

To: Medical Board of Australia, AHPRA

Re: Public consultation: Good Medical Practice- Code of Conduct (2018 revised draft)

I write to express my concern about the proposed revision to the Code of Conduct.

Broadly speaking, my concerns, like those of many of my colleagues, are twofold:

- (i) The proposed revision has been undertaken without the due process, transparency and the consultation it deserved across the medical profession, and the public more broadly.
- (ii) The nature of the proposed changes are in fact significant— and controversial— contrary to the assertion that the Board “is not proposing significant changes to the current code.”

Of note, a new section on “Professionalism” in the draft document is highly contentious, and sufficiently non-specific in a manner that would permit the Medical Board to exercise extraordinary powers to subjectively discipline individual doctors and potentially revoke their registration, based on circumstances (for example) where a practitioner expresses an opinion which departs from the (so-called) “generally-accepted view” within the profession, which presumably encompasses issues relating to medical ethics and social matters.

It is worth noting that recent history is replete with examples where an emerging viewpoint “consensus” has been ethically questionable, despite widespread support within the medical profession (for example, instances of medical experimentation and research, including in Australia). Doctors ultimately have an ethical duty of care to patients and the public— *not* the reputation of the profession— and it remains incumbent on individual practitioners to challenge the prevailing view in such circumstances, free of the risk of professional disciplinary action.

The fact that the Board can essentially threaten doctors with loss of livelihood unless they comply with certain “approved” social opinions and give their assent to potentially controversial and

ethically unsound practices is of grave concern. The Board's explicit constraints on free speech and attempts to force conformity of views are entirely inappropriate, as is the fact that the Board has attempted to impose, by stealth, a controversial and potentially ideologically-motivated agenda, whereby punitive action could be taken against doctors whose (equally valid) individual opinions are seen to depart from popular and/ or politically correct views within the profession.

In conclusion, the 2014 Code of Conduct should be retained.

Sincerely,

(Name withheld)

A black rectangular redaction box covering the signature of the sender.

17 August, 2018