



# LAWS5071

## Health Law and Ethics

Session 2, Weekday attendance, North Ryde 2021

*Macquarie Law School*

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#### **Disclaimer**

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#### **Session 2 Learning and Teaching Update**

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

Visit the [MQ COVID-19 information page](#) for more detail.

## General Information

Unit convenor and teaching staff

Convenor

George Tomossy

[george.tomossy@mq.edu.au](mailto:george.tomossy@mq.edu.au)

Contact via e-mail

6FW 510

Wed 1-2 (weeks 1-7, 8-13) via Zoom

Credit points

10

Prerequisites

80cp in LAW or LAWS units including (LAWS3000 or LAW314) and (LAWS2500 or LAWS217 or LAW317) and (LAWS2400 or LAW203)

Corequisites

Co-badged status

Unit description

This unit introduces students to health law and ethics in Australia. Duties, obligations and responsibilities that arise in the context of the health practitioner-patient relationship will be examined, as well as areas of health law that pose ethical and/or regulatory challenges. These include: legal concepts and areas of law integral to health care treatment (capacity and consent; negligence and criminal law; management of health care information); applied health law and ethics (mental illness and disability; preconception, conception and birth; end of life; human tissues); and broader systemic regulation of health care (regulation of health care practitioners; public health; research involving humans). Contemporary issues will be explored to examine interrelationships between health law, policy, ethics, regulation, human rights and social justice.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

**ULO1:** Critically analyse the fundamental doctrines, concepts, principles, values and

sources of regulation, relevant to health law.

**ULO2:** Analyse how health law and ethics may impact upon practice and/or research.

**ULO3:** Integrate and synthesise knowledge from a range of multi- disciplinary sources to generate appropriate responses to health related problems that raise ethical, social, legal and/or human rights issues.

**ULO4:** Communicate effectively with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.

## General Assessment Information

The Faculty of Arts Late Submission Policy requires that: " Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven (7) days (incl. weekends) after the original submission deadline ." Applications for a special consideration are made electronically via [ask.mq.edu.au](https://ask.mq.edu.au) and should be accompanied by supporting documentation.

Please note that students who fail to submit an Expert Submission (Task 3) will be precluded from making an Expert Appearance (Task 4), resulting in a grade of zero for both assessments.

Word limits will be strictly applied and work above the word limit will not be graded. Footnotes and bibliographies are not included in word counts; however, footnotes are primarily to be used for referencing.

Assessments must be submitted in the format prescribed in detailed instructions provided on the unit iLearn page. All assessments in the unit are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit.

All assessments must be appropriately referenced, applying the *Australian Guide to Legal Citation* (4th ed).

Further instructions and marking rubrics for each of the assessments in the Unit will be provided on the unit's iLearn page.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Online Quiz</a>	25%	No	Quiz1 - 10:00 06/09/2021; Quiz2 - 10:00 01/11/2021
<a href="#">Class Participation</a>	10%	No	Ongoing

Name	Weighting	Hurdle	Due
<a href="#">Expert Submission</a>	40%	No	10:00 01/11/2021
<a href="#">Expert Appearance</a>	25%	No	During Examination Period

## Online Quiz

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 15 hours

Due: **Quiz1 - 10:00 06/09/2021; Quiz2 - 10:00 01/11/2021**

Weighting: **25%**

Consists of two online timed quizzes to assess understanding of subject matter covered in prescribed readings.

On successful completion you will be able to:

- Critically analyse the fundamental doctrines, concepts, principles, values and sources of regulation, relevant to health law.

## Class Participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 8 hours

Due: **Ongoing**

Weighting: **10%**

Discussion questions related to prescribed readings are provided in advance of tutorials. Student understanding of core concepts and their application to contemporary problems in Australian health law will be assessed based on their verbal responses to these questions during the tutorial (class participation). Each student will be rostered in advance to lead discussion for specific tutorial topics, allowing them to prepare content and reflect on tutorial questions in advance. Students are not expected to provide ongoing contributions every week for the entire semester; they are assessed only on the basis of substantive contributions made to class discussion during the tutorials on which they have been rostered.

Students who are unable to contribute on their rostered date/time due to illness or misadventure, with special consideration, will be provided an opportunity to roster on an alternate day or asked to provide supplementary written work in lieu to demonstrate their learning.

On successful completion you will be able to:

- Critically analyse the fundamental doctrines, concepts, principles, values and sources of regulation, relevant to health law.
- Analyse how health law and ethics may impact upon practice and/or research.
- Integrate and synthesise knowledge from a range of multi- disciplinary sources to generate appropriate responses to health related problems that raise ethical, social, legal and/or human rights issues.
- Communicate effectively with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.

## Expert Submission

Assessment Type <sup>1</sup>: Report

Indicative Time on Task <sup>2</sup>: 60 hours

Due: **10:00 01/11/2021**

Weighting: **40%**

Students will provide a 3000-word submission (plus a one-page executive summary) to a mock Parliamentary Inquiry .

On successful completion you will be able to:

- Critically analyse the fundamental doctrines, concepts, principles, values and sources of regulation, relevant to health law.
- Analyse how health law and ethics may impact upon practice and/or research.
- Integrate and synthesise knowledge from a range of multi- disciplinary sources to generate appropriate responses to health related problems that raise ethical, social, legal and/or human rights issues.
- Communicate effectively with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.

## Expert Appearance

Assessment Type <sup>1</sup>: Viva/oral examination

Indicative Time on Task <sup>2</sup>: 15 hours

Due: **During Examination Period**

Weighting: **25%**

Each student will appear in a fifteen minute solo in-camera expert witness appearance before the Committee Chair of a mock Parliamentary Inquiry, responding to questions and providing verbal clarification of arguments presented in their written Expert Submissions.

On successful completion you will be able to:

- Critically analyse the fundamental doctrines, concepts, principles, values and sources of regulation, relevant to health law.
- Analyse how health law and ethics may impact upon practice and/or research.
- Integrate and synthesise knowledge from a range of multi- disciplinary sources to generate appropriate responses to health related problems that raise ethical, social, legal and/or human rights issues.
- Communicate effectively with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

All Lectures for this unit are pre-recorded and can be accessed via the unit iLearn page.

Tutorials will be conducted face-to-face and/or online (via Zoom), commence in **Week 1** and conclude in **Week 12**. Students should consult the official Timetable for class times, dates and locations (if face-to-face) and mode of delivery at a specified time at: <http://timetables.mq.edu.au>  
Instructions for online tutorials via Zoom will be provided on the unit's iLearn page.

Online content for this unit can be accessed at <http://ilearn.mq.edu.au>

Computer and stable Internet access are **required** in order to successfully complete this unit. Basic computer skills (e.g., internet browsing) and skills in word processing are also a requirement. All written assessments are to be submitted electronically via Turnitin.

### PRESCRIBED MATERIALS

The required textbook for this unit is:

(1) Anne-Maree Farrell, John Devereux, Isabel Karpin and Penelope Weller, *Health Law*:

*Frameworks and Context* (Cambridge University Press, 2017).

(2) Any further readings will be identified on the unit's iLearn page.

## Unit Schedule

Week	Topic
1.	Introduction to Health Law and Ethics
2.	Right to Health
3.	The Therapeutic Relationship
4.	Consent to Treatment
5.	Law at the End of Life
6.	Health Governance
7	Public Health Law and Ethics
8.	Health Information, Privacy and Confidentiality
9.	Law and the Human Body
10.	Law at the Beginning of Life
11.	Mental Health Law
12.	Linkages: Determinants, Rights and Governance

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)

- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/support/study/policies\)](https://students.mq.edu.au/support/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)



If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Changes from Previous Offering

Weighting of assessment tasks have been adjusted since this unit was last offered:

- Class Participation reduced to 10% (from 15%); and
- Expert Appearance increased to 25% (from 20%).