975³¹. Death due to whooping cough is now uncommon in Australia with the average number of deaths fallen to 2 per year.³² In 2000, Australia was declared polio free, however the need for the vaccine remains as the virus can be imported from endemic countries, with the most recent incidence of polio in 2007.³³

6 Findings and Determination

- 6.1 The Commission has considered all of the evidence obtained during its investigation into this complaint, and makes the following findings:
- 6.2 The Commission has only been able to obtain limited evidence regarding Mrs O'Neill's professional qualifications. The two institutions from which Mrs O'Neill obtained qualifications which are relevant to her practice as a naturopath, nutritionist and health educator are no longer operational and a considerable period of time has lapsed since Mrs O'Neill attained these qualifications.
- 6.3 The Commission notes that the first qualification was an honorary qualification, which in itself, limits its weight in assessing Mrs O'Neill's level of education.

²⁹ Page 48 of Transcript.

³⁰ Page 49 of Transcript.

³¹ <http://www.health.gov.au/internet/main/publishing.nsf/Content/ohp-measles-elim-announce-2014.htm>

³² <https://www.aihw.gov.au>

³³ <https://immunisationhandbook.health.gov.au/vaccine-preventable-diseases/poliomyelitis>

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- 6.4 The Commission notes that Mrs O'Neill has produced coursework materials and a copy of her certificate of Diploma from I.C.A.N.T. Institute. However, the Commission is unable to make any determination regarding the educational level of Mrs O'Neill's qualifications from I.C.A.N.T Institute and how it would compare to a qualification from an Australian university or other recognised training organisation.
- 6.5 The Commission does not consider that there is evidence to suggest that Mrs O'Neill has misrepresented herself as holding qualifications that she does not have. However, the Commission notes that her qualifications do not appear to be recognised qualifications from Registered Training Organisations. Further, the Commission has serious concerns that Mrs O'Neill cannot recognise and provide health advice within the limits of her training and experience.
- 6.6 Mrs O'Neill last worked as a trainee nurse in 1976 and did not return to nursing at any stage in her career. Mrs O'Neill has not provided the Commission with any evidence of any professional development courses that she has undertaken since obtaining her Diploma from I.C.A.N.T. Institute in 2008. Yet, Mrs O'Neill considers herself qualified to provide health advice in highly complex and specialised areas such as cancer treatment, and the use of antibiotics for Strep B and immunisation.
- 6.7 Mrs O'Neill selectively references literature to support her assertions in these areas. The Commission is concerned that Mrs O'Neill references the works of highly discredited theorists such as Simoncini, Young and Wakefield in her publications. During the interview, Mrs O'Neill confirmed that she had become aware of the controversies surrounding these theorists, however she still agreed with their opinions. The Commission finds it concerning that Mrs O'Neill is not prepared to even slightly reconsider her opinions when provided with information that casts very serious aspersions on the theorists she endorses.
- 6.8 It was also apparent during the interview that Mrs O'Neill did not understand the pertinent details of the literature she has been quoting in her publications. Mrs O'Neill made reference to Simoncini's "90% success rate with cancer" yet could not explain what "success" in relation to cancer actually refers to.
- 6.9 The Commission is concerned that Mrs O'Neill was unaware of *Infant Nutrition Guidelines* published by the NHRMC prior to Person A's complaint. Familiarity with these guidelines would be reasonably expected of a nutritionist professing to be a "specialist in women's and children's health"³⁴. Even more concerning was that Mrs O'Neill displayed a lack of insight about the need for someone in her role as a nutritionist and health educator to be cognisant of such information. Further, Mrs O'Neill was disingenuous when confronted with the fact that her published advice regarding substitution of breast milk with raw goat's milk contravened these guidelines. Mrs O'Neill did not accept responsibility and denied that she had meant "raw" goat's milk.
- 6.10 In relation to Mrs O'Neill's claims regarding vaccinations, the Commission is concerned that Mrs O'Neill makes no references in her publications to the true evidence-base on which independent and government bodies worldwide make vaccination recommendations.
- 6.11 Mrs O'Neill endeavours to absolve herself of any responsibility for the advice she publishes. She claims that she is providing information and not advice and it is up to

³⁴ Interview of Mrs O'Neill "12 Questions for Naturopath & Nutritionist Barbara O'Neill" (Tab 13)

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the people as to how they interpret her. The Commission finds Mrs O'Neill's approach to be dangerous and a significant risk to public health and safety. The Commission is concerned that Mrs O'Neill does not recognise that she is misleading vulnerable people (including mothers and cancer sufferers) by providing very selective information. The misinformation has huge potential to have a detrimental effect on the health of individuals as Mrs O'Neill discourages mainstream treatment for cancer, antibiotics and vaccinations.

- 6.12 The Commission formed the view that Mrs O'Neill is not willing to seriously reflect on her practice and publications from the complaints made by Persons A, B and C. In her responses to the Commission, Mrs O'Neill pointed to her many supporters and was somewhat dismissive of the issues raised in these complaints as they were not directly from any person she had consulted with. Mrs O'Neill claims that she has never had any patient complaints and this qualifies her to provide the advice that she does. During the interview, Mrs O'Neil stated that:

"I would say that my track record is my qualification all the way and that's a pretty good track record when you consider that of all of the thousands that I have helped there's not one complaint."

- 6.13 The Commission finds it to be concerning that Mrs O'Neill has provided health services for her whole career without having any knowledge of the Code of Conduct specifically or even broadly of the principles that underpin the Code of Conduct.

Breach of Code of Conduct and risk to public health and safety

- 6.14 Clause 3(1) of the Code of Conduct provides that a health practitioner must provide health services in a safe and ethical manner. The Commission finds that Mrs O'Neill has breached this provision by misleading members of the public by providing selective and inaccurate information in highly complex and specialised areas such as cancer treatment, use of antibiotics for Strep B and immunisation. Further breaches of Clause 3(1) are set out below in paragraphs 6.15 and 6.16 below.
- 6.15 Clause 3(2)(a) of the Code of Conduct requires that a health practitioner must maintain the necessary competence in his or her field of practice. The Commission finds that Mrs O'Neill breached this provision. As noted above, Mrs O'Neill has not provided the Commission with any evidence of any professional development courses that she has undertaken since obtaining her Diploma from I.C.A.N.T. Institute in 2008. Mrs O'Neill was unaware of *Infant Nutrition Guidelines* published by the NHRMC and makes no references in her publications to the true evidence-base on which independent and government bodies worldwide make vaccination recommendations. The Commission concludes that Mrs O'Neill is not aware of pertinent publications in her field of practice and has not taken any steps to maintain and enhance her knowledge and skills to deliver a professional service to the community.
- 6.16 Clauses 3(2)(b) and (c) provide that a health practitioner must not provide services that are outside his or her experience and not provide services that he or she is not qualified to provide. Clause 3(2)(f) provides that a health practitioner must recognise the limitation of the treatment he or she can provide and refer clients to other competent health practitioners in appropriate circumstances. The Commission finds that Mrs O'Neill breached these provisions by providing advice in highly complex and specialised areas such as cancer treatment, use of antibiotics for Strep B and immunisation. Of particular concern is that Mrs O'Neill has admitted to interpreting

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complex medical reports for a cancer patient over the phone without referring the patient to seek advice from her treating practitioners.

- 6.17 Clause 5(1) of the Code of Conduct requires that a health practitioner must not hold himself or herself out as qualified, able or willing to cure cancer. The Commission finds that Mrs O'Neill breached all these provisions by making direct and indirect claims regarding the causes and treatment for cancer. In her book *"Self-Heal By Design – The Role of Micro-Organisms For Health"*, Mrs O'Neill has made direct claims that the "cancer conquering diet" she proposes will eliminate the cancer. In her various publications, Mrs O'Neill refers to success stories of women who recovered from cancer after following her program in Misty Mountain. Mrs O'Neill has admitted that she did not review any medical reports or have discussions with treating doctors of these women and has shared stories based on only what had been relayed to her by the patients. The Commission also finds that Mrs O'Neill's conduct in this regard breached clauses 12(1) and 12(3) of the Code of Conduct. Clause 12(1) requires that a health practitioner must not engage in any form of misinformation or misrepresentation in relation to the products or services he or she provides and clause 12(3) requires that a health practitioner must not make claims about the efficacy of treatment provided if those claims cannot be substantiated.
- 6.18 Clause 7(1) of the Code of Conduct requires that a health practitioner must not attempt to dissuade clients from seeking or continuing with treatment by a registered medical practitioner. The Commission finds that Mrs O'Neill breached clause 7(1). By her own admission at the interview, Mrs O'Neill accepted that her book *"Self-Heal By Design – The Role of Micro-Organisms For Health"* could discourage someone from undergoing mainstream treatments for cancer. Further, in her lecture, *"Part 12 - Sodium Bicarbonate Wraps"* Mrs O'Neill makes it explicit that her treatment is less likely to be effective if the person is undergoing chemotherapy. In addition Mrs O'Neill discourages people from vaccinating and taking antibiotics.
- 6.19 Clause 15 of the Code of Conduct requires that a health practitioner must maintain accurate, legible and contemporaneous clinical records for each client consultation. The Commission finds that Mrs O'Neill breached clause 15. In her lectures Mrs O'Neill refers to providing health advice to people on the phone. During the interview, Mrs O'Neill admitted that she was providing telephone consultations and stated that she kept records of the advice she provided. Mrs O'Neill has not produced these records to the Commission or offered any explanation as to why she does not have them.
- 6.20 Clause 17 of the Code of Conduct requires that a health practitioner must display the Code of Conduct and information about the way in which clients may make a complaint to the Commission. The Commission finds that Mrs O'Neill breached these provisions. Mrs O'Neill has admitted that she did not have knowledge of the Code of Conduct prior to the complaints made to the Commission.

7 Submissions

- 7.1 The Commission wrote to Mrs O'Neill on 27 August 2019 proposing to take action under sections 41A and 41B of the *Health Care Complaints Act 1993* ('the Act') and inviting submissions within 28 days.
- 7.2 On 23 September 2019 the Commission received submissions from Mrs O'Neill in response to the proposed action. In her submissions Mrs O'Neill continues to defend her teachings and asserts that even though they are not "mainstream", they are evidence based. According to Mrs O'Neill, she has made appropriate concessions and

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agreed to amend her teachings regarding the appropriateness of raw goat's milk for infants and claims that no child has died from Strep B. Mrs O'Neill does not accept that there are problems with any other aspects of her teachings. Mrs O'Neill believes that the Commission's investigation has not proven any area where she has caused harm or likely to cause harm. Mrs O'Neill argues that she does not pose a risk to the health or safety of members of the public and never has. On the contrary Mrs O'Neill claims that there are many people "*living healthier and longer lives*" because of her teachings.

- 7.3 The Commission has carefully considered Mrs O'Neill's submissions. Mrs O'Neill's submissions demonstrate a lack of insight into her conduct and unwillingness to recognise that she is misleading the public by providing very selective information that accords with her personal views. Mrs O'Neill has displayed disinclination to reconsider her dubious health claims that are not evidence based or supported by mainstream medicine even when presented with peer reviewed and/or widely accepted literature. In these circumstances, the Commission considers that imposing an order on Mrs O'Neill to undertake further education will not adequately protect the public.
- 7.4 The fact that Mrs O'Neill has many supporters who profess to have benefited from her teachings does not alter the Commission's view that Mrs O'Neill poses a risk to the public.

8 Determination

- 8.1 Based on the available evidence set out above the Commission determines that Mrs O'Neill has breached the Code of Conduct and that her conduct poses a risk to the health and safety of members of the public. Accordingly, the Commission makes the following prohibition order under section 41A(2)(a) of the Act:

Mrs O'Neill is permanently prohibited from providing any health services, as defined in s4 of the Health Care Complaints Act 1993 (the Act), whether in a paid or voluntary capacity. Health services includes "health education services" under s.4 of the Act and clause 1(g) of the Code of Conduct.

- 8.2 The Commission issues the following public statement under section 41A(2)(b) if the Act:

The NSW Health Care Complaints Commission conducted an investigation into the professional conduct of Mrs Barbara O'Neill, an unregistered practitioner who provides services as a naturopath, nutritionist and health educator.

The complaints under investigation alleged that Mrs O'Neill makes dubious and dangerous health claims regarding infant nutrition, causes and treatment of cancer, antibiotics and vaccinations that are not evidence based or supported by mainstream medicine.

Some of the non-evidence based comments made in Mrs O'Neill's publications include:

- **In relation to infant nutrition – raw goat's milk is an appropriate substitute for breast milk**
- **In relation to causes of cancer – cancer is a fungus that can be treated with bicarbonate soda**

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- In relation to treatment of cancer – cancer can be cured by following a program that includes the cancer conquering diet and sodium bicarbonate wraps for the body
- In relation to antibiotics – pregnant women diagnosed with Strep B do not have to take antibiotics
- In relation to vaccinations – there are no safe vaccines; vaccinations have caused an epidemic of ADHD, autism, epilepsy and cot death

The Commission's investigation found that Mrs O'Neill has limited qualifications in the area of nutrition and dietetics, which she attained more than 10 years ago. Mrs O'Neill has not taken any steps to maintain and enhance her knowledge and skills in her field of practice to deliver a professional service to the community.

Of particular concern to the Commission is that Mrs O'Neill cannot recognise and provide health advice within the limits of her training and experience. Mrs O'Neill considers herself qualified to provide health advice in highly complex and specialised areas such as cancer treatment, use of antibiotics for Strep B and immunisation in circumstances where it is clear her knowledge is limited.

The Commission's investigation found that Mrs O'Neill does not recognise that she is misleading vulnerable people (including mothers and cancer sufferers) by providing very selective information. The misinformation has huge potential to have a detrimental effect on the health of individuals as Mrs O'Neill discourages mainstream treatment for cancer, antibiotics and vaccinations.

On the basis of the above evidence the Commission found that Mrs O'Neill breached the Code of Conduct for Unregistered Practitioners in that she:

- Failed to provide a health service in a safe and ethical manner
- Held herself out as able to cure cancer
- Dissuaded clients from seeking or continuing treatment by a registered medical practitioner
- Engaged in misinformation in relation to the services she provides
- Failed to keep records of consultations

The Commission is satisfied that Mrs O'Neil poses a risk to the health or safety of members of the public. The Commission therefore makes the following prohibition order:

Mrs O'Neill is permanently prohibited from providing any health services, as defined in s4 of the Health Care Complaints Act 1993 (the Act), whether in a paid or voluntary capacity. Health services includes "health education services" under s.4 of the Act and clause 1(g) of the Code of Conduct.

- 8.3 The Commission has determined to make a copy of this Statement of Decision publically available under s 41B(3)(c) of the Act.

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- 8.4 As required under section 41D of the Act, the Commission will provide a copy of this Statement of Decision to the Australian Health Practitioners Regulation Agency (AHPRA) and each professional Council in NSW.
- 8.5 In accordance with s41B(3)(b) of the Act, the Commission will also provide a copy of this Statement of Decision to the following professional associations: the Australian Natural Therapists Association; the Nutrition Society of Australia; the Dieticians Association of Australia and the Naturopaths Association of Australia.
- 8.6 In accordance with s.41B(4) of the Act, the Commission has removed from this Statement of Decision information which it considers to be confidential information.


24/9/19
Tony Kofkin
Executive Director, Complaints Operations
Health Care Complaints Commission