



# LAWS571

## Health Law and Ethics

S2 External 2019

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor

George Tomossy

[George.Tomossy@mq.edu.au](mailto:George.Tomossy@mq.edu.au)

Contact via [George.Tomossy@mq.edu.au](mailto:George.Tomossy@mq.edu.au)

6FW 510

Thursday 10-11 (wks 1-7,9-13)

Credit points

3

Prerequisites

24cp in LAW or LAWS units including (LAW314 and (LAWS217 or LAW317) and 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. Three broad areas of focus include: 1) legal concepts and areas of law integral to health care treatment (consent, negligence, criminal law, and management of health care information); 2) applied health law/ethics regarding preconception, conception and birth; end of life; and research involving humans 3) broader systemic regulation and health care issues (regulation of health care practitioners, public health, and mental illness/ disability). Interrelationships between, law, policy, ethics, regulatory theory, and other areas are explored.

## 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:

Identify, critique and apply the fundamental doctrines, concepts, principles, values and sources of regulation relevant to different types of health law related matters that raise ethical, social, legal and/or human rights issues.

Carry out research, synthesise and integrate knowledge from a range of multi-disciplinary sources to generate appropriate responses to health related matters that raise ethical, social, legal and/or human rights issues.

Communicate at a professional standard (verbal and written) with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.

Observe formal writing conventions including referencing in accordance with the Australian Guide for Legal Citation (AGLC4).

## 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 – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests." 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.

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="#">Task 1: Online Quiz</a>	25%	No	Wk 7 (9-12 Sep) and wk 13 (4-7 Nov)
<a href="#">Task 2: Class Participation</a>	15%	No	Ongoing
<a href="#">Task 3: Expert Submission</a>	40%	No	10pm 24 October 2019
<a href="#">Task 4: Expert Appearance</a>	20%	No	Nov 12-30 2019

## Task 1: Online Quiz

Due: **Wk 7 (9-12 Sep) and wk 13 (4-7 Nov)**

Weighting: **25%**

Students will be required to complete two (2) online timed quizzes to assess understanding of subject matter covered in the weekly lectures and associated prescribed readings. (Content covered during tutorial/on-campus sessions is not included in this assessment).

Quizzes must be completed in Weeks 7 and 13, covering content from weeks 1-6 and 7-12 respectively. (Note: 'weeks' refers to teaching weeks and does not include the mid-semester break.)

Each quiz will be released at 10am Monday and close at 10pm Thursday of the respective weeks. When released, each quiz may be completed at anytime during that week, but must be completed within the allocated time frame of sixty (60) minutes from the time that the quiz is opened. Students are responsible for ensuring that they are able to complete the quiz in a secure environment with a stable internet connection. Technical/technological issues will not qualify for special consideration.

On successful completion you will be able to:

- Identify, critique and apply the fundamental doctrines, concepts, principles, values and sources of regulation relevant to different types of health law related matters that raise ethical, social, legal and/or human rights issues.

## Task 2: Class Participation

Due: **Ongoing**

Weighting: **15%**

The total Class Participation grade will be divided as follows:

**On-Call Participation (10%):** Students will register to be 'on-call' for one of the weekly tutorial topics covered from weeks 4 and 11 (or for a topic covered at the on campus sessions in the case of external students). The registration roster will open on iLearn at 10am Monday and close at 10pm Thursday of Week 3. Students must select an 'on-call' slot in their enrolled tutorial (or on campus sessions in the case of external students). Tutors will ensure that students 'on-call' will have the first opportunity to respond to the assigned questions for discussion before opening to the rest of the class for additional comment. Staff will also endeavour to give all students on-call equal opportunity to answer questions. The number of questions for each week varies and is indicative of the level of detail required in your answers (ie tutorial weeks with fewer questions require more detailed consideration for each question), and will be made available on the unit's iLearn page.

**Ongoing Participation (5%):** Students who engage with class discussions by offering well-considered contributions throughout semester will be rewarded in the ongoing participation portion of the overall participation grade.

Rubrics for on-call and ongoing class participation will be made available on the unit's iLearn page.

On successful completion you will be able to:

- Identify, critique and apply the fundamental doctrines, concepts, principles, values and sources of regulation relevant to different types of health law related matters that raise ethical, social, legal and/or human rights issues.
- Communicate at a professional standard (verbal and written) with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.

## Task 3: Expert Submission

Due: **10pm 24 October 2019**

Weighting: **40%**

Students will provide a 3000-word submission (plus a one-page executive summary) to a mock Parliamentary Inquiry by the House of Representatives Standing Committee on Health, Aged Care and Sport. The Terms of Reference for the Inquiry (released by the end of Week 3) will require students to provide expert commentary on relevant issues affecting contemporary health law and policy in Australia. Detailed instructions as to structure and content will be released by the end of Week 3.

On successful completion you will be able to:

- Identify, critique and apply the fundamental doctrines, concepts, principles, values and sources of regulation relevant to different types of health law related matters that raise ethical, social, legal and/or human rights issues.
- Carry out research, synthesise and integrate knowledge from a range of multi-disciplinary sources to generate appropriate responses to health related matters that raise ethical, social, legal and/or human rights issues.
- Communicate at a professional standard (verbal and written) with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.
- Observe formal writing conventions including referencing in accordance with the Australian Guide for Legal Citation (AGLC4).

## Task 4: Expert Appearance

Due: **Nov 12-30 2019**

Weighting: **20%**

Each student will appear in a fifteen minute solo in-camera expert witness appearance (distance

students will be afforded the opportunity to do so remotely) before the 'Committee Chair' of a mock Parliamentary Inquiry by the House of Representatives Standing Committee on Health, Aged Care and Sport. Building on their written submission (Task 3), students will have one minute to open and one minute to close their oral submissions, with the 'Chair' using the remaining time to question the student on the substance of their written submission. As mock experts, students will also be called upon to demonstrate their understanding of core concepts developed across the unit, drawing upon relevant legal principles or frameworks to support their reasoning.

Starting in Week 8, students will be able to book (via an online sign-up tool on the unit's iLearn site) the preferred time for their appearance before the mock Inquiry. Students can thus choose times that do not conflict with formal exam commitments during the period.

On successful completion you will be able to:

- Identify, critique and apply the fundamental doctrines, concepts, principles, values and sources of regulation relevant to different types of health law related matters that raise ethical, social, legal and/or human rights issues.
- Carry out research, synthesise and integrate knowledge from a range of multi-disciplinary sources to generate appropriate responses to health related matters that raise ethical, social, legal and/or human rights issues.
- Communicate at a professional standard (verbal and written) with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.

## Delivery and Resources

This unit is delivered via a weekly live one-hour lecture (also recorded via Echo360) and weekly one-hour tutorial for internal students (or two-day on-campus session for external students). Tutorials/on-campus sessions are not recorded. As class participation will be assessed in this unit, tutorial/on-campus attendance is compulsory. Lectures and tutorials commence in Week 1 and concludes in Week 13.

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
13.	Health Law Frontiers: Medical Devices and Class Action Litigation

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](#) (**Note:** The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)

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

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/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 improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## 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.

## Graduate Capabilities

### Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

#### Learning outcome

- Carry out research, synthesise and integrate knowledge from a range of multi-disciplinary sources to generate appropriate responses to health related matters that raise ethical, social, legal and/or human rights issues.

#### Assessment tasks

- Task 3: Expert Submission
- Task 4: Expert Appearance

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Learning outcome

- Communicate at a professional standard (verbal and written) with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.

#### Assessment tasks

- Task 2: Class Participation
- Task 3: Expert Submission

- Task 4: Expert Appearance

## Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

### Learning outcome

- Carry out research, synthesise and integrate knowledge from a range of multi-disciplinary sources to generate appropriate responses to health related matters that raise ethical, social, legal and/or human rights issues.

### Assessment tasks

- Task 3: Expert Submission
- Task 4: Expert Appearance

## Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

### Learning outcomes

- Identify, critique and apply the fundamental doctrines, concepts, principles, values and sources of regulation relevant to different types of health law related matters that raise ethical, social, legal and/or human rights issues.
- Carry out research, synthesise and integrate knowledge from a range of multi-disciplinary sources to generate appropriate responses to health related matters that raise ethical, social, legal and/or human rights issues.
- Observe formal writing conventions including referencing in accordance with the Australian Guide for Legal Citation (AGLC4).

## Assessment tasks

- Task 1: Online Quiz
- Task 2: Class Participation
- Task 3: Expert Submission
- Task 4: Expert Appearance

## Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## Learning outcomes

- Identify, critique and apply the fundamental doctrines, concepts, principles, values and sources of regulation relevant to different types of health law related matters that raise ethical, social, legal and/or human rights issues.
- Carry out research, synthesise and integrate knowledge from a range of multi-disciplinary sources to generate appropriate responses to health related matters that raise ethical, social, legal and/or human rights issues.

## Assessment tasks

- Task 1: Online Quiz
- Task 2: Class Participation
- Task 3: Expert Submission
- Task 4: Expert Appearance

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

## Learning outcome

- Carry out research, synthesise and integrate knowledge from a range of multi-disciplinary sources to generate appropriate responses to health related matters that

raise ethical, social, legal and/or human rights issues.

## **Assessment tasks**

- Task 3: Expert Submission
- Task 4: Expert Appearance

## **Effective Communication**

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

## **Learning outcomes**

- Communicate at a professional standard (verbal and written) with legal and non-legal audiences in relation to health related matters that raise ethical, social, legal and/or human rights issues.
- Observe formal writing conventions including referencing in accordance with the Australian Guide for Legal Citation (AGLC4).

## **Assessment tasks**

- Task 2: Class Participation
- Task 3: Expert Submission
- Task 4: Expert Appearance

## **Engaged and Ethical Local and Global citizens**

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## **Learning outcomes**

- Identify, critique and apply the fundamental doctrines, concepts, principles, values and sources of regulation relevant to different types of health law related matters that raise ethical, social, legal and/or human rights issues.
- Carry out research, synthesise and integrate knowledge from a range of multi-

disciplinary sources to generate appropriate responses to health related matters that raise ethical, social, legal and/or human rights issues.

## **Assessment tasks**

- Task 1: Online Quiz
- Task 2: Class Participation
- Task 3: Expert Submission
- Task 4: Expert Appearance

## **Socially and Environmentally Active and Responsible**

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

## **Learning outcomes**

- Identify, critique and apply the fundamental doctrines, concepts, principles, values and sources of regulation relevant to different types of health law related matters that raise ethical, social, legal and/or human rights issues.
- Carry out research, synthesise and integrate knowledge from a range of multi-disciplinary sources to generate appropriate responses to health related matters that raise ethical, social, legal and/or human rights issues.

## **Assessment tasks**

- Task 1: Online Quiz
- Task 2: Class Participation
- Task 3: Expert Submission
- Task 4: Expert Appearance

## **Changes from Previous Offering**

Learning outcomes, assessment tasks and delivery mode have all been revised since this unit was last offered in 2017.