

medicinewithmorality.org.au

Australian Doctors concerned with the drift
of ethics away from moral absolutes

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Good Medical Practice:
A Code of Conduct for Doctors in Australia
Final Consultation Draft

Submission to the Australian Medical Council

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11 May 2009

The doctors of *Medicine With Morality* are appreciative of the sections included in the April Final Consultation Draft relating to conscientious objection (2.4.6 and 8.10.11).

However we strongly recommend the following changes to these sections and also 1.3

Re 2.4.6

We submit that the phrase "but not using your objection to impede access to treatments that are legal" should be deleted so that the section would read:

2.4.6 Being aware of your right not to provide, or participate in providing, treatments to which you conscientiously object.

A code of conduct – *medical* conduct in particular – must transcend legality. Medical care must never be subject to degradation by governments in this age or any age to come. We will argue this case further below.

If the AMC were to insist on the original wording then we would want this rider to be added "*noting that no government should attempt to force doctors to provide a service that is against their conscience to provide*" whereupon the section would read:

2.4.6 Being aware of your right not to provide, or participate in providing, treatments to which you conscientiously object, but not using your objection to impede access to treatments that are legal, noting that no government should attempt to force doctors to provide a service that is against their conscience to provide.

Re 8.10.11

We recommend the inclusion of "or participate in" so that the section becomes

8.11.10 Not allowing your moral or religious views to deny patients access to medical care, recognising that you are free to decline to personally provide or participate in that care.

Re 1.3

We submit that the first paragraph

This code is not a substitute for the provisions of legislation and case law. If there is any conflict between this code and the law, the law takes precedence.

should be deleted.

It is not necessary and it should have no place in a code of conduct. The law is independent of a code of conduct and will pursue its own course via Medical Boards etc.

Conscience in Medicine.

Fundamental to the above recommendations is the issue of conscience in medicine – to practice conscientiously and in good conscience. It has been truly said that "The obligation to practice conscientiously is the obligation on which all other medical ethics are built." (Dr Farr Curlin, MacLean Center for Clinical Medical Ethics, University of Chicago). This obligation transcends legality and must never be compromised.

We point out that everything in 1.4 is steeped in conscience. It is conscience that makes *patient care* our first concern and to *practice medicine safely and effectively*. It is conscience that underlies *trust... integrity, truthfulness, dependability and compassion... confidentiality and self-awareness and self-reflection*.

It is conscience that must compel doctors to refuse to participate in treatments they believe to be un-ethical or that they consider not to be in the best interests of patients. To do otherwise would undermine the very foundation of good medicine

The vision statement of the doctors of *Medicine With Morality* is clear in this:

...to preserve the liberty of medical professionals holding these values to practise medicine according to their conscience. www.medicinewithmorality.org.au

The liberty to not be involved or complicit in matters considered to be unethical or inadvisable – to have liberty of conscience in medicine – is critical for individual doctors and for the integrity and independence of the medical profession as a whole.

It is also consistent with the *Declaration of Geneva 2006* as Dr Mukesh Haikerwal, the AMA President at that time, expressed so well in a Media Release (28 Sept 2006) when he said he was confident that Australian doctors would welcome the Declaration when there are great challenges to the integrity and independence of the medical profession.

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