



John Hubert Plunkett Centre for Ethics

Annual Report 2022



Mission

The Mission of the Centre is to promote the values of compassion and fellowship, intellectual and professional excellence, and fairness and justice. Its primary focus is on the realisation of these values in the provision and allocation of health care. The Centre expresses this commitment through research, teaching and community engagement, as these are informed by the Catholic tradition.

Objectives

- To deepen and advance knowledge and understanding of the ethical standards relevant to human health and well-being, and in particular to clinical practice, medical research, business and management practices, and the allocation of healthcare resources.
- To offer courses in philosophical ethics and in the ethics of healthcare provision, medical research and healthcare resource allocation.
- To engage and where appropriate to collaborate with local, national and international bodies as they seek to respond to their intellectual and ethical needs.
- To foster collaboration on ethical matters between Australian Catholic University, St Vincent's Health Network Sydney, Calvary Healthcare, Cabrini Health Melbourne and Mercy Health Melbourne.

Functions

- Conducting and promoting research.
- Providing research training and supervision.
- Developing and teaching courses.
- Conducting reviews of professional practice.
- Providing an ethics consultation service.
- Participating in public discussions.

John Hubert Plunkett

John Hubert Plunkett was the first Catholic Solicitor-General and the first Catholic Attorney-General of New South Wales. He was, at various times, a member of both the Legislative Council and the Legislative Assembly, a member of the first Senate of the University of Sydney and an early Vice-Chancellor of the University. He was the first Chairman of the Board of Education of New South Wales and a founding fellow of St. John's College at the University. He was also a great friend and benefactor of the Sisters of Charity in Australia.



Plunkett was born in Roscommon in Ireland in June, 1802. In 1830 he was appointed Solicitor-General in New South Wales. In 1836, he became Attorney-General, a remarkable achievement for an Irishman and Catholic. As chief law officer, Plunkett made an important contribution to the slow and difficult process by which the penal colony of New South Wales developed the institutions of a free society.

Plunkett was a leader in establishing civil rights in Australia. He drafted the Magistrate's Act, which abolished summary punishment, the administration of justice by private householders and the excessive use of the lash. He argued successfully for the abolition of convict assignment. He secured jury rights for emancipists. He extended the protection of the law to convicts and assigned servants. After securing the conviction of seven white men for the killing of an Aborigine at Myall Creek in 1838 (in a massacre in which the whole tribe was killed), he extended the protection of the law for the first time to Aborigines. But as a Catholic who knew what emancipation meant, Plunkett himself considered the Church Act of 1836, which disestablished the Church of England, his most important single achievement.

When the Sisters of Charity arrived in Sydney from Ireland in 1838, Plunkett organised a public appeal to establish their first hospital in Sydney and helped the Sisters to acquire the narrow strip of land along Victoria Street in Darlinghurst to which the first St. Vincent's Hospital, which had opened its doors in Potts Point, was relocated in 1870. Plunkett's two great recreations were the violin and Irish folk music. He died in May, 1869, and was buried in Sydney's Devonshire Street cemetery.

Thousands of Australians, of every religious belief and of none, have experienced the first-class health care that is inspired by the Sisters of Charity. Others have been educated by the Sisters. There are, thus, many Australians with reason to be grateful for the kind and practical help which John Hubert Plunkett gave to the women who founded the Sisters of Charity in Australia.

Management Committee



Ms Heidi Bayliss,
Chief Executive Officer,
St Vincent's Private
Hospital, Sydney



Mr Mark Green
National
Director of Mission,
Calvary Healthcare



Professor Dermot Nestor
Executive Dean,
Faculty of Theology &
Philosophy, ACU



Professor Hayden Ramsay
Deputy Vice-Chancellor,
(Ethics), ACU



**Professor Anthony
Schembri**
Chief Executive Officer,
St Vincent's Health Network
Sydney



Dr Bernadette Tobin
Director, Plunkett Centre

From the Chair

Once again, Bernadette and her small and busy team have provided an excellent year of research, advice and engagement in bioethics, reflecting the Catholic tradition in healthcare and engaging our friends and partners across the hospital sector.

Key to this work, as always, is our partnership with the family of hospitals which benefit from, and support the work of, Plunkett. The most important event of last year—in fact of the last week of the year!—was the signing of a new agreement between participating partners. Most exciting of all, the partnership has now expanded to include Mercy Hospital Melbourne and Cabrini Hospital Melbourne. Plunkett, and ACU generally, is thrilled by this expanded collaboration and we salute the vision and generosity of new members in joining our partnership with St Vincent's Public Hospital Sydney, St Vincent's Private Hospital Sydney, St Vincent's Private Community Hospital Griffith, the Mater Hospital Sydney and Calvary Healthcare. This additional support will allow us to continue and increase our work with hospitals and aged care, which lies at the heart of Plunkett's purpose.



Broadening our influence has been a theme of recent years. Marija based at Mercy Melbourne, and Xavier based at Harvard but continuing his service to Plunkett, join Bernadette, Steve and Pip in expanding Plunkett's reach. 'HQ', however, remains very much St Vincent's Sydney where our main office is based and through which our activity is focussed.

That office has been directed for a considerable period by Dr Bernadette Tobin. In semester 1 we begin the search for a successor to Bernadette. There will be opportunity to mark Bernadette's extraordinary service as Director in due course—she will remain active at Plunkett throughout this transition. For now, I will record the debt owed to Bernadette by healthcare professionals, Catholic hospital authorities, bishops and Church leaders, students and staff through these many years. Readers of this Report will need no persuasion of that.

On behalf of the Management Committee and the University, I express our deep gratitude to hospital partners, academic research partners, Church authorities and University staff for your help and support of the John Hubert Plunkett Centre for Ethics over this last year. We look forward to a new era for Plunkett and its partners, together with continuity of the quality of bioethics advice and commentary the team has provided over decades.

**Professor Hayden Ramsay
Deputy Vice Chancellor, Ethics
Australian Catholic University
5 April 2023**

Staff

Marija Kirjanenko

MD, MSc Crit Care, FACEM,
CertHE Phil (Oxford),
MAppSc (RMIT), AFRACMA
Lecturer in Bioethics



Steve Matthews

BA (Hons) Monash University
PhD, Monash University
Senior Research Fellow in Philosophy, ACU



Xavier Symons

BA Adv. Hons, University of Sydney
MA (Res.), University of Sydney
PhD, Australian Catholic University
MSt, Practical Ethics (Oxon)
Postdoctoral Research Fellow, Harvard University



Bernadette Tobin AO GCSG

MA MEd University of Melbourne
PhD, University of Cambridge
Reader in Philosophy, ACU
Conjoint Associate Professor, UNSW
Conjoint Associate Professor, University of Sydney



Pip Wilson

Administrative Assistant



From the Director

Once again, a busy and a productive year for the staff of the Plunkett Centre. This report shows, in brief, the results of the efforts of the staff of the Centre.

Early in the year, we welcomed Dr Marija Kirjanenko, an experienced emergency physician, clinical ethics educator of medical students, and a soon-to-be graduate of the Oxford's Masters in Practical Ethics. Marija fills the position of part-time bioethicist with a philosophical background in a new initiative known as Plunkett@Mercy.

Staff of the Centre continued to serve on university, hospital and health department committees including ACU's Human Research Ethics Committee, St Vincent's Health Network Sydney's Bioethics Committee, St Vincent's Health Australia's Mission, Ethics and Advocacy Committee, and NSW Ministry of Health's Clinical Ethics Advisory Panel.

A significant work project, commissioned by Catholic Health Australia, is the refreshing of the *Code of Ethical Standards for Catholic Health and Aged Care Services in Australia*. A small drafting group has continued to work on this project, under the chairmanship of Dr David Kirchhoffer of the Queensland Bioethics Centre. Other members are Dr Carol Ong of the Mercy Hospital for Women in Melbourne, Dr Joe Parkinson of the L J Goody Bioethics Centre in Perth, Fr Kevin Flannery of Melbourne and Dr Bernadette Tobin.

A most important event for the Plunkett Centre occurred at the very end of the year, when a new Memorandum of Understanding between Australian Catholic University and its partner hospitals was finalised. The partner hospitals to this agreement have expanded from existing partners (St Vincent's Public Hospital Sydney, St Vincent's Private Hospital Sydney, the Mater Hospital Sydney, St Vincent's Private Community Hospital Griffith, and Calvary Healthcare) to include the Mercy Hospital Melbourne and Cabrini Hospital Melbourne. The duration of the agreement is five years, from 2023-2027. It's a matter of pride to the staff of the Centre that our assistance to clinicians and administrators in responding to the challenges of providing healthcare to everyone – as informed by the ideals of the Catholic ethical tradition – continues to be found useful.

Bernadette Tobin
Acting Director
14th March 2023

Research

Staff of the Plunkett Centre conduct research in the following areas:

- **Contemporary normative theory**, in particular virtue theory, and its relation to Kant's ethics and to consequentialism.
- **Clinical ethics**, in particular areas of medicine, the canons of therapeutic responsiveness; competence, consent and decision making about sick children; end-of-life decision making; advance care planning; assisted reproductive technologies; organ and tissue donation; professional role ethics, the law and clinical ethics; regenerative medicine; public health ethics.
- **Psychiatric ethics**, in particular the threat of psychopathology to moral identity and moral agency, respect for autonomy, competence and coercion, moral responsibility of impaired persons, law and psychiatry, and the ethical challenges posed by developments in neuroscience.
- **Bioethics**, in particular the Catholic Christian contribution and its debates with and relationships to contemporary secular bioethics, human sexuality and procreation; the history of parental involvement at the end-of-life treatment for their children; the meaning of suffering in the Intensive Care Unit; the history of organ donation; issues associated with the care of dead bodies.
- **Research ethics**, in particular traditional debates about ethical standards with respect to research involving human participants and research involving animals; contemporary debates about genetic technologies, biotechnologies, stem cells, bio banking, etc.
- **Resource allocation**, in particular debates about the roles of the individual, the family, the market and the state in the provision of healthcare; policies for the just allocation of scarce medical resources.
- **Artificial intelligence (in medical contexts)**, in particular the role that online therapies play in treatment, reduction of costs, effectiveness and in threatening the clinician-patient relationship.

Publications

Matthews

The Relational Care Framework: Promoting Continuity of Selfhood in Person-centred Care. (With Matthew Tieu). *Journal Medicine and Philosophy*, forthcoming.

Dignity and Exclusion. Commentary on “What moral work can Nussbaum’s account of human dignity do in the context of dementia care?”. *J. Med Ethics*. 2022.

Truthfulness and sense-making: two modes of respect for agency (With Jeanette Kennett). *The Journal of Philosophy*, forthcoming.

Internet Ethics Revisited. *International Encyclopedia of Ethics*. Hugh LaFollette (ed). Wiley-Blackwell, forthcoming.

Symons

Why Conscience Matters: *A Defence of Conscientious Objection in Healthcare*. Routledge, 2022.

Why Conscience Matters: A Theory of Conscience and Its Relevance to Conscientious Objection in Healthcare. (With Billy Pouliden) *Res Publica* 29, forthcoming

An Ethical Defence of a Mandated Choice Consent Procedure for Deceased Organ Donation. *Asian Bioethics Review* 14: 259-270 (2022).

Three Arguments Against Institutional Conscientious Objection, and Why They are Unconvincing. (With Reginald Chua) *The Journal of Medicine and Philosophy*, forthcoming.

First among equals? Adaptive preferences and the limits of autonomy in medical ethics. (With Susan Pennings). *Journal of Medical Ethics*, published online 17th February 2022.

Vulnerability and Resilience: Phenomenological Analysis of Cancer Patients’ Value Directives. (With Natasha Michael, George Mendz and David Kissane). *Journal of Pain and Symptom Management* 64;5: 438-448 (2022).

The Way of Medicine: Ethics and the Healing Profession. *The New Bioethics*, forthcoming

The Principle of Autonomy: Does it Support the Legalisation of Euthanasia and Assisted Suicide? *Anscombe Bioethics Centre Briefing* published online January 2022.

Tobin

Conscientious judgment in healthcare: scope and limits, *Journal of Paediatrics and Child Health* 58 (2022) 1729–1730

Ethics and Pandemics, Integrating Ethical Approaches to Clinical Care and Public Health, William F. Sullivan, Heng J, Eberl J, Goulding G, Jamieson C, Labrecque C, Martins A, Sottong U, Taboada P, Tobin B, Welie J. *National Catholic Bioethics Quarterly*, Summer, 2022

Why people matter. *Bioethics Outlook*, 33 (4), December 2022: 9-12

Assisting a person to die in comfort and dignity v assisting a person to undertake suicide, *Bioethics Outlook*, 33 (2) June 2022: 10-11

Presentations & Media Contributions

Xavier Symons

Rediscovering the practice of hospitality in the 21st Century hospital. *ABC Religion and Ethics* 2nd February 2022.

The end of the pandemic. *Public Discourse* 13th February 2022.

The Stoics: Antiquity's Answer to Jordan Peterson. *MercatorNet* 10th April 2022.

Respect for autonomy: it's more complicated than you think. *Journal of Medical Ethics Blog* 11th April 2022.

T.S. Eliot's "The Waste Land" — more relevant than ever, a century later. *ABC Religion and Ethics* 6th June 2022.

Nobody can tell me what to do with my life, right? *MercatorNet* 7th August 2022.

Rediscovering the "Ars Moriendi". *The Human Flourishing Program @ Harvard Substack* 6th September 2022.

Should healthcare workers be allowed to conscientiously vote? *ABC Religion and Ethics Report* 23rd November 2022 (interview with Andrew West).

Bernadette Tobin

Key elements of a Christian Anthropology. Canberra Goulburn Archdiocese, August, 2022

Respect for conscientious judgement in healthcare: how to determine reasonable scope and limits, Solidarity Conference, Warrane College, November, 2022

Conscientious objection in healthcare: wide scope, narrow limits, University of Melbourne, November, 2022

Why people matter: an introduction to *The Worth of Persons* by James Franklin, NSW Library, December, 2022

‘Welcome the stranger: rediscovering the art of hospitality in a 21st century hospital.’

It was no accident that Xavier Symons, who gave the Annual Plunkett Lecture, began with the observation that contemporary hospitals, historically places of welcome and refuge, of ‘hospitality’, for pilgrims and strangers, had often become places of stress and anxiety both for staff and for patients during Covid. Covid put the ideal of hospitality under enormous strain.

Superficially, hospitality might be understood as a set of social norms concerning the welcoming of guests into one’s home, or the welcoming of foreign citizens who are granted humanitarian visas and asylum in one’s own country. But there is more to hospitality. A central claim of Xavier’s lecture was that hospitality amounts to existential respite from the strangeness of the human condition.

A truth at the heart of Christian teaching on the human condition is that human beings are *wayfarers* – travellers here on earth. Invoking the oft-quoted words of St Augustine, “*Our hearts are restless until they rest in Thee*”, Xavier argued that even though Augustine’s explicitly theological language may not be accessible to a secular audience, there is a certain strangeness to human existence which all human beings can recognise.

Many things in life can make people feel unwelcome and anxious. Certainly, in illness and injury, the body can become an obstacle to one’s active life and connection with others. Eric Cassell famously described illness as a threat to the integrity of the person. Thought of in this way, illness makes a person *a stranger to themselves*. Indeed, in his experience of Lyme’s Disease, the *New York Times* columnist Ross Douthat sensed his body becoming an alien place, a strange and inhospitable land in which he himself was not welcome and yet from which he could not escape.

Hospitality is, Xavier argued, a tentative answer to the fragmented and isolated character of human existence. Human existence will always involve some degree of alienation and isolation. But human presence can create a sense of ‘being at home’ even in the most inauspicious circumstances. Hospitality is, then, the human connection that occurs between two persons who are each open to an encounter with the other. Thus, the notion of *welcoming the stranger into one’s home* is ultimately *a metaphor*, a metaphor for human connection.

To what extent can hospitality be provided in the 21st century hospital? The increasing bureaucratisation and technologisation of healthcare has brought with it the spectre of impersonalisation in hospital care.

Acute care is provided by complex teams of specialists each bringing their own unique medical expertise to the medical 'problem'. This multidisciplinary, multispeciality approach to care enables comprehensive treatment, but it runs the risk of leaving the patient wondering: *Who is the person to whom I should voice my concerns and from whom I should seek assurance?*

Xavier then turned to consider how the virtue of hospitality might be rediscovered in 21st century hospitals. At the level of individual practice, hospitality requires that kind of attention to patients which, as Iris Murdoch argued, is not an impartial gaze but a moral vision that captures the whole person. Importantly, there will be times in healthcare where medicine has reached its limits, and this may be difficult to accept. But at these times, it is good to remember that, for a patient, "I hear you" can be even more consoling than "I will make you better".

Chaplains have a role here, but Xavier argued that we should not close off a role for other staff. Recently the Healy Wing at St Vincent's Hospital Melbourne was renovated to become a more welcoming and culturally sensitive space for first nations peoples. Artwork by indigenous artists from different parts of Australia now lines the walls of the Aboriginal Health Unit.

Tierney House is a facility on the St Vincent's Campus in Sydney that provides accommodation and health care to people who are experiencing homelessness as well as serious illness. Its non-judgemental, free and friendly approach to ensuring that people experiencing homelessness are able to receive adequate medical care and get back on their feet in the community provides a great example of hospitality. The hardest step for vulnerable patients is often the first: connecting with the relevant health service.

Hospitality is perhaps of greatest importance when the resources of medicine have reached their limits and patients are nearing the end of life. Dame Cicely Saunders wrote a note to patients: *You are you, and you matter to the end of your life. We will do all we can not only to help you die peacefully, but also to live until you die.*"

Xavier concluded that hospitality answers to one of the deepest longings of the human person – a desire for human communion. In the context of healthcare, it speaks to the all-encompassing nature of illness and injury and ensures that medicine is able to provide true healing for patients. Medical miracles are often thought of in terms of events that defy science. But miracles also take the form of newfound hope in response to the love and concern of others.

A Relational Framework for the care of people with dementia

During 2022, staff of the Plunkett Centre held a series of webinars to convey the results of research conducted by Dr Steve Matthews, in collaboration with Professor Jeanette Kennett of Macquarie University and Dr Philippa Byers of the Plunkett Centre, under the aegis of an Australian Research Council Discovery Grant, for staff and family caring for people with dementia. The research was entitled 'Dementia, moral agency and identity: respecting the vulnerable'. It involved an analysis of the moral psychology of dementia and its effects on agency and identity.

Drawing on the results of this philosophical research, Dr Matthews outlined an ethical framework for the care of people with dementia which he called a 'relational' framework.

This framework was then used as the foundation for three subsequent webinars, devised in collaboration with colleagues from the University's School of Allied Health, led by Associate Professor Jane McCormack, the Deputy Head in NSW of the School of Allied Health.

Dr Matthews, together with Associate Professor Erin Conway, a Speech Pathologist, addressed the theme '*Conversation in Aged Care - how communication can scaffold relational care*'.

Dr Matthews, together with Dr Helen Badge, a Lecturer in Occupational Therapy, addressed the theme '*Participation and risk in dementia – enabling agency and activities through relational care*'.

Dr Kirsten Challinor, a Lecturer in Psychology and Dr Marija Kirjanenko, a Lecturer in Bioethics at the Plunkett Centre addressed the theme '*The trauma icebergs of carers and residents – a case-based conversation between psychology and ethics with respect to the care of people with dementia*'.



Prof Jane McCormack



A/Professor Erin Conway



Dr Helen Badge



Dr Kirsten Challinor

Other activities

- In 2022 we continued our fortnightly informal meetings of colleagues working in the area of clinical ethics in Catholic facilities in Australia and New Zealand. These 'Plunkett Ethics Catchups' are a mixture of informal conversations and more structured discussions, the latter involving the consideration of a difficult ethical question (a 'provocation') posed by one participant to colleagues.
- We continued our 'Ethics for Executives' sessions in our partner hospitals. Topics discussed included how best to respond to political challenges to the maintenance of the *Code of Ethics Standards* in Catholic public hospitals; the scope of the duty to advise patients of potential side effects of over-the-counter drugs on prescribed medications; the reason why Catholic hospitals will neither facilitate nor obstruct access to 'voluntary assisted dying' and how 'quality of life' judgments should (and should not) enter into end-of-life discussions.
- We initiated a partnership with the Mercy Hospital in Melbourne. Called 'Plunkett@Mercy', it was intended to enable the part-time employment of a bioethicist with a philosophical background and a bioethicist with a theological background. Dr Marija Kirjanenko, who is the clinical ethics specialist trainee in emergency medicine at Box Hill Hospital as well as clinical tutor in professional practice in the Medical School at the University of Melbourne, was employed as the part-time bioethicist with a philosophical background. She brings her experience of both the practice of medicine and the ethics of medical practice to her work at Mercy Hospital for Women. With Dr Carol Ong, she has conducted workshops for staff on recognising and responding to the experience of moral distress, initiated monthly ethics conversations in a forum open to all staff across the Mercy facilities, and established a Mercy Ethics Peer Support Group.
- Various staff made contributions to the work of other bodies on matters including the care of children experiencing gender dysphoria, and the Christian accompaniment of people considering 'voluntary assisted dying'.
- At the invitation of the Executive Dean of the Faculty of Health Sciences at Australian Catholic University, we worked with colleagues from that faculty to update the unit entitled Healthcare Ethics a multi-disciplinary undergraduate unit of study for 2nd or 3rd year students from paramedicine, midwifery, nursing, physiotherapy, public health, biomedical science, and social work. This afforded us the opportunity to include ethical resources from the Catholic ethical tradition, to explain the reasoning which the tradition brings to ethically-controversial issues, and to show students preparing for work in all these sub-disciplines that there is no essential conflict between the best of secular ethics on the one hand and the Catholic ethical tradition on the other.

Appointments

Marija Kirjanenko

Group Member, Clinical Ethics Response Group, Eastern Health, Melbourne
Clinical Ethics Education Lead, Specialist Trainee in Emergency Medicine, Box Hill Hospital, Melbourne
Professional Practice Tutor, Faculty of Medicine, Melbourne University
Adjunct Senior Lecturer, Monash University

Steve Matthews

Member, ACU Human Research Ethics Committee
Member, Reference Group, ACU Queensland Bioethics Centre
Lead Research Contact, Study on Dementia Care Ethics, Research Impact Unit, ACU
Panel Member, Translate4Impact, Research Impact Unit, ACU
Member, Australian Neuroethics Network (ANN)
Assessor: Australian Research Council
Referee (journals): *Bioethics*, *Ethics and Information Technology*, *Journal of Applied Philosophy*, *Mind*, *Topoi*, *Pacific Philosophical Quarterly*, *Journal of the American Philosophical Association*, *Ethical Theory and Moral Practice*, *Journal of Substance Abuse, Treatment, Prevention and Policy*, *Journal of Drug Issues*,
Referee: Sunypress (publisher)

Bernadette Tobin

Member, Mission, Ethics and Advocacy Committee, St Vincent's Health Australia
Member, Blood Borne Viruses Advisory Panel, NSW Ministry of Health
Member, Clinical Ethics Advisory Panel, NSW Ministry of Health
Member, Governing Council, International Association of Catholic Bioethicists
Member, International Board of Regents, Bethlehem University
Assessor: Australian Research Council
Member, Council of St John's College in the University of Sydney
Referee: *Journal of Bioethical Inquiry*
Member: Editorial Board, *Theoretical Medicine and Bioethics*
Member: Pontifical Academy for Life.
Member: Xenotransplantation-Public Perceptions, NYU Grossman School of Medicine

Financial Report 2022

Income

External Revenue St Vincent's Public Hospital	127,939
External Revenue St Vincent's Private Hospital	34,892
External Revenue Mater & Griffith Hospitals	34,892
External Revenue Calvary Healthcare	34,892
Consultancy and Contracts	9,000
Miscellaneous Revenue	2,307
ACU (as per MOU)	232,616
ACU (Plunkett@Mercy)	25,332
Past Donations (held in ACU Foundation)	56,667

Total **558,537**

Expenditure

Salaries **501,269**

Non-Salary Items

Conferences	476
Consultancies	6,272
Rent	43,625
Travel Domestic	1,422
Travel International	1,090
Other	4,383

Total non-salary expenditure **57,268**

Total Expenditure **558,537**