



## LAW INTENSIVE 2

30 NOVEMBER & 1 DECEMBER 2024

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### *Course Overview*

#### **Aim**

An intensive two day program that focuses in some detail on the principles that define the legal relationship between the patient and the health care professional. Participants will increase their knowledge and understanding of how these principles are applied by civil, criminal and disciplinary law in the context of clinical practice, thereby providing an opportunity to further enhance the health and safety of patients.

#### **Learning Outcomes**

1. Apply the principles of consent to, and refusal of, medical treatment in adults and children in the clinical setting.
2. Analyse the various categories of a doctor's duty of care that can be owed to a patient and the relationship between the duty, breach of duty and harm caused by the breach.
3. Differentiate between the cases of negligence that involve a failure to warn the patient of a material risk and those cases that involve treatment.
4. Recognise that the fundamental principle underpinning disciplinary law in relation to the regulation of health professionals is protection of the public, not punishment.
5. Differentiate between the common law and guardianship legislation regarding advance health directives and the withdrawal of life sustaining measures in patients with impaired capacity.

#### **About the Course**

Each presentation is followed by small group discussion of clinical case studies that relate to the subject material. The small groups each then report back the whole group, identifying the legal issues that were involved in the clinical situation presented.

#### **Pre-requisite**

The [ACLM Law Intensive 1](#) is generally a prerequisite to the Law Intensive 2 course. However, if you have completed other studies in medical law, please contact us to ascertain whether you can attend the Law Intensive 2 without having attended the Law Intensive 1.

#### **Fees**

AUD \$990 ACLM members (inc. GST) | AUD \$1,190 Non-members (inc. GST)



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### *Pre-course Activities*

A recommendation of time required is provided as a guide. CPD hours are allocated in accordance with these times.

#### **Recommended Reading**

- Health Law in Australia 3<sup>rd</sup> edition, Ben White, Fiona McDonald, Lindy Willmott; LBC 2018
- Australian Medical Liability 4<sup>th</sup> edition, Bill Madden, Janine McIlwraith, Benjamin Madden; LexisNexis Australia 2021
- Ethics and Law for the Health Professions 4<sup>th</sup> edition, Ian Kerridge et al; Federation Press 2013
- Law and Medical Practice 2<sup>nd</sup> edition, Loane Skene; Butterworths Australia 2004
- Australian Medical Law 3<sup>rd</sup> edition, John Devereux; Routledge-Cavendish 2007

#### **Pre-course Activity – 1 hour recommended**

The pre-course activity should be returned via email 1 week prior to the course. If you choose not to complete the activity, your CPD hours will be adjusted accordingly on your certificate of completion.

### *Location*

#### **Location/Delivery Mode**

Location TBC. Attendance at this course is in person (face-to-face) only.

#### **Travel & Accommodation**

Information coming soon. We recommend booking travel and accommodation which has flexible cancellation policies in case of illness impacting your ability to travel.





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### *Continuing Professional Development*

#### **ACLM CPD Program recognition:**

14 hours, Relevant to Legal or Forensic Medicine

#### **CPD home submissions:**

The following allocations are suggested by ACLM and will be shown on the attendance certificate. It is up to the attendee to check that the activity meets their own CPD home's requirements and to allocate the activity type according to their CPD home's guidelines.

Educational Activity: 10 hours	(-1 hour if pre-course activity not submitted)
Reviewing Performance: 4 hours	(-1 hour if post-course activity not submitted)
Total: 14 hours	(adjusted as per above depending on pre/post-course activities)

#### **Program Level Requirements met:**


- Maintaining and developing professionalism
- Maintaining and developing ethical practice

#### **RACGP CPD Program recognition:**

This Activity No. 407447, has been allocated 14 CPD hours in the RACGP 2023-25 CPD Program. If you have any concerns about this activity, you may submit a [GP Feedback form](#) to the RACGP.

#### **Adjustments to allocated hours:**

The pre- and post-course activities are optional for all attendees, however your Certificate of Completion will show adjusted CPD hours if you did not submit the activities.

	<b>RACGP</b> CPD <small>Approved Activity</small>	
<b>Educational Activities</b>	<b>Measuring Outcomes</b>	<b>Reviewing Performance</b>
<b>10</b>	<b>0</b>	<b>4</b>
hours	hours	hours



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### Program

The following times are listed as local time.

Time	Session	Speaker	Interactive
<b>DAY 1 - SATURDAY</b>			
8:00 am	Registration		
8:30 am	1. Consent and the Common Law	Dr Don Buchanan	
9:00 am	2. Consent and Children (with scenario)	Dr Don Buchanan	Breakout group work and discussions
10:00 am	Morning tea		
10:15 am	3. Trespass to the Person in Medical Cases (with scenario)	Dr Don Buchanan	Breakout group work and discussions
11:30 am	4. Clinical Negligence – Duty (with scenario)	Prof. John Devereux	Breakout group work and discussions
12:30 pm	Lunch		
1:30 pm	5. Clinical Negligence – Breach of Duty (with scenario)	Prof. John Devereux	Breakout group work and discussions
2:30 pm	6. Clinical Negligence – Causation (with scenario)	Prof. Roy Beran	Breakout group work and discussions
3:30 pm	Afternoon tea		
3:45 pm	7. Clinical Negligence – Vicarious Liability and Non-Delegable Duty (with scenario)	Prof. Roy Beran	Breakout group work and discussions
4:15 pm	8. Clinical Negligence – Defences	Dr Don Buchanan	
4:45 pm	Day 1 review		
5:00 pm	Day 1 close		
<b>DAY 2 - SUNDAY</b>			
8:00 am	Registration		
8:30 am	9. Regulation of Health Professionals – Disciplinary Law (with scenario)	Prof. Roy Beran	Breakout group work and discussions
10:00 am	Morning tea		
10:30 am	10. Withholding and Withdrawing Life Sustaining Measures (WWLSM) (with scenario)	Prof. John Devereux	Breakout group work and discussions
11:30 pm	11. A Case Study – Withholding and Withdrawing Life Sustaining Measures	Dr Don Buchanan	Group discussion
12:00 pm	12. A Case Study – Negligence	Dr Don Buchanan	Group discussion
12:30 pm	Review and consolidation		
12:45 pm	Lunch / Program close		



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### *Cancellation Policy*

A refund less \$150 administration fee will be provided for all cancellations received at least 30 days prior to the course start date. Any cancellations after this point will be non-refundable.

*Please do not attend if you are sick with a contagious illness such as COVID-like symptoms.* If you cannot attend due to illness we will issue a credit note to attend the next available course.

#### **Contingency Planning**

If a situation occurs which significantly affects the majority of participants' ability to attend in person, the course may either be postponed to a later date or held entirely online. Any such decision will be communicated to all as soon as possible if this circumstance arises. By registering, you agree to attend the course virtually on the same dates, should this circumstance arise.

### *Health & Safety*

As part of our commitment to making this event safe you must comply with the following directions:

- **Do not attend this event if you are unwell with a contagious illness such as COVID-like symptoms.** Contact us for a credit note to attend the next available course.
- Face masks are not mandated, but they should be worn in indoor settings and where physical distancing is not possible if you have been exposed to a contagious illness recently.
- Wash and sanitize your hands frequently and follow hygienic practices when coughing or sneezing.
- It is your responsibility to check the latest border, travel and quarantine restrictions to ensure you are safe and able to travel to and from this event. This may include applying for a travel permit.



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### *Teaching Faculty*



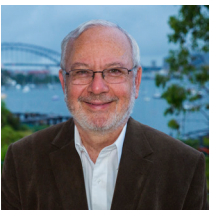
#### *Dr Don Buchanan – Forensic Physician & Legal Practitioner*

Don Buchanan has been a full time forensic medical officer in Queensland for over 30 years, during which time he was director of state government medical officer services for 7 years. He obtained his medical degree at the University of Queensland and is a Fellow of the Australian College of General Practitioners and a Fellow of the Australasian College of Biomedical Scientists. Don is a past President of the Australasian College of Legal Medicine, and is an Honorary Life Fellow, Council Member and current Honorary Treasurer. He obtained a Master of Public Health from the University of Queensland in 1996 and was awarded a Juris Doctor (a graduate law degree) from the University of Queensland in 2003 and admitted as a legal practitioner in the Supreme Court of Queensland in 2004. He is registered as a barrister through the Bar Association of Queensland and has completed a Master of Laws (Health Law) from the Queensland University of Technology. He has worked as the deputy coronial registrar and is currently an acting magistrate (coroner) at the Coroners Court of Queensland.



#### *Prof John Devereux - Professor of Law, University of Queensland*

John Devereux teaches and researches the law of torts at the UQ Law School. He has a special interest in medical law, most notably in the areas of competency to consent to medical treatment and in epilepsy and the law. A Rhodes Scholar, John has worked as a lawyer in a variety of contexts including as a Barrister, as a consultant to a multi-national law firm, a Law Reform Commissioner for Queensland, a legal member of the Social Security Appeals Tribunal and as a Defence Force Magistrate. John was formerly Lecturer in Law at Keble College, Oxford University and Assistant Dean of Magdalen College, Oxford University. He is a former Associate Vice Chancellor of A.C.U. John is an Honorary Fellow of the Australasian College of Legal Medicine and joint Head of Teaching Faculty.



#### *Prof Roy Beran - Neurologist & Professor*

Roy G. Beran is a consultant neurologist and accredited sleep physician. His qualifications include: MBBS, MD, FRACP, FRACGP, Grad. Dip. Tertiary Ed., Grad. Dip. Further Ed., FAFPHM, FACLM, FRCP(Edin), FAAN, FANZAN, FACBS, B Leg. S, MHL and FFFLM (Hon). He is a Conjoint Professor of Medicine at the University of NSW; Professor in the School of Medicine at Griffith University, Queensland; Conjoint Professor, Medical School, Western Sydney University; and Professor, Chair, Sechenov Moscow 1st State University, Moscow, Russia. Following Russia's invasion of Ukraine, he refused to re-sign with Sechenov University. He is: a founding Fellow of the Australasian College of Legal Medicine (ACLM); Past President thereof, stepped down in 2011, still on Council and awarded Honorary Life Fellowship. In 2019, he was appointed 'Joint Head of Teaching Faculty'. He is the Australian Governor and was elected as President of the World Association for Medical Law (WAML), in 2022, a position he still holds, having previously been Secretary General, Executive Vice President and Regional Vice President. He was the first Honorary Fellow of the Faculty of Forensic & Legal Medicine of the Royal College of Physicians (London). He has published: almost 400 papers, book chapters and letters to the editor; presented in excess of 430 papers at national and international meetings; written or edited 17 books; serves on numerous editorial boards; and is the editor in chief of the international journal, *Medicine and Law*, the official journal of the WAML.