Reviewer’s report

Title: Conscientious objection to abortion, the law and its implementation in Victoria, Australia: perspectives of abortion service providers

Version: 1  Date: 08 Oct 2018

Reviewer: Stephen Clarke

Reviewer's report:

This paper presents the results of a study into the regulation of conscientious objection to abortion in Victoria, suggesting that a major regulatory problem exists in Victoria - and raising the concern that it exists elsewhere - which is that conscientiously objecting doctors often do not refer. By failing to refer, they violate Victorian Law and fail to respect the norms established by the 'conventional compromise'. The results of the study strike me as important. I'd like to see the paper published. In what follows I offer a few suggestion to improve the presentation. I wouldn't want to insist on any of these, but I do think that a few parts of the paper could benefit from being re-written.

P. 3, 2nd paragraph lines 2-3: Here it is asserted that 'the ethical justification for CO ultimately rests on the value of personal moral integrity and two references are cited: Brock (2008) and Wicclair (2011). Wicclair (2011) does not assert that personal moral integrity provides the ultimate justification for CO. He holds that personal moral integrity provides the most important grounds for CO (2011, pp. 25-7), but he also recognises six additional reasons for valuing CO (2011, pp. 27-31). Brock does treat personal moral integrity as the ultimate basis for CO and cites a paper where, according to him, Wicclair treats personal moral integrity as the ultimate basis for CO. This is Wicclair (2006). Assuming that Brock has cited Wicclair accurately then it seems that Wicclair has updated his views. The updated pluralistic view of the grounds for CO spelled out by Wicclair (2011) strike me as more convincing than the simplistic view of Brock (2008) and Wicclair (2006). This discussion needs to be re-thought.

P. 4, 1st new paragraph, lines 13-14: Here the term 'conscience absolutism' is used. A brief explanation of what this means would be helpful to readers.

P. 16: paragraph under the heading 'Political groups'. I found the discussion in this paragraph hard to follow. It is unclear whether participants were alleging that members of anti-abortion groups were deliberately trying to spread confusion or if they were alleging that members of anti-abortion groups were misinterpreting Section 8 and reacting strongly to their misinterpretation. A related problem is that it is not clear why the distinction drawn here is of importance to anti-abortion activists. Referring to a GP without a CO, rather than an abortion service will still, all things being equal, result in an abortion occurring, which the GP with a CO may feel complicit in. Perhaps the paragraph could be re-written?
P. 18 2nd new paragraph, lines 2-4. Here the authors discuss a view described as 'This view'. However, it is not clear what 'This view' is. This sentence needs to be re-written.

P. 19: lines 10-12. A similar problem to the problem identified on p. 16 occurs here. It is unclear if it is being alleged that the anti-abortion activists under discussion are deliberately spreading falsehoods, or if they are alleged to be misunderstanding Section 8 and reacting strongly to their misunderstanding. Can this discussion be rewritten?

Are the methods appropriate and well described?
If not, please specify what is required in your comments to the authors.

Unable to assess

Does the work include the necessary controls?
If not, please specify which controls are required in your comments to the authors.

Unable to assess

Are the conclusions drawn adequately supported by the data shown?
If not, please explain in your comments to the authors.

Unable to assess

Are you able to assess any statistics in the manuscript or would you recommend an additional statistical review?
If an additional statistical review is recommended, please specify what aspects require further assessment in your comments to the editors.

Not relevant to this manuscript

Quality of written English
Please indicate the quality of language in the manuscript:

Acceptable

Declaration of competing interests
Please complete a declaration of competing interests, considering the following questions:

1. Have you in the past five years received reimbursements, fees, funding, or salary from an organisation that may in any way gain or lose financially from the publication of this manuscript, either now or in the future?

2. Do you hold any stocks or shares in an organisation that may in any way gain or lose financially from the publication of this manuscript, either now or in the future?
3. Do you hold or are you currently applying for any patents relating to the content of the manuscript?

4. Have you received reimbursements, fees, funding, or salary from an organization that holds or has applied for patents relating to the content of the manuscript?

5. Do you have any other financial competing interests?

6. Do you have any non-financial competing interests in relation to this paper?

If you can answer no to all of the above, write 'I declare that I have no competing interests' below. If your reply is yes to any, please give details below.

I declare that I have no competing interests.

I agree to the open peer review policy of the journal. I understand that my name will be included on my report to the authors and, if the manuscript is accepted for publication, my named report including any attachments I upload will be posted on the website along with the authors' responses. I agree for my report to be made available under an Open Access Creative Commons CC-BY license (http://creativecommons.org/licenses/by/4.0/). I understand that any comments which I do not wish to be included in my named report can be included as confidential comments to the editors, which will not be published.

I agree to the open peer review policy of the journal.