Opening Address to Law, Medicine and Criminal Justice Conference

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It is my great pleasure to represent the Australian Medical Association today and to give the opening address at the Australian Institute of Criminology Conference on the "Law, Medicine and Criminal Justice". I do not wish to pontificate on the many medico-legal and social issues listed for discussion on your excellent program. They will undoubtedly be discussed comprehensively and expertly over the next three days.

What I would like to do this morning is to give you two somewhat disparate messages, one with relevance to your convention this week and the other a message from the heart.

My first message relates to the enormous advances being made at the present time in gene mapping and the identification of genes responsible for particular disease processes and also those which may give the bearer an increased risk of certain cancers. The implications of this research has legal, ethical and social implications of enormous proportions. Some of these were canvassed on the excellent "Four Corners" program on Monday 28th June. In summary, it pointed out that in the near future, and my assessment would be, by the end of the decade, every disease resulting from a single gene defect is likely to be identified and we will be well on the way to unravelling those of polygenic inheritance. It is difficult to imagine life insurance companies ignoring the economic consequences of the availability of such discoveries. Will children in the future have legal redress against parents who pass on to them a faulty gene? Will this information lead to demands for genetic manipulation of the embryo at an early stage of development? What will be the implications if this goes wrong in some instances, as surely it will? The science fiction of the 1960's and 1970's will be reality by the turn of the century. Confronted with the inevitability of this progress, the A.M.A. has decided to make a modest contribution towards a research project on foetal welfare to be undertaken by the Faculty of Law at the Australian National University. This project has the full cooperation and support of the Royal Australian College of Obstetricians and Gynaecologists. You will appreciate their immense concern in this matter when obstetricians are already faced
with escalating medical defence premiums, predicted to reach $28,000 per year in one state in 1994.

National medical associations around the world are at last beginning to focus on the important ethical, social and legal issues beginning to emerge as a result of the advances in medical technologies, particularly in the field of in vitro fertilisation. As a consequence, the World Medical Association which will hold its next meeting in Budapest, Hungary from October 1 - 5, 1993 already has several important issues on the agenda.

At its next meeting, the A.M.A. Federal Council will be deciding its position on the various draft statements circulated recently by the W.M.A. Of interest to this conference are the proposed statements on surrogate motherhood, the donation of gametes, embryonic reduction and patient advocacy and confidentiality.

In the case of surrogate motherhood, the proposed W.M.A. position cautions that society must have clear and effective methods of resolving the problems and conflicts that might arise from the adoption of surrogacy. Furthermore, it is proposed that the various constituent bodies of the W.M.A. oppose turning the child into a product to satisfy the interest of others.

In the case of the donation of gametes, it is proposed that there should be anonymity for the donor of gametes but that mechanisms should be established that would enable the donor to be traced at a later stage should any genetic disease become evident in the infant produced by the donated gametes. The repeated use of gametes from the same donor should be limited so as to reduce the risk of inbreeding. It is proposed that a single donor should not engender more than three human beings. Furthermore, there should be no commercialisation of fertilised gametes. I do not anticipate that the A.M.A. will be opposing this statement.

In the case of I.V.F. procedures, the W.M.A. is proposing that no more than three embryos be implanted at any one time because of the unfavourable prognosis to a foetus, when more than three are present. Premature birth is inevitable in these circumstances with the consequent increase in morbidity, mortality and later learning problems. It is also being proposed, for adoption in October, that in the case of drug stimulation of ovulation, where multiple pregnancies may result, that oocyte reductions be encouraged, where medically possible. Naturally, such a procedure would not be carried out without suitable informed consent, which I would imagine in the light of the High Court's recent decision in the Rogers v Whitaker case would be a monumental task in itself. I
anticipate that the proposals relating to embryonic reductions will be vigorously debated inside the A.M.A. before we adopt a position.

I am pleased to see that the World Medical Association is proposing to establish a permanent Medical Ethics Advisory Committee to strengthen its identity as the primary source of medical ethical consensus and guidance for physicians, the public and Government. For too long, the W.M.A. has been little more than an international talkfest. The world medical community is now recognising that important ethical and social issues are emerging that require a global consensus. Against this background, the current position in Australia is complete madness. All the legal changes involved in controlling the immense problems that will inevitably arise as a consequence of the enormous advances in genetic engineering will remain the responsibility of individual state governments and territories. We need to be developing a national strategy to deal with these emerging issues of national and international importance. Our current clumsy mechanism of delivering uniform state legislation seems quite archaic for a country about to enter the 21st century. That concludes my first message.

My second, which is somewhat divorced from the topics of this convention, but in my view far more important, concerns the state of the environment and the callous disregard shown for it by Homo sapiens. To me, this issue, more than any other, fits into the Prime Minister's favourite saying - "the big picture".

I believe that health professionals have a duty to take a leadership role in environmental matters because the potential implications of ignoring these problems are so serious for the physical and emotional health of the world. As Alan Nelson, a Past President of the American Medical Association stated recently "environmental controls are failing to keep pace with ecological deadlines".

What I am saying quite bluntly is that the A.M.A., must as a matter of urgency and of social conscience, become "green". There is no catch, no hidden agenda, no duplicity, no money involved, merely a need to extend the social responsibilities always embraced by the A.M.A. and the medical profession. If I sound a little nervous about embracing environmental issues lest it prove the kiss of death, I do so with good reason, not paranoia. Some politicians seem unable to conceive that the A.M.A. might put forward submissions or views that would enhance the welfare of the community. John Knowles, in 1964, expressed the views of many of our critics when he said this about the American Medical Association: "The A.M.A. operates from a
platform of negative vigilance, presents no solutions but busily fights each change, and then loudly supports it against the next proposal". This criticism has been made, less succinctly, of the Australian Medical Association. I am comforted by the explanation for this hostility given by Ralph Kaufman, Professor of Psychiatry at Mt. Sinai, who says that "hostility to the profession is a negative transference type of reaction and directly related to the Oedipus situation".

I am embarrassed to say that at the moment the A.M.A. has no policy on the environment or population control. The only reference to the topic is in a resolution adopted in 1989, which is a masterly exercise in obfuscation:

"Because cultural and environmental factors which have a powerful influence in health, are affected by the decisions and policies of those in authority, medical practitioners have a responsibility to ensure that relevant authorities and the public are fully informed of the implications of such decisions on the health of the community".

The A.M.A. must, as a responsible organisation become more involved in saving the environment as it has, recently, in other public health and community issues. I know that the new President of the A.M.A., Dr. Brendan Nelson, shares my concerns.

You will all be aware of the term "economically sustainable development". It is the buzz word of the decade. In Australia, where we worship at the altar of development, it means what environmental rape can I get away with and still have the project approved. It should have the definition given to it by the World Commission on Environment and Development, viz. "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". Paraphrased, it means that this selfish generation, that represents in time span less than 0.1 per cent of human life on this earth, has no right to plunder the forests, oceans and minerals beyond repair, with no thought given to the needs of future generations.

What are the environmental problems facing us, that need urgent attention? They have reached frightening proportions already - air pollution, water pollution, noise pollution solid waste disposal, deforestation, the degradation of land, exhaustion of soils and underground aquifers (as has occurred in some regions of China and the U.S.A.), ozone layer depletion, global warming, acid rain - the list just goes on and on - it is frightening in its extent and I have not even mentioned the loss of
biodiversity that is already upon us. Take for example the amphibians (frogs, salamanders and the like). They have survived 250 million years on earth, outliving even the dinosaurs, but they are now declining in numbers.

Let me look at some of the problems that I mentioned and their likely health consequences. Firstly, air pollution. It knows no geographic boundaries even though some of the severe acute health aspects (bronchitis, asthma) are confined to the region of the pollution. The millions of tons of SO2, NO2, CO2, CFC's and methane poured into the air each year from all over the globe is contributing to the depletion of the ozone layer which, if unchecked, will lead to a significant increase in skin cancers and eye cataracts in the years ahead. We have already seen in Australia the problem of eutrophication, the nutritional enrichment of our waterways, usually by phosphates, to the point where algae crowd out other forms of life such as fish, not to mention the toxic effect that certain forms of algae have on our drinking water. Furthermore, declining fish numbers as a result of pollution and overfishing in the presence of our current overzealous obsession with allowing some of their natural predators (such as sharks) to go unchecked, will contribute to malnutrition in third world countries. It is often forgotten that fish are an important source of protein for millions of the earth's inhabitants. Other pollutants of our waters and land have yet to emerge. For example, we do not even know whether the 2.3 billion kilograms of biocides applied to the land annually will have any long term environmental effect. Health and the environment are so intertwined. My remarks so far have been about measurable things; but what about the solitude, meditation, natural beauty and pleasantness of nature which are threatened. You will no doubt be pleased and surprised to learn that over the last hundred years there have been two economists - John Stuart Mills and Alfred Marshall, who have acknowledged that land and nature have important functions other than production.

No consideration of the environment can be divorced from a consideration of the world's greatest predator - Homo sapiens who threatens the ecosystem in so many ways. The world population is currently 5.4 billion and doubling itself every 38 years. It will increase by five and a half thousand in the 30 minutes it takes to deliver this speech. The birth rate of 28 per 1,000 per annum and a death rate of 10 per thousand is resulting in a 1.8 per cent increase in the population of the world per year. A vaccine against malaria and childhood diarrhoea, both possibilities in the near future, could cut death rates by 10 million per year. This contrasts with the birth rate of 40 - 45 and death rate of 38 per thousand that characterised agrarian society last century. The world has enough food to feed 5 billion but 1
billion of these suffer from hunger and malnutrition because of poverty – in other words a lack of purchasing power.

Demographers and economists tell us not to worry, because the process of demographic transition, whereby fertility rates decline with urbanisation of the population will stabilise birth rates at around 12 per thousand. With this theory of demographic transition in mind we are told that the world population will grow to 9 - 10 billion before it stabilises. But this same urbanisation that our social scientists tell us will lead to smaller families will come at the expense of greenhouse warming and further environmental problems associated with the disposal of wastes. To achieve these predictions, birth rates will have to begin a steady descent very soon. Paul Ehrlich calls it environmental roulette and he drew attention in the 1970's to the potential dangers of the world breeding itself beyond the ability of the world's finite physical resources to support them. But economists tell us not to be over pessimistic. The world can support 10 billion, they say, by improved strains of crops, and other techniques. In other words, they propose that the world becomes a huge "human feedlot", to use the words of Paul Ehrlich. Economists fail to mention that this will be at the expense of falling water tables and exhaustion of our largely unreplenishable inground water reserves. They also fail to acknowledge that our supplies of fossil fuels are finite. Demographers and economists always hasten to comment that environmental pessimists have not always been vindicated in the past. Pessimists in the past, such as Malthus who proposed nearly 200 years ago that population growth would increase by geometric progression while subsistence could only increase by linear progression was regarded as an immoral, cruel atheist for his views. Paul Ehrlich has been regarded in many quarters as an alarmist and his warnings have largely gone unheeded.

It should not be forgotten that our impact on the environment is a product of the population multiplied by an affluence factor and a technology factor I = P x A x T. What this formula tells us is that the environmental degradation is a consequence not only of absolute population numbers but also the affluence of each society and its technological sophistication. In other words, the environmental impact of the developing third world countries has only just begun. The Club of Earth, a group of distinguished U.S. scientists, said in September 1988 that arresting global population growth should be second in importance only to avoiding nuclear war on humanities agenda.

Until our social scientists, economists and politicians acknowledge that we are living on environmental capital and not interest, there is good reason to remain pessimistic
about the future of mankind and the environment. If we are to arrest the depletion of our biodiversity and the disruption of our ecosystems, we must act now to address the disruptive components in the equation. Unfortunately we live in a selfish world where rights are more important than responsibilities, and value more important than values. We worship at the altar of growth and development with scant regard for the consequences. I doubt that our economy, as currently structured, can withstand negative population growth with its consequent reduction in demand for housing, cars, manufactured goods and foodstuffs. As any business manager will tell you, it is easy to run a business in an expanding market, but very difficult in a contracting one.

Ian Kiernan, the Chairman of "Clean Up Australia" and a great Australian himself has suggested recently that grassroots participation had a better chance of fixing the world's environmental problems than government conferences. Although I agree with his subsequent remarks that last year's Earth Summit was a spectacular failure, the world, regrettably, is not going to be saved by 10,000 well-intentioned persons wandering around Australia once a year picking up the litter discarded by human garbage. It will require the concerted action of individuals, organisations such as yours and mine, governments at all levels and in all countries and the United Nations. Furthermore, the two major political parties in Australia must as a matter of urgency give bipartisan support for strong environmental policies. Their interest in "things green" have, in the past, been motivated by political expediency rather than by any strong conviction about the importance of the issue for Australia and mankind. Ladies and Gentlemen, on this rather depressing note, I rest my case.