LAWS8021

Health Law

Session 2, Online-scheduled-weekday 2023

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
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Credit points
10

Prerequisites
(Admission to JD and (LAWS600 or LAWS8001) and (LAWS818 or LAWS8018)) or
(admission to LLM)

Corequisites

Co-badged status

Unit description
As a result of increased globalisation, technological change and social transformations,
domestic and global health issues and challenges have become increasingly interconnected.
This unit examines how domestic and international law serve as important tools in the quest to
prevent injury and disease by lowering health risks among populations. Students will learn
about the principal domestic and international legal instruments, regulatory strategies, and
enforcement approaches that exist to improve health and wellbeing in a variety of critical
contemporary health related contexts. Consideration will also be given to the important role
other actors, such as intergovernmental organisations, business and civil society, may play in
promoting and protecting health.

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:** Identify, evaluate, critique and apply fundamental doctrines, concepts, principles
> in health law
>
> **ULO2:** Analyse governance frameworks and their relationship to legal frameworks in
> health systems
>
> **ULO3:** Carry out advanced research, synthesis and integration of knowledge to generate
> appropriate responses to contemporary socio-legal problems in health law

ULO4: Produce an independent research report at an advanced level of written expression in accordance with formal writing conventions

General Assessment Information

1. Late Submission

Without an approved extension, 5% of the assessment grade will be deducted for each day or part thereof that the assessment is late (ie, both a 1h and 23h late submission will incur a 5% penalty, 25h a 10% penalty etc. etc.). Assessments more than seven (7) days late will not be accepted.

Applications for a Special Consideration, which may include extensions, are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation.

2. Word Limits

Word limits will be strictly applied and work above the word limit will not be graded (practically, this often means that conclusions will not be read, which significantly impacts the grade). The following are excluded from, and included in the word count:

Excluded:

- Front matter: title page, table of contents, table of abbreviations
- Back matter: bibliography/reference list, appendix (where applicable)
- References in footnotes

Included:

- Text (introduction, body, conclusion)
- Headings
- Substantive text in footnotes (explanations, quotes, legal provisions etc.)

There are no specific penalties for work that is under the word limit, though work that is under the word limit is often underdeveloped and will fail to meet the assessment task requirements (especially analysis-related elements). Students are advised to consider submitting work that is nearing the word limit as far as possible with writing that is substantive and analytical in nature (not "page-fillers").

3. Submission and Review

Assessments must be submitted in the format prescribed in detailed instructions provided on the unit iLean page. All assessments in the unit are to be submitted electronically via Turnitin (submission boxes will be made available in the assessment module on the iLearn page).

Plagiarism detection software is used in this unit and transgressions will be followed up on. To prevent any issues, please make sure to follow both the University Academic Integrity policy and

Chapter 1 of the *Australian Guide to Legal Citation* (4th ed), including eg rules on editing quotations.

Students are not allowed to use and/or submit AI generated text (eg ChatGPT). In any case, AI is not very good at Health Law.

4. Referencing

All assessments must be appropriately referenced, applying the *Australian Guide to Legal Citation* (4th ed). As noted above, this includes not only citation conventions, but also the general rules in Chapter 1.

5. Instructions and Rubrics

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
Class participation	20%	No	03/11/2023
Research Plan	30%	No	20/09/2023
Research Essay	50%	No	3/11/2023

Class participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 0 hours
Due: **03/11/2023**
Weighting: **20%**

Students will be required to facilitate and participate in weekly discussions, problem solving tasks or debates, both individually and in teams according to allocations made by teaching staff.

On successful completion you will be able to:
- Identify, evaluate, critique and apply fundamental doctrines, concepts, principles in health law
- Analyse governance frameworks and their relationship to legal frameworks in health systems

Research Plan

Assessment Type [1]: Plan
Indicative Time on Task [2]: 28 hours
Due: **20/09/2023**
Weighting: **30%**

Students are required to develop and submit a written research proposal for their research essay relating to a current issue or development in health law. The proposal must clearly set out the proposed research question and approach to the question.

On successful completion you will be able to:

- Identify, evaluate, critique and apply fundamental doctrines, concepts, principles in health law
- Analyse governance frameworks and their relationship to legal frameworks in health systems
- Carry out advanced research, synthesis and integration of knowledge to generate appropriate responses to contemporary socio-legal problems in health law

Research Essay

Assessment Type [1]: Essay
Indicative Time on Task [2]: 50 hours
Due: **3/11/2023**
Weighting: **50%**

Students are required to submit a research essay — based on their research essay proposal — that critically analyses a current issue or development in health law.

On successful completion you will be able to:

- Identify, evaluate, critique and apply fundamental doctrines, concepts, principles in health law
- Analyse governance frameworks and their relationship to legal frameworks in health systems
- Carry out advanced research, synthesis and integration of knowledge to generate appropriate responses to contemporary socio-legal problems in health law

- Produce an independent research report at an advanced level of written expression in accordance with formal writing conventions

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[1] 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.

[2] 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

This unit is taught as a semester unit with weekly modules and fortnightly online tutorials. Each week, there will be a recorded lecture (which may be broken up into smaller parts) and a set of readings. Fortnightly tutorials last for two hours and require preparation in addition to the lectures and readings. Questions, cases etc. for use in tutorials will be provided on the iLearn page.

There is *no* set textbook for the unit. Given the lack of up-to-date textbooks, we will instead be working with selected readings.

A stable internet connection and environment without distraction is required for tutorials.

Unit Schedule

Week	Topic
1	General legal overview
2	Social Determinants and Marginalisation
3	International Regulation

4	Public Health (Selected Topic)
5	Medicine and Intellectual Property
6	Consent
7	End of Life Care
8	Medical Negligence
9	Apologies and Disclosure
10	Confidentiality and Privacy
11	Workplace Regulation
12	Law & Ethics

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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

- Assessment Procedure

- Complaints Resolution 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). 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) 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe academic integrity – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free online writing and maths support, academic skills development and wellbeing consultations.

Student Support

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

The Writing Centre

The Writing Centre provides resources to develop your English language proficiency, academic writing, and communication skills.

- Workshops

- Chat with a WriteWISE peer writing leader

- Access StudyWISE

- Upload an assignment to Studiosity
- Complete the 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

Macquarie University offers a range of Student Support Services including:

- IT Support
- Accessibility and disability support with study
- Mental health support
- Safety support to respond to bullying, harassment, sexual harassment and sexual assault
- Social support including information about finances, tenancy and legal issues
- Student Advocacy provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via AskMQ, or contact Service Connect.

IT Help

For help with University computer systems and technology, visit 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

This unit, last run in 2021, used to be a two-day intensive unit instead of a semester unit. It had a different assessment scheme, looked at different topics and had a different unit convenor. Ie, the current unit is quite distinct from the previous offering in format, and, to a lesser extent, content.