

## Objection on the Grounds of Freedom of Conscience (Conscientious Objection)

Approved December 2019

This position statement is derived from the AMA Position Statement on Conscientious Objection.<sup>1</sup>

### Preamble

1. Doctors are entitled to have their own personal beliefs and values as are all members of the community.
2. An objection on the grounds of freedom of conscience (more widely known as conscientious objection) occurs when a doctor, as a result of a conflict with his or her own personal beliefs or values, refuses to provide, or participate in, a lawful treatment or procedure.
3. An objection on the grounds of freedom of conscience is based on well considered, deeply and sincerely held beliefs and moral concerns that are central to their self identities, not self-interest or discrimination.
4. It is acceptable for a doctor to refuse to provide or to participate in certain medical treatments or procedures based on an objection on the grounds of freedom of conscience.
5. A doctor's refusal to provide, or participate in, a treatment or procedure based on an objection on the grounds of freedom of conscience directly affects patients. Doctors have an ethical obligation to minimise disruption to patient care and must never use a freedom of conscience objection to intentionally impede patients' access to care.
6. Doctors should be aware of relevant legislation regarding their rights and obligations if refusing to provide or participate in treatments or procedures to which they object on the grounds of freedom of conscience. If unsure, doctors should consult with their medical defence organisation for appropriate legal advice.
7. Doctors with objections on the grounds of freedom of conscience should not be treated unfairly or discriminated against.
8. A refusal by a doctor to provide, or participate in, a treatment or procedure for legitimate medical or legal reasons, does not constitute an objection on the grounds of freedom of conscience. For example, where a patient requests a treatment or procedure that is of no medical benefit, outside the doctor's skills or scope of practice, illegal or where the doctor believes the patient has impaired decision-making capacity.

<sup>1</sup> AMA. Conscientious Objection. AMA Position Statement 2019. Available from <https://ama.com.au/position-statement/conscientious-objection-2019>

## Patient Care

9. A doctor should always provide medically appropriate treatment in an emergency situation, and honour patients' informed decisions to refuse life-sustaining treatment, even if that treatment conflicts with the doctor's personal beliefs and values.

10. A doctor who invokes an objection on the grounds of freedom of conscience to providing, or participating, in specific treatments or procedures should make every effort in a timely manner to minimise the disruption in the delivery of health care and ensuing burden on colleagues and other health care professionals.

11. A doctor with an objection on the grounds of freedom of conscience, should:

- Inform the patient about all options for treatment;
- inform the patient of their objection, preferably in advance or as soon as practicable;
- inform the patient that they have the right to see another doctor and ensure the patient has sufficient information to enable them to exercise that right;
- take whatever steps are necessary to ensure the patient's timely access to care is not impeded;
- continue to treat the patient with dignity and respect, even if the doctor objects to the treatment or procedure the patient is seeking;
- continue to provide other care to the patient, if the patient wishes;
- refrain from expressing their own personal beliefs to the patient in a way that may cause them distress;
- inform their employer, or prospective employer, of their objection on the grounds of freedom of conscience and discuss with their employer how they can practice in accordance with their beliefs without compromising patient care or placing a burden on their colleagues so that their right to freedom of conscience can be protected.

## Institutional freedom of conscience objection

12. Some health care facilities may not provide certain services due to institutional objection on the grounds of freedom of conscience. In such cases, an institution should inform the public of their objection on the grounds of freedom of conscience and what services they will not provide so that potential patients seeking those services can obtain care elsewhere (for example, this information could be highlighted on the institution's website, patient brochures and on posters clearly visible at the front of the facility).

13. At times, a patient admitted to an institution may request a treatment or procedure that the institution does not provide due to objection on the grounds of freedom of conscience. In these cases, doctors should be allowed to refer patients seeking such a service to another doctor outside the facility.