



# LAWS5071

## Health Law and Ethics

Session 2, In person-scheduled-weekday, North Ryde 2024

*Macquarie Law School*

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#### Disclaimer

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## General Information

Unit convenor and teaching staff

Convenor

George Tomossy

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

17WW Room 209

Tuesdays 1-2pm or by appointment

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

Students will be provided with a sign-up facility to choose their preferred time slot for their Expert Appearance (Task 3) from a list of times (including day and evening) between the dates indicated above, with some time slots on weekends. Consistent with the Faculty of Arts Late Assessment Submission Penalty Policy (see below), no late submissions or rescheduling Expert Appearances will be permitted once the sign-up facility closes in the absence of a successful application for special consideration.

Students who fail to submit a written Expert Submission (Task 2) will be precluded from making an Expert Appearance (Task 3), 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.

### **Late Assessment Submission Penalty (Faculty of Arts)**

*Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.*

*This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). **Late submission of time sensitive tasks** (such as tests/ exams, performance assessments/presentations, scheduled practical assessments/labs etc) **will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.***

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Participation</u>	15%	No	ongoing (Weeks 1-12 inclusive)
<u>Expert Submission</u>	50%	No	27 October 2024 11:55pm (end of Week 12)
<u>Expert Appearance</u>	35%	No	To be scheduled between 28/10/24 and 15/11/24

### Class Participation

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

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **ongoing (Weeks 1-12 inclusive)**

Weighting: **15%**

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: **27 October 2024 11:55pm (end of Week 12)**

Weighting: **50%**

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: **To be scheduled between 28/10/24 and 15/11/24**

Weighting: **35%**

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.
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generate appropriate responses to health related problems 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. These will be made available on a rolling basis over the course of the semester.

Tutorials will be conducted face-to-face and/or online (via Zoom), commencing in **Week 1** and concluding in **Week 12**. Weekly tutorials are not recorded.

Optional Zoom (evening) workshop-tutorials, which will be recorded, may also be scheduled to assist students with the preparation of their Expert Submission (Task 2) and Expert Appearance (Task 3).

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.

Prescribed weekly readings will be made available via the unit iLearn page and/or Leganto. The following textbook is recommended as a general resource for the unit: Ben White et al. *Health Law in Australia* (Thomson, 4th ed, 2024).

## Unit Schedule

Week	Topic
1.	Introduction to Health Law and Ethics
2.	The Therapeutic Relationship

Week	Topic
3.	Consent to Treatment
4.	Mental Health
5.	Health Governance
6.	Health Information, Privacy and Confidentiality
7	Law and the Human Body
8.	Law at the Beginning of Life
9.	Law at the End of Life
10.	Public Health
11.	Global Health Law
12.	Research Regulation

## 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/support/study/policies\)](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 [connect.mq.edu.au](https://connect.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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 the [Service Connect Portal](#), 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/](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.

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Unit information based on version 2024.03 of the [Handbook](#)