

**Submission
No 18**

THE PROMOTION OF FALSE OR MISLEADING HEALTH-RELATED INFORMATION OR PRACTICES

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Date Received: 13/12/2013

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13/12/2013

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5th December 2013

Dear Commissioner,

As a citizen of Australia and a resident of NSW I would like the NSW Parliament Committee on the Health Care Complaints Commission (HCCC) inquiry "into the Promotion of False or Misleading Health-Related Information or Practices" to consider this submission.

When we visit our doctor we expect them to give us their professional opinion, hence the commonplace phrase, to get a second opinion. It is such a fundamental expectation that we do not ask at each consultation:

'Is it your professional opinion that the procedure you are recommending to me is necessary and sufficiently safe or are you required by your regulations to recommend it?'

How would you feel if you found out that your General Practice doctor had recommended to you an unnecessary medical procedure and that he/she didn't disclose that they were obliged by their professional regulations to recommend this procedure - regardless of their professional opinion? And if you also found out that if they didn't recommend this procedure, they would risk losing their job? And if you also found out that in other countries this unnecessary procedure is not recommended due to risks of severe side effects (including death)?

The Gardasil (HPV) vaccine is an unnecessary medical procedure that doctors in Australia are obliged to recommend to children and young women regardless of their opinion on it. It is no longer recommended in Japan and India due to an unacceptably high rate of severe side effects. The HPV vaccine is presented to patients as a cervical cancer vaccination. It is not **necessary** for preventing cervical cancer because women can avoid cervical cancer by having cervical cancer Pap smear tests (and surgery where 'pre-cancerous lesions' are detected) and all women who have the vaccine are advised to also have regular Pap smear tests because the vaccine does not protect against (at least) 30% of cervical cancers.

The AMA Good Practice Guidelines state that 'doctors must support immunisation policy'. The Medical Board of Australia (MBA) guidelines are documented in 'Good medical practice: a code of conduct for doctors in Australia' (available online). The introduction states that the document: "sets out the principles that characterise good medical practice and makes explicit the standards of ethical and professional conduct expected of doctors by their professional peers and the community... **Serious or repeated failure to meet these standards may have consequences for your medical registration.**"

The following responsibilities apply to vaccination which is referred to by the term '**disease prevention**'.

'Doctors have a responsibility to promote the health of the community through disease prevention and control, education and screening. Good medical practice involves:

5.4.1. Understanding the principles of public health, including health education, health promotion, disease prevention and control and screening.

5.4.2. Participating in efforts to promote the health of the community and being aware of your obligations in disease prevention, screening and reporting notifiable diseases.

In contrast, here are the responsibilities on **medical treatment**. They effectively allow a doctor to give a professional opinion for or against any medical treatment. They allow a doctor to not participate in treatments they don't agree with. Please note that vaccination is **not** a medical treatment – it is a preventative – so these instructions specifically exclude vaccination:

2.4.6. Being aware of your right to not provide or directly participate in treatments to which you conscientiously object, informing your patients and, if relevant, colleagues, of your objection, and not using your objection to impede access to treatments that are legal.

2.4.7. Not allowing your moral or religious views to deny patients access to medical care, recognising that you are free to decline to personally provide or participate in that care.

A doctor's first duty is 'to do no harm' and all doctors are obliged to obtain 'informed consent' from their patients before carrying out any medical procedure. Do you think it is ethically acceptable and consistent with a patient's right to giving informed consent for the MBA to demand that doctors recommend vaccinations regardless of their professional opinion and to dictate to doctors what written information they provide to patients who query vaccination? Is this good practice in a democratic country or more consistent with an authoritarian approach to government? **I believe that doctors should have the right to give their professional opinion on each and every vaccination. This is in the interests of all patients who trust their doctors. The responsibilities above (2.4.6. and 2.4.7.) should apply to all medical procedures including vaccination.**

If the Australian government is confident its vaccination recommendations are based on sound science what has it got to fear from free speech? It may be that most doctors would enthusiastically support vaccination if given the opportunity to speak freely. It may be that patients who don't currently accept vaccination do realise their doctor can't give their professional opinion on vaccination. It may be that these individuals would trust their doctor's recommendation in favour of vaccination if they knew it were freely given. Thus vaccination levels could rise if doctors were given freedom of speech.

This inquiry aims to report on possible measures to address the promotion of unscientific health-related information or practices that may be detrimental to individual or public health. As doctors are gagged on vaccination by the AMA and MBA and knowledge in every field of science, including vaccination, is always evolving where will you allow patients to go for a second opinion and how will you decide what is unscientific? Is reporting the policy decision by the Japanese Government on HPV unscientific? Is my explanation above on why the HPV vaccine is unnecessary unscientific? I suggest that all of you read the chapter on medical ethics in the book 'Vaccine Epidemic' (2012 edition, editors Habakus and Holland). It would educate you on how the pretext 'the greater good of society' (eg 'herd immunity') has allowed outrageous scientific research studies and public health policies that have led to death and disability for many individuals over many decades. But then, as the book seeks to educate the reader on vaccination and offers well reasoned opinions that are not in line with the Australian Government's policy would you deem it unscientific and try to prevent Australians from buying it?

Yours faithfully,

Jamila Maxwell