

14 August 2018

Re: Public Consultation on the drafted 2018 changes to ***Good Medical Practice: Code of conduct for doctors in Australia***

Dear Medical Board of Australia,

My name is [REDACTED]. As a final year medical student due to start practicing medicine next year, there are several pending changes to the ***Good Medical Practice: Code of conduct for doctors in Australia*** ("the Code") that concern me. However, the one I'm writing about is particularly concerning as it will restrict the freedom of speech of Australian doctors within the community.

The said change is in the following paragraph from section 2.1 of the draft ed2018 Code:

Community trust in the medical profession is essential. Every doctor has a responsibility to behave ethically to justify this trust. The boundary between a doctor's personal and public profile can be blurred. As a doctor, you need to acknowledge and consider the effect of your comments and actions outside work, including online, on your professional standing and on the reputation of the profession. If making public comment, you should acknowledge the profession's generally accepted views and indicate when your personal opinion differs. Behaviour which could undermine community trust in the profession is at odds with good medical practice and may be considered unprofessional.

This inclusion inherently limits free speech. A doctor who expresses an opinion that may otherwise intellectually sound but is distasteful to the views of the alleged majority could easily have their view branded as unprofessional. Furthermore, this inclusion makes a fundamentally erroneous assumption that there is a "generally accepted views" on certain topics. As a medical student, I have observed that my senior colleagues disagree on a whole range of issues, from basic academic issues to controversial social and ethical problems, some of which include physician-assisted suicide and gender identity to name the least. From my limited observation, although doctors seek to empathise with the opposing views, yet honest disagreements persist. This kind of disagreement is inevitably productive. Throughout history, we have benefitted from people who had courage to overturn conventional belief and practice, although most of the time they were persecuted for their heretical (or in the word of the 2018 Code, "unprofessional") behaviours. An exemplary is Dr Semmelweis' suggestion to his colleagues to wash their hands after performing autopsy in order to reduce the incidence of postpartum sepsis. It baffles me why the Board has seek to include such an ambiguous provision that can be used to demonise and silence conscientious dissenters on the ground of "behaving unprofessionally"? How does this fit in with the Australian culture which celebrate all sorts of diversities (eg. race, culture and choice of football teams, to name a few)? Is it not this diversity of thoughts and opinions that our vibrant society thrive on? Has tolerance suddenly become intolerance?

Furthermore, if the "profession's generally accepted views" are meant to refer to the views of the Board, it must be emphasised that the views of a professional body does not equate to those of its members. A more vocal minority opinion may seem more representative than

they really are. Thus, to hold these “profession’s generally accepted views” as the golden rule is undemocratic, as it puts power into the hands of the unelected few, who are not impervious to the influences of mass media, lobby groups and, ironically, their own cultural, religious and non-professional opinions. How then does the Board suppose it could legitimately judge the consensus views of Australian doctors when there is not one in the first place? Does the Board wish to return us to our pre-Enlightenment era where the elite few were given the right to determine our beliefs and demand that the rest of us dogmatically espouse them?

Finally, the provision was written on the basis that “community trust” in the profession is of utmost importance. I would argue, then, that “community trust” would be severely reduced if the doctors are seen as professionals who merely regurgitate the views prescribed to them by the authority. This will undermine medicine’s standing as the profession of integrity, honour and compassion, seriously undermining public trust in our ability to look after the best interest of our patients regardless of the cost.

In my view, this section of the 2018 Code will do a significant disservice to the Australian community. Doctors will no longer be free to express freely and conscientiously on important topics in fear of potential punitive measures enacted against them by AHPHRA. This is a small first step, threatening to bring about a dystopian society George Orwell warned us about in his *Nineteen Eighty-four*. Therefore, the motion must fall.

Yours truly,

[REDACTED]

Final year medical student

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