

Proposal to amend the last paragraph of AABHL Sponsorship and Promotions policy

The current policy (as endorsed by the Committee, March 2011) is on the AABHL website: <https://aabhl.org/page/policies.html>

Rationale for the proposed change: The current position, expressed in the AABHL policy on its website, does not permit AABHL as an organisation to express any kind of policy position. We think that this is too restrictive and that it should be possible for AABHL to formulate and express policy positions on important and relevant issues falling within the domain of the organisation.

The current policy, one of ‘neutrality’ is problematic for a number of reasons. First, it is arguably inconsistent with the ‘Objects’ of the AABHL as set out in the AABHL Constitution Clause 2 (see below – most relevant are underlined). Second, the alleged ‘neutral’ position is not neutral at all because it cedes the ground to those with current power as well as ignoring the fundamental nexus between politics and health. Third, the policy, as currently worded, renders the AABHL impotent in taking a public stand on issues of fundamental humanitarian and human rights abuse affecting health and well-being (Macneill *Bioethics* 2003 17(5):487). In conclusion, we suggest that AABHL cannot fulfil its aims as an organisation unless it makes this change.

Discussion should move to what procedures need to be in place to adopt policy resolutions rather than whether or not they should in principle be adopted. The policy and procedures of the Australasian Bioethics Association (ABA), one of the prior bodies that became AABHL, are attached for reference. These can serve as a suitable model for AABHL.

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Proposed amendment to policy statement, para 3:

[Paras 1 & 2 of the AABHL policy statement describe the AABHL and its focus.]

Para 3: Given this primary focus, AABHL ~~does not~~ may, from time to time, formulate ~~or support~~ particular policy positions on some of any of the issues that are explored in these settings. Hence ~~it may does not~~ accept sponsorship from, or help or promote any organisation that argues or agitates for, specific policy positions or changes that are in line with policy positions taken by the AABHL or are supported by the AABHL. ~~This does not preclude~~ allows AABHL may also ~~from accepting to~~ accept financial or in kind support from individuals or organisations whose clear motivation is to help sustain the policy positions or the collegiate activities of the association. This ~~allows~~ may also allow an organisation to promote its services (eg a law firm financially supporting a speaker, ~~but~~ and simultaneously advertising its services via a banner) ~~but not a particular bioethical or legal view.~~ AABHL is in the process of developing a process to guide ‘Engaging with particular policy positions.’

Amended policy statement, para 3 (as above), edited for simplicity of expression:

Given this primary focus, AABHL may, from time to time, formulate particular policy positions on some of the issues that are explored in these settings. It may promote or help any organisation that argues or agitates for specific policy positions or changes that are in line with policy positions taken by the AABHL or are supported by the AABHL. The Association may also accept support from individuals or organisations, whose clear motivation is to help sustain the policy positions or the collegiate activities of the Association, including accepting financial support or support in kind. This may also allow an organisation to promote its services (eg a law firm financially supporting a speaker, and simultaneously advertising its services via a banner). AABHL is in the process of developing a process to guide ‘Engaging with particular policy positions.’

Extract from AABHL Constitution (as amended 2015):

Available at: https://aabhl.org/page/about_us.html

2.1 The Company [AABHL] has the following objects:

- 2.1.1 To advance the study of bioethics and health law in Australasia.
- 2.1.2 To increase public awareness of bioethics and health law and education regarding bioethics and health law issues.
- 2.1.3 To promote public debate; to disseminate information and to facilitate communication with and to governments, organisations and the media.
- 2.1.4 To fund, promote and conduct research on bioethics and health law.
- 2.1.5 To hold conferences.
- 2.1.6 To provide an information resource and to liaise with other bodies with similar aims.
- 2.1.7 To provide education and to provide scholarship.
- 2.1.8 To facilitate communication amongst interested persons.
- 2.1.9 To engage in such activities as are incidental to or necessary for the achievement of any of the above aims.
- 2.1.10 To do all such things as are incidental or conducive to the attainment of all or any of the objects of the Company.



Australasian Bioethics Association

Engaging with the Political

A policy document prepared by the ABA Committee, amended and accepted by the ABA in General Meeting, 15 February 2002

Paul McNeill
ABA President

The Australasian Bioethics Association

Guideline for ABA Policy Proposals

Preamble

1. Bioethics came into existence as a vanguard discourse and movement geared to developing new cultural and social orientations which tackled some of the most intractable problems of the day. Bioethics has also acted as a forum for discussions of complex issues. Since its inception the bioethics discourse has been shaped and informed, either explicitly or implicitly, by the principle of human rights. This is implicit in the concepts of autonomy and beneficence and notions such as the right to health and the right to health care. Human rights and ethics discourses increasingly use the same lexicon. Both promote the protection and advancement of human welfare in its broadest sense.
2. Policy issues are by their very nature also moral issues. They are questions about what we ought to do or cease doing. Questions to do with what policy we should develop, support or challenge are also moral questions.
3. Inevitably these kinds of issues and questions leads to a concern with power. As the British Medical Association points out, human rights and ethics discourses “share a concern for the welfare of vulnerable people in situations of power imbalance” (2001: 479). The World Health Assembly (1970, 1977, 1992) proclaimed that “health is a human right”, linking the protection of human rights with humanitarian and public health initiatives. This is especially important in regard to vulnerable populations, including displaced persons, refugees, the poor and indigenous people.
4. Over the past decade the terrain of health and medicine has been transformed as many health-related associations have engaged with issues that are political, social and cultural as well as medical. The World Medical Association, the British Medical Association, the Danish Medical Association, to name but a few, have engaged in systematic campaigns against discriminative practices and human rights abuses. As Thomas Nagel observed in *The View From Nowhere* (1986): “There can be no ethics without politics”.
5. In light of the points raised above, it seems that if bioethics is to remain in the vanguard of discussions of the human rights, and an important site for the discussion of moral and ethical issues of the day, it must take an active part in the political domain. The ABA is well-positioned and has the expertise to engage with issues and draw attention to practices

which may degrade or deny fundamental human rights. It has also claimed moral responsibility, along with medical, nursing and other health and welfare associations, to alleviate human suffering.

The Australasian Bioethics Association

Guideline for ABA Policy Proposals

Australasian Bioethics Association (ABA) policies are to be formally adopted at General Meetings, following a period of consultation and discussion among the membership. ABA's policies will arise from a regular eighteen-month cycle of policy development through:

- draft policy proposals
- Interim ABA Policies
- Review of conference resolutions
- Consideration of proposals for amendment to ABA Policy.

A regular eighteen-month cycle of policy development is a process whereby all members, whether as individuals or as members of groups with related special interests, may propose a new policy or amend an existing policy in accordance with a timetable accepted at each General Meeting or as amended by the ABA Committee.

Glossary

ABA Policy is a document that has passed through the process that is described below and has been accepted by the members attending (in person or by proxy) at an ABA General Meeting. It can be issued as an 'ABA Policy' but should include the statement that "This is a Policy of the Australasian Bioethics Association (ABA) and accepted by the members but does not necessarily reflect the views of all members of the ABA".

ABA Statement is a statement issued by the ABA Committee which has a two-thirds majority support of the Committee. Any statements so issued should always include the following qualification that "This is a Statement of the Australasian Bioethics Association (ABA) which has been adopted by the Committee and does not necessarily reflect the views of members of the ABA".

Conference resolutions are statements that are adopted by participants at an ABA Conference by majority vote. They are to be considered by the ABA Committee for adoption as Interim ABA Policies, to be rejected by the Committee as not suitable for policy development, or to be treated by the Committee as draft policy documents and included in the regular policy development process.

Draft policy proposal is a statement put forward by any member or group of members of the ABA for consideration by the Committee of the Association as an Interim ABA Policy or to a Conference of the ABA for consideration at its General Meeting for adoption as an ABA Policy.

Interim ABA Policy is a document that reflects ABA's position on an emerging issues that requires action in advance of the full ABA policy process. It is issued by the ABA Committee after having been adopted by the Committee at any of its meetings and must be confirmed at the next General Meeting, having followed the policy formulation process (as detailed below). An Interim ABA Policy can only be issued as such and should always include the statement that "This is an Interim Policy of the Australasian Bioethics Association (ABA) which has been adopted by the Committee and does not necessarily reflect the views of members of the ABA".

Policy Forum is a forum of all members of the Association who attend a meeting during a Conference of the ABA to discuss "Draft policy proposal(s)" that are to be considered by the General Meeting.

Special Interest Group is group of members of the ABA who have come together by any means to discuss an issue or interest with a view to developing a "draft policy proposal". The group may invite other persons, who are not members of the ABA, to join the discussion.

The Policy Development Process

All ABA members are invited to develop new policies and amend existing policies. Members are encouraged to seek out other members with particular issues in the whole field of bioethics, to function as an interest group. This does not prevent any individual member putting forward new or amended policy proposals. The following is the process for adopting policy in the ABA:

- Any member, on their own part, or as a member of a Special Interest Group, with its consent, can submit statements as “draft policy proposals” at any time during the year. A draft policy proposal may be submitted to the ABA Committee with a view to having it adopted as an “Interim ABA Policy” or submitted to the Secretary of the ABA for adoption as an “ABA Policy”. If a draft policy proposal is to be considered during a Conference and proposed to the General Meeting for adoption, it must have been presented to the Secretary at least three months before the Conference, in order for it to be published in the ABA Newsletter, and considered by a sub-committee of the ABA Committee.
- A draft policy proposed as an Interim ABA Policy must be in the hands of the Secretary at least six weeks before a Committee meeting. If it is supported by the President and Vice-President, it shall be submitted to the Committee.
- Before any draft policy can be adopted as an Interim ABA Policy, it must have been circulated by email to all ABA members with current email addresses (or other electronic addresses) on file with the Secretary with a request for a response to the draft policy. If the majority of those replying to the policy within a specified time disagree with the policy, the Committee should not adopt that policy as an Interim ABA Policy unless the Committee has very good and stated reasons for doing so.
- Any Interim ABA Policy should be considered in the regular process if it is to be adopted as an ABA Policy.
- Interim ABA Policies that have not been adopted as ABA Policy, lapse two months after a General Meeting which follows their adoption as Interim ABA Policies.
- A truncated version for the process of adoption of a policy may be allowed in a particular case where there is insufficient time to go through each step and where the policy is one that the Committee believes should be adopted by the Committee as an Interim ABA Policy or by the General Meeting as an ABA Policy. If a draft policy proposal resulting from this process is proposed by the Committee as ABA Policy and it is not possible for the draft to be published in the Newsletter, then a copy must be emailed to all members with email addresses and made available for all delegates to the Conference, at registration.
- In response to matters regarded as important by the Committee, it may act, within a matter of hours, by convening a meeting or by rapid exchange or correspondence, in order to issue an ABA Statement on an issue of concern. Prior to issuing an ABA Statement on an issue of concern to the Committee, the Committee must have circulated the proposed Statement by email (or other appropriate electronic means) to all ABA members with current email addresses (or other electronic addresses) on file with the Secretary with a request for a response to the draft Statement within 24 hours. If the majority of those replying to the draft Statement disagree with the Statement, the Committee should not issue that Statement.
- A Statement issued by the Committee under these circumstances, should be included in the next ABA newsletter, and on the website and be reported to the ABA General Meeting and be open to discussion and response from members of the Association.
- Submitted draft policy proposal(s) will be assessed by a sub-committee of the Committee, consisting of the President, Vice-President and two other Committee members.
- Where a draft policy proposal is received in sufficient time, comments on the policy will be forwarded to the author(s) for incorporation into a revised draft, prior to publication in the Newsletter.
- Where a draft policy proposal is received in sufficient time, it will be published on a discussion page on the ABA website.

- Where a draft policy proposal is received in sufficient time it will be emailed to all financial members with email addresses advised to the Secretary, who will be encouraged to take part in discussion which may lead to adoption of the proposal as policy.
- The ABA Committee will establish a means for conducting this discussion, through the ABA website, by email, or by some other means.
- ABA Conferences will include time set aside to allow discussion of issues raised in policy proposals either as a part of the Conference program and/or as a part of a “Policy Forum”.
- Conference Resolutions will be reviewed by the Committee and referred to the author(s) and any other interested member to be developed into full policy proposals. They may become an Interim Policy or proceed through the regular eighteen-month cycle of development.
- The President or Vice-President will assess the need for additional comment or discussion of any draft policy proposal immediately prior to the Conference.
- Where it is determined that the policy would benefit from further development, a policy proposer will be invited to take part in a conference by telephone or in person, before the opening of the Conference, or a meeting in person during the Conference, but before the morning of the General Meeting.
- A Policy Forum or the body of the Conference may also consider a draft policy proposal, that has not required further development, or an Interim ABA Policy which is to be considered by the General Meeting.
- Policy proposers should attend meetings at which their draft policy proposal is to be discussed, including any discussion in the body of the Conference or a Policy Forum, and the General Meeting, and may speak to the proposals and answer questions.
- Revised drafts, draft policy proposals or Interim ABA Policy documents are then put to the Policy Forum or to the body of the Conference as a part of a discussion of the issues raised, and, if agreed by majority vote of members entitled to vote, referred to the General Meeting for adoption.
- When a draft policy proposal of an Interim ABA Policy is proposed for adoption at the General Meeting, no debate on the substance of the policy will take place during the General Meeting, unless it is in response to a rescission or rejection motion.
- The adoption of a document that has passed through the above process, as an ABA Policy, will be determined by a simple majority that may include proxy votes.

Policy dissemination, review and use

Policies will be published as separate documents and posted or sent electronically to all financial members within two months of their having been adopted by a General Meeting. They represent the views of the majority of the members, and may be used by any member in public, academic and community discussions.

As each policy should be reviewed at least every 3-5 years, the Committee will refer them to either the original author(s), or to (an)other member(s) for review and updating.

It is proposed that this “Guideline for ABA Policy Proposals” be issued by the Secretary, if it is adopted by ABA members at the General meeting.

It is also the Committee’s intention to suggest the formation of interest groups, so that different interests within bioethics can be developed by those members who have a considered view on, or interest in, any issue.

It is a further intention of the Committee, if this general proposal is adopted, to seek to have the Constitution amended so that the position of a second Vice-President, Vice-President (Policy) is created. That office will include the task of overall supervision of the policy process, including initiation, adoption, amendment and review of policies.

End of *Guideline for ABA Policy Proposals*.

