

To whom it may concern

I am writing to voice my concerns about the draft "Good medical practice: A code of conduct for doctors in Australia. By and large I have no issue with the draft but I note that section 2.1 deals with 'professionalism' and paragraph 4 reads as follows:

*"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."*

I believe this paragraph should be removed from the code of conduct for one simple reason in that it is a **failure**. It fails on a number of levels from basic definitions, to clarifying what would and would not be deemed unprofessional in common circumstances, to showing why such a clause is even needed in the first place. It also fails to show why a doctor's personal opinions are a threat to good professional medical practice. Finally, it fails to show why we should not regard this paragraph as an act of *gross overreach* by AHPRA and abuse of its position to censor the opinions of citizens who just happen to be doctors.

**It FAILS TO EXPLAIN WHY should one acknowledge the profession's generally accepted views if the discussion is not about clinical medicine**

What if the doctor is not talking about medicine at all? What if the doctor is talking about a moral/cultural/political issue? What relevance do the profession's generally accepted views have?

**It FAILS TO SHOW HOW dissenting views adversely affect the profession.**

If the doctor provides clear, coherent logic to support his/her view and backs it up with evidence, *why* do they then have to acknowledge the professions views? One may say that it would be 'polite' to do so, but what is overriding reason to do so? How will this refusal adversely affect the profession as a whole if the opinion is backed by solid evidence?

**It FAILS TO SHOW why the doctor whose views are different to the profession as a whole but they provide evidence to support their views should be deemed 'unprofessional'**

Why is that doctor required to speak for the 'profession' as a whole if they are giving their individual view.?

Even in medical practice, some doctors use methods that majority may deem 'unorthodox' yet they have results and a track record to support them. Will that be deemed 'unprofessional'?

**It FAILS TO CONSIDER that profession could be wrong.**

What about when the profession as a whole is *wrong*? It is the height of hubris for anyone, myself included to believe that they know everything and a 'herd mentality' can operate in all professions, including medicine. It is therefore entirely possible, even if it improbable, that the majority of the profession are *wrong* and that with further evidence, the 'dissidents' were right. Using the threat of 'unprofessional conduct' to silence dissenters from the majority doesn't just stifle good medical practice, it hinders the medical research process itself. This would be far more damaging to the community's trust in the medical profession than the personal opinion of any one doctor.

**It FAILS to show HOW a doctor who holds a view that is in opposition to that of the majority undermines community trust in the profession.**

Lawyers disagree over the interpretation of the law all the time and this does not undermine the trust of the community in the legal profession.

Doctors may disagree with the majority of the profession regarding cause and treatment of a condition eg complimentary medicine, so is this also 'unprofessional'?

**It FAILS to clearly define terms and FAILS to provide practical examples**

It uses very vague and open ended phrases such as “*behaviour which could undermine trust in the profession*” and “*boundary between a doctor’s personal and public profile can be blurred*” and ‘*comments and actions outside work, including online*’

1. What exactly is meant by ‘*behaviour which could undermine trust in the profession*’?
2. HOW exactly can the “*boundary between a doctor’s personal and public profile can be blurred*”?
3. HOW and WHY “*comments and actions outside work, including online*’ that are not defamatory and not outside the law could have an impact on the profession as a whole.
4. WHAT KIND of comments and actions are referred to? Are they talking about:
  - Are they talking about a doctor feeding and treating homeless people outside of work hours and posting it on Facebook?
  - Are they talking about a doctor taking illegal drugs, committing crimes and posting the videos online, or
  - are they talking about a doctor who opposes a social issue eg abortion, same sex marriage and who is giving a public talk on it?

**It FAILS to show why the personal views of a doctor that they express outside of their practice affects their conduct INSIDE their practice.**

As an example, the medical profession as whole supports homosexuality as a lifestyle. In addition the AMA was public in its support of same sex marriage during the 2017 postal vote. There were many doctors who disagreed with this, and some 700 Australian doctors, including 36 professors/ associate professors signed a detailed, evidence based critique of the AMA’s position that was publicly reported by the mainstream media (see [www.critiqueAMA.com](http://www.critiqueAMA.com)).

Does this mean that these doctors have engaged in ‘unprofessionalism’? How exactly did the opposition of the 36 professors render them less able to perform their clinical practice? The vague wording of the section referred to means that it is not beyond the realms of possibility that, under this AHPRA, all 700 could be deemed to have engaged in ‘unprofessional conduct’.

What about the GP who refuses to actively endorse homosexuality as a lifestyle on the one hand yet is prepared to treat homosexual patients with compassion and concern for their welfare? Does their refusal to endorse the behaviour constitute ‘unprofessionalism’? I submit that it does not and any suggestion that it does so is not only incorrect but offensive.

As for the implied suggestion that one’s personal views *biases* their professional practice, it must be stated that we **all** have our biases, including the author/authors of this document. The essence of professionalism in medicine is to recognise your biases and ensure that they do not affect your clinical practice. I submit that the rigorous training that Australian doctors undergo over many years ensures that registered medical practitioners are more than capable of doing this. *There is therefore no need for this paragraph*

**It FAILS to show WHY this is not just blatant OVERREACH into the personal conduct of an individual by a body that is supposed to be concerned with the professional conduct of that individual.**

The code of conduct should be about a doctors *clinical practice*, not the public profile. I fully support the idea that ALL doctors should engage in good professional ethical clinical practice. I also fully support the Medical Board releasing codes of conduct for clinical practice. This clause goes much further however: it suggests that a medical practitioner’s clinical practice will be adversely affected simply because they may express a view that is different to the majority.

Besides the fact that this section fails on a number of levels, there is another overriding reason for it to be removed. A *medical code of conduct* is supposed to be about *medical clinical practice*. This paragraph goes way beyond this. If this paragraph is allowed to stand it will indicate an intention by AHPRA to engage in authoritarian censorship and control of Australian citizens who also happen to be doctors. It is, in effect, a thinly disguised attack on free speech. For these reasons, I respectfully request that this section be removed from the proposed code of conduct.

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