

# Doctor calls on Australian government to lift threat of imprisonment from doctors

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In The *BMJ* today, a doctor is calling on the Australian government to stop constraining doctors in the care of asylum seekers and refugees, and to adopt a humane stance to people seeking asylum.

David Berger, a doctor at Broome Hospital in Western Australia and a committee member of Doctors4Refugees, is making these calls following the high profile case at The Lady Cilento Hospital in Brisbane.

Paediatricians are refusing to discharge a baby facing deportation to a detention camp after the girl, a daughter of [asylum seekers](#), suffered serious burns at an immigration camp on Nauru island. The Lady Cilento Hospital says the girl will not be released "until a suitable home environment is identified".

Dr Berger explains that despite seeking to ensure the safety of their patient and doing nothing more than following their own ethical code, these [doctors](#) risk facing up to two years imprisonment under the 2015 Border Force Act.

Doctors have an ethical code since the time of the Hippocratic physicians nearly 2,500 years ago, he explains, yet this new law "compels them to follow the instructions of the Australian government, even if they believe this might be to the detriment of their patients."

He says this case goes to the heart of the question of 'duty of the physician' versus 'law of the land', but argues that "compliance with the

law can not inoculate the medical practitioner completely against the need to comply with their ethical code".

He highlights the 2012 Derek Keilloh case in the UK that shows the "impossible ethical and legal position doctors now face in Australia...as they are caught between the profession's ethical code, which places patient welfare at the heart of their endeavours, and the law of the country which places unacceptable obstacles in the way of doing so."

Dr Berger adds that the actions of the Brisbane doctors "are not simply a piece of political grandstanding, but the courageous stand of professionals seeking to do the right thing by their patient and to live up to the standards of an [ethical code](#) by which they are morally and legally bound and which places patient welfare at its pinnacle."

"They are behaving according to the very highest standards of their profession," he adds, and calls on the government to repeal the relevant provisions of the Border Force Act and to adopt a "humane stance" towards people seeking asylum.

**More information:** When doctors start civil disobedience it's time to take notice, The *BMJ*, [www.bmj.com/cgi/doi/10.1136/bmj.i996](http://www.bmj.com/cgi/doi/10.1136/bmj.i996)

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