

Medico Legal Congress-Agenda

Day 1 - Thursday 1 March 2018

8:50 AM

OPENING | Opening remarks from the Chair

Associate Professor Vinay S Rane, Obstetrician, Gynaecologist and Lawyer, Melbourne

9:00 AM

KEYNOTE OPENING ADDRESS | National Registration and Accreditation Scheme for Health Professions – Not yet 10/10...or 10

Kym Ayscough, Executive Director, Regulatory Operations, AHPRA

— What the numbers say – Annual double digit percentage increases in notifications and how we are responding

— What the practitioners say – How it feels to be the subject of a notification and how we are responding

— What the notifiers say – How it feels to be a notifier and how we are responding

— What the legislators say – Amendments to the Health Practitioner Regulation National Law decided and in contemplation

9:40 AM

KEYNOTE ADDRESS | Compliance or Culture? Towards Targeting Zero or Improving Quality
Professor Euan Wallace AM, Chief Executive, Safer Care Victoria

10:20 AM

Mapping the Contours of Complaint Risk Across the Health and Legal Professions

Dr Marie Bismark, Associate Professor in Law and Public Health, University of Melbourne

— Who is at highest risk of being named in a complaint to a regulator?

— How does practice context influence complaint risk?

— What role do patients, peers, and employers play as sources of complaint?

— What are the implications for the health and legal professions?

11:00 AM

Morning refreshments and networking break

11:30
AM

Swimming Against the Tide - Parent Refusal of Treatment

Denise Bowen, Manager, Mediation & Legal Support Services, Child & Adolescent Health Service WA

One of the most challenging situations for a clinical team is when the parents of child with a treatable condition refuse treatment. Most often with mediation the issues can be resolved – but not always. These cases are highly emotive and stressful for everyone involved. With the advent of social media ongoing negative exposure from inappropriate posts can impact on other patients and their families and adds further to the challenges faced by the clinical team. This presentation will discuss the challenges and lessons learnt from recent cases.

12:10
PM

CASE STUDY | Psychiatrists' Liability for Violent Acts by Patients – Recent Coronial and Civil Decisions Associate Professor Tina Cockburn, Australian Centre for Health Law Research, QUT Faculty of Law, Brisbane

Bill Madden, Special Counsel, Carroll & O'Dea Lawyers

12:50
PM

Documentation – The Doctor's Sword and Shield

Dr Andrew Walby, Director of Emergency Medicine, St Vincent's Hospital Melbourne

- What you do is your first line of defence
- What document is your second line of defence?
- How to avoid falling on your sword?

1:30 PM

Lunch and networking break

2:30 PM

Help! I have a Letter from AHPRA: An In-Depth Examination of How your MDO can Assist

Gae Nuttall, Risk Adviser, MDA National

Julie Brooke-Cowden, Manager, Claims & Advisory Services (NSW), MDA National

Puja Menon, Claims Manager (Solicitor), MDA National

The lifecycle of an AHPRA notification from the perspective of an MDO in-house legal and risk management team, including case studies covering a variety of topical issues such as mandatory reporting, advertising, medical records and dealing with cautions and conditions.

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3:30 PM

CASE STUDY | A Review of Recent Inquiries Involving Fetal Deaths, Lessons to be Learned and Review of the Nature and Scope of the Duty to Warn and Informed Consent

Sarah Lark, Special Counsel, MinterEllison

Anna Capsanis, Associate, MinterEllison

— Consideration of the Coronial inquests into the deaths of Samara Hoy (QLD) and NA (NSW)

— Lessons to be learned from the above inquests

— Discussion of the Supreme Court of the United Kingdom appeal decision of *Montgomery v Lanarkshire Health Board* (Scotland)

[2015] UKSC 11

— Review of the nature and scope of the duty to warn and informed consent

4:10 PM

Afternoon refreshments and networking break

4:30 PM

COSMETIC SURGERY | Outcomes from Disappointment to Negligence

Ngairé Watson, Barrister, Sir Owen Dixon Chambers

— Who can perform cosmetic surgery? What is the difference between a cosmetic surgeon and plastic surgeon and why does it matter?

— A medical industry working with the allure and illusion of beauty

— When does a disappointing outcome constitute negligence?

— Case study

5:10 PM

PANEL DISCUSSION | What Does the Use of Social Media mean in Clinical Areas? How do you Control it?

Denise Bowen, Manager, Mediation & Legal Support Services, Child & Adolescent Health Service WA

Dr Andrew Walby, Director of Emergency Medicine, St Vincent's Hospital Melbourne

Bill Madden, Special Counsel, Carroll & O'Dea Lawyers

Gae Nuttall, Risk Adviser, MDA National

5:50 PM

Closing Remarks from the Chair

6:00 PM

NETWORKING FUNCTION | Informa invites all speakers and delegates to an informal reception to discuss the day's issues and network with their peers

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Day 2 - Friday 2 March 2018

8:50 AM

OPENING | Opening Remarks from the Chair

9:00 AM

KEYNOTE ADDRESS | Sexual Misconduct Allegations in Medical Practice – Protecting Patients and Treating Doctors Fairly

Professor Ron Paterson, Professor of Law, University of Auckland and Independent Reviewer of the Use of Chaperones to Protect Patients in Australia

9:40 AM

KEYNOTE ADDRESS | Voluntary Assisted Dying

Nicholas Cowdery AM QC, Adjunct Professor of Law and former Director of Public Prosecutions for NSW

When and how we die are unknown to most of us, but some who suffer greatly would like to be able to choose. The issue of voluntary assisted dying remains alive in Australia and elsewhere and both medicine and the law have stakes in the resolution of the issues that arise. This paper will explore the current state of play and some questions that remain.

10:20 AM

Legal Duties of Doctors and Nurses to Report Child Abuse and Neglect Across Australia

Professor Ben Mathews, Principal Research Fellow, Faculty of Law, Queensland University of Technology (QUT), Director, Children's Health Program, Australian Centre for Health Law Research, Adjunct Professor, Johns Hopkins University, Bloomberg School of Public Health

— The current law in every state and territory for each form of child abuse and neglect

— Historical, policy and bioethical context

— An overview of data from a 10 year national study

11:00 AM

Morning refreshments and networking break

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11:30
AM

PANEL DISCUSSION | Sexual Harassment in the Medical Profession

Professor Ben Mathews, Principal Research Fellow, Faculty of Law,
Queensland University of Technology (QUT), Director, Children's Health
Program, Australian Centre for Health Law Research, Adjunct Professor, Johns
Hopkins University, Bloomberg School of Public Health

Dr Marie Bismark, Associate Professor in Law and Public Health, University of
Melbourne

Ngaire Watson, Barrister, Sir Owen Dixon Chambers

Professor Paula McDonald, QUT Business School and Director of the
Work/Industry Futures Research Program, QUT

Julie Brooke-Cowden, Manager, Claims & Advisory Services (NSW), MDA
National

- How is sexual harassment defined, in Australian law, institutionally, and in the community?
- How does sexual harassment manifest in medical contexts?
- What are the underlying causes of sexual harassment and why does it remain a problem despite 30 years of prohibition?
- How should individuals, bystanders and organisations respond to sexual harassment to redress the problem and mitigate legal and reputational risks?

12:20
PM

A Turf War: Conventional v Complementary Medicine and its Impact on Legal Claims

Awash Prasad, Associate, Accredited Specialist in Personal Injury Law, Slater
and Gordon Lawyers

- Complementary and alternative medical treatment and standards of care
- Legal issues flowing from claims against complementary and alternative medical treatment
- How standards may be derived and what may flow from registration
- Scope of duty and where is the line drawn?

1:00 PM

Whose Duty of Care is it Anyway?

Associate Professor Bernadette Richards, Associate Dean, Research Director,
Research Unit for the Study of Society, Ethics & the Law (RUSSEL), Adelaide
Law School, The University of Adelaide

Lessons learned from *Stefanyszyn v Brown*; *Brown v Newcastle Private Hospital Pty Ltd t/as Newcastle Private Hospital* [2016] NSWSC 826?

1:40 PM

Lunch and networking break

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2:40 PM

The Dentistry/Law Interface – Facts, Misconceptions and Trends in Disciplinary and Civil Issues

Marianne Nicolle, Principal, Meridian Lawyers

Dr Craig Brown, Consultant, ADA NSW Advisory Services

- Themes in complaints and claims against dentists
- The old and the new – Data around recurring issues and newer trends
- Case studies and lessons learned
- A model of practitioner support – Achieving better outcomes

3:20 PM

CLOSING ADDRESS AI | Developments in Healthcare

Paulina Moncrieff, Special Counsel, Norton Rose Fulbright

4:00 PM

Closing remarks from the Chair and close of congress