



14 August 2018

Dr J Katsoris  
Executive Officer  
Medical Board of Australia  
GPO Box 9958  
MELBOURNE VIC 3001

Dear Dr Katsoris

### **Public Consultation on Good Medical Practice**

Thank you for providing the College with the opportunity to comment on the proposed revisions to the Board's '*Good Medical Practice: A Code of conduct for doctors in Australia*'.

The College shares the Board's commitment to promoting the best possible health outcomes for all Australians through fostering the highest practice standards for our medical profession. We acknowledge the important role that the Board's Code has to play in defining and upholding such standards.

We offer the following feedback for consideration in the review:

- The proposed changes appear to signal a higher level of expectation upon practitioner behaviour and an expanded remit for the Code to prescribe doctor conduct in both their professional and personal lives.

This approach brings with it a much higher onus of responsibility upon the Code to adopt language that is clear, unambiguous, and practicable, and for its standards to be fair and reasonable. The College has concerns that the wording of the proposed revisions overall does not reflect this.

*The College recommends that the Board consider the language used overall to ensure that it offers guidance which doctors can easily understand and act upon and which is fair and reasonable in its reach.*

- With respect to: *Section 2.1 Professional values and qualities of doctors*, we see considerable difficulties with this section and particularly the statement:

*"If making public comment, you should acknowledge the profession's generally accepted views and indicate when your personal opinion differs. Behaviours which could undermine the community trust in the profession is at odds with good medical practice and may be considered unprofessional."*

This has serious implications for doctors' perceived and actual freedom of expression. The section offers no clarification as to what 'the professions' generally accepted views' or 'unprofessional behaviours' are. There is therefore no guidance to doctors as to how to remain compliant, considerable opportunity

for vexatious complaints, and a requirement on the Board to make arbitrary determinations regarding what 'generally accepted views' or 'unprofessional behaviours' are at any given time.

*The College recommends that this section be removed from the Code. If there are specific issues for which the Board has particular concerns about doctors making statements or actions, these should be specified and their inclusion in the Code subject to further consultation.*

- The trend toward including a growing range of areas of social accountability into the Code, raises the possibility of conflicting responsibilities. This being the case it is of concern that the Code does not make clear that the paramount responsibility of the doctor is the medical well-being of their patients.

*The College recommends that further revisions give specific consideration to making it clear throughout the document that doctors overriding responsibility is to patients' well-being in accordance with their evidence-based medical judgement.*

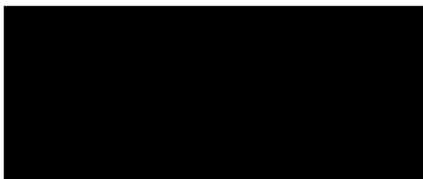
With respect to: *Section 4.8 Culturally safe and sensitive practice*, we note that the in contrast to the current wording (see section 3.7 pp.9-10), this section does not reference the goal of obtaining patient's 'good health outcomes'. There is inherent potential for tension between the doctors' responsibility to respect patients' and their families' personal perspectives and sensitivities and to ensuring they can receive appropriate advice about the best, evidence-based care options. The omission of this reference infers that the former takes priority over the latter and creates uncertainty for doctors regarding their professional responsibilities.

*We would see value in including explicit reference to the relationship between culturally safe and sensitive practice and patients' health outcomes.*

- We welcome the inclusion in the Code of more clear guidance on important issues including on bullying, discrimination and sexual harassment, doctors' health and wellbeing, and on caring for Aboriginal and Torres Strait Islander patients.

Thank you for your consideration of these issues and we look forward to your further advice regarding the ongoing revision process.

Yours sincerely



Marita Cowie  
**Chief Executive Officer**