

27 September 2013

Ms Jo Katsoris
Executive Officer, Medical
Australian Health Practitioner Regulation Agency
GPO Box 9958
MELBOURNE VIC 3001

By email: medboardconsultation@ahpra.gov.au

Dear Ms Katsoris

**Consultation on the Draft Revised Good Medical Practice:
A Code of Conduct for Doctors in Australia**

We welcome the opportunity to provide input into the consultation on the draft revised Good Medical Practice: A Code of Conduct for Doctors in Australia.

Background information about Avant

Avant Mutual Group Limited ("Avant") is Australia's leading medical defence organisation and one of Australia's leading mutuals, offering a range of insurance products and expert legal advice and assistance to over 60,000 medical and allied health practitioners and students in Australia. Our insurance products include medical indemnity insurance for individuals and practices, and private health insurance, which is offered through our subsidiary The Doctors' Health Fund Pty Limited.

Our members have access to medico-legal assistance via our Medico Legal Advisory Service (MLAS). We have offices throughout Australia, providing personalised support and rapid response to urgent medico-legal issues. We provide extensive risk advisory and education services to our members with the aim of reducing medico-legal risk.

Comments

We understand the importance of guiding doctors to navigate through the regulatory and ethical framework in which they work, and endorse the comments of Sir Graeme Catto, the former President of the British General Medical Council:

*"Regulatory system(s) must provide a framework that encourages doctors to maintain a strong sense of patient – related commitment throughout their careers, and to improve continuously what they do. That can only be achieved by engaging with doctors, so that they take ownership of the values and principles of good practice."*¹

¹ Sir Graeme Catto, GMC News, August 2006.

We believe that the Medical Board of Australia's Code of Conduct is an essential component of our regulatory framework in Australia, and has been successful in providing guidance to medical practitioners. As noted in its introduction, the Code sets out the standards of ethical and professional conduct that practitioners are expected to follow, and significantly, it meets current community values. Its language is clear, flexible and non-prescriptive, and the principles contained within it are relevant and sufficiently high level to allow it to be applied in a wide range of settings across the profession.

We have found it very useful in providing advice and assistance to our members, and we would like to congratulate the Medical Board on maintaining such a valuable code for medical practitioners.

We make three points in relation to the revised draft.

1. In our experience, many doctors need guidance and advice on where to find further detail on how to apply the high level principles contained in the Code in their practice. We recommend that in the Code there be more emphasis on doctors seeking advice from colleagues, medical indemnity insurers, colleges and other professional associations. We recommend that the second paragraph under section 1.3 be amended to add:

"... issued by medical colleges and other professional bodies. Doctors are encouraged to seek the advice of colleagues, medical indemnity insurers, colleges and other professional bodies about conduct issues."

2. We recommend draft 3.4.5 be amended as follows:

"Ensuring that your use of social media is consistent with your ethical and legal obligations to protect patient confidentiality and in keeping with privacy obligations."

3. We recommend draft 3.10.2 be amended as follows:

"Acting immediately to rectify the problem, if possible, including seeking any necessary help and advice which may include advice from your medical indemnity insurer."

Our proposed amendment is in response to the deletion in 3.10.5 which we fully accept.



Please contact me on the details below if you require any further information or clarification of the matters raised in this letter.

Yours sincerely

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