

PRESENTING THE 29TH ANNUAL

# Medico Legal 2020

AUSTRALIA'S PREMIERE MEDICO LEGAL EVENT

12 – 13 March 2020 | Radisson Blu Plaza Sydney

## OPENING KEYNOTE ADDRESS:



**Voluntary Assisted Dying – Victoria at the vanguard**  
Julian Gardner AM. *Former Chair, Victoria's VAD Implementation Taskforce*

## ALSO FEATURING:



Professor Stephen B Fox, *Director of Pathology, Peter MacCallum Cancer Centre*



Kym Ayscough, *Executive Director, Regulatory Operations, AHPRA*



Dr Barbara Hayes, *Clinical Leader - Advance Care Planning, Palliative Care Consultant, Northern Health*



Annabelle Mann, *General Counsel, The Royal Children's Hospital*



Blaise Lyons, *A/ Legal Manager - Health Law, Sydney Local Health District*



Janine McIlwraith, *Principal Lawyer, Slater and Gordon Lawyers*



Nick Mann, *Principal and Founder, Polaris Lawyers*



David Hirsch, *Barrister, 2nd Floor Selborne Chambers*



Audrey Bosboom, *Barrister, Anthony Mason Chambers*

## FEATURING PANEL DISCUSSIONS ON:

- Birth trauma and litigation
- End of life decision-making
- Patient centered care



Bill Madden, *Special Counsel, Carroll and O'Dea Lawyers*



Professor Anne-Maree Kelly, *Director, Joseph Epstein Centre for Emergency Medicine Research and Senior Emergency Physician at Western Health, Melbourne and Professorial Fellow, The University of Melbourne*



Elizabeth Kennedy, *General Counsel & Corporate Secretary, Peter MacCallum Cancer Centre*



Lauren Gandini, *Lawyer, Australian Nursing Federation*



Karen Kumar, *Barrister, Maurice Byers Chambers*



Naty Guerrero-Diaz, *Principal Lawyer, Slater and Gordon Lawyers*



Richard Laufer, *Legal Counsel, Director – Legal and Information Services, Northern Health*



Julie Brooke-Cowden, *Manager Professional Services, MDA National*



Dr Bethan Richards, *Chief Medical Wellness Officer, Director WellMD Centre, SLHD & Head, Department of Rheumatology, RPAH & Deputy Director, Institute for Musculoskeletal Health, SLHD*

PRE-CONFERENCE WORKSHOP | MEDICAL CONSENT IN 2020

Wednesday 11 March, 2:00pm – 5:00pm

Dr Rebecca Bronwyn Saunderson, Dermatologist, CEO, Consentic

EXHIBITOR:



SUPPORTED BY:



REGISTER NOW [www.informa.com.au/medleg2020](http://www.informa.com.au/medleg2020)



## PRE-CONFERENCE WORKSHOP WEDNESDAY, 11 MARCH 2020 | 2:00PM-5:00PM

### Medical consent in 2020

- Introduction to medical consent
- A history of informed medical consent
- Legal requirements of medical consent + case studies
- Delivery of consent
- Modifying risk with improved consent

Dr Rebecca Bronwyn Saunderson, *Dermatologist, CEO, Consentic*

## DAY ONE: THURSDAY 12 MARCH 2020

**8:50 OPENING** | Opening remarks from the Chair

### **9:00 OPENING KEYNOTE ADDRESS | Voluntary Assisted Dying – Victoria at the vanguard**

- The development of voluntary assisted dying in Australia
- Victoria's law and its experience to date
- Challenges for the medico-legal professions

Julian Gardner AM, *Former Chair, Victoria's VAD Implementation Taskforce*

### **9:40 Modelling tumour kinetics to estimate patient prognosis after delayed diagnosis**

- Approaches to determine tumour size and stage at earlier timepoints
- Methods to determine prognosis at earlier timepoints
- Challenges in modelling tumour kinetics

Professor Stephen B Fox, *Director of Pathology, Peter MacCallum Cancer Centre*

### **10:15 Genetic testing in medical negligence cases**

- Recent decisions
- Who can be tested and when?
- Forensic tool or litigation tactic?

David Hirsch, *Barrister, 2nd Floor Selborne Chambers*

**10:50** Networking and refreshment break

### **11:20 Beyond Advance Care Directives: Medical treatment planning for the person who lacks an Advance Care Directive**

- Advance Care Directives can be regarded as the 'gold standard' for planning for health care in the event of lost capacity
- There are reasons many people do not complete an Advance Care Directive
- How can we best honour a person's own preferences and develop a medical treatment plan with or without an available Advance Care Directive?

Dr Barbara Hayes, *Clinical Leader - Advance Care Planning, Palliative Care Consultant, Northern Health*

### **11:55 Legal liability for nurses and midwives – Complaints and compensation**

- This presentation will involve a review of recent cases involving claims for compensation and complaints against nurses and midwives, with a focus on common legal "hotspots" and myths and misconceptions about legal liability

- Complaints data and court judgements will be analysed and constructively discussed and applied to established medico-legal principles

- Attendees will take away invaluable practical tips and advice regarding common areas of complaint and compensation for nurses and midwives

Nick Mann, *Principal and Founder, Polaris Lawyers*

### **12:30 Changes in the medical indemnity insurance landscape – Medical indemnity support schemes and MI cover**

Michael Bracken, *Partner, Colin Biggers & Paisley*

**13:05** Lunch and networking break

### **14:05 First, do no harm – Causation in medical negligence**

- A doctor's breach of the duty of care owed to a patient does not automatically give rise to a legal claim
- The patient must also show that the breach caused harm
- A review of cases demonstrating the importance of the issue of causation

Audrey Bosboom, *Barrister, Anthony Mason Chambers*

### **14:40 PANEL DISCUSSION | Birth trauma and litigation**

- Informed consent for vaginal delivery
- Unanswered questions in the wrongful birth damages framework
- Refusal of treatment in the neonatal phase

Moderated by: Bill Madden, *Special Counsel, Carroll and O'Dea Lawyers*

Audrey Bosboom, *Barrister, Anthony Mason Chambers*

Kylie Agland, *Partner, HWL Ebsworth Lawyers*

Blaise Lyons, *AV Legal Manager - Health Law, Sydney Local Health District*

Dr Andrew Pickering MBChB, *LLM(Health), Working in Obstetrics and Gynecology on the North Shore & Northern Beaches of Sydney*

**15:30** Networking and refreshment break

### **15:55 The child in the middle – Clinical decision-making where parents disagree**

- In most cases, parents agree with each other on the treatment to be provided to their child but how do we manage the cases where they don't?
- What does the law say about what to do when one parent objects to the recommended treatment?
- How does this play out in practice and what are the ramifications for the clinician, the hospital and, most importantly, the child?

Annabelle Mann, *General Counsel, The Royal Children's Hospital Melbourne*

### **16:30 PANEL DISCUSSION | End of life decision-making**

Dr Barbara Hayes, *Clinical Leader - Advance Care Planning, Palliative Care Consultant, Northern Health*

Julian Gardner AM, *Former Chair, Victoria's VAD Implementation Taskforce*

Professor Anne-Maree Kelly, *Director, Joseph Epstein Centre for Emergency Medicine Research and Senior Emergency Physician at Western Health, Melbourne and Professorial Fellow, The University of Melbourne*

**17:20** Closing remarks from the Chair

**17:25** Networking Function

**8:50 OPENING** | Opening remarks from the Chair

**9:00 Difficult issues at the emergency medicine – medicolegal interface**

Through a case-based presentation, this session will explore:

- The medical and medico-legal challenge of patients who choose to discharge themselves against advice from ED
- The competing rights and responsibilities of clinicians and patients in situations giving rise to occupational violence in ED
- Balancing limitation of freedom under mental health acts: the use of involuntary status provisions in ED

Professor Anne-Maree Kelly, *Director, Joseph Epstein Centre for Emergency Medicine Research and Senior Emergency Physician at Western Health, Melbourne and Professorial Fellow, The University of Melbourne*

**9:40 Regulators act in the public interest... so what is that?**

- How does a risk-based regulator assess public interest?
- The intersection of risk assessment and public interest in immediate action considerations
- The consumer view of public interest – What is published on the national register of practitioners and why

Kym Ayscough, *Executive Director, Regulatory Operations, AHPRA*

**10:15 Regulation of health practitioners in Australia and the immediate action process**

- What is immediate action and why is it necessary?
- How the concept of “serious risk” has been interpreted by Courts and Tribunals, with recent examples of immediate actions that have been upheld and overturned
- What practitioners can expect from the process from a procedural fairness perspective before, during and after the immediate action decision is made

Lauren Gandini, *Lawyer, Australian Nursing Federation*

**10:50** Networking and refreshment break

**11:20 Damaging patient comments – Recent case law and what can you do?**

- The age of social media means that negative patient comments and reviews are likely to reach a broad audience over a short period of time. This can have a serious impact on the practitioner both personally and from a business perspective
- This presentation will address recent cases in which health practitioners have commenced legal proceedings against patients making adverse comments as well as the publishers of such comments
- The presentation will also address steps that practitioners and organisations can take in the event that they are the subject of adverse comments

Karen Kumar, *Barrister, Maurice Byers Chambers*

**11:55 Data breaches and cyber attacks – Privacy issues for healthcare**

- Potential for privacy breaches - Paper based and electronic records
- Protecting privacy with an EMR
- How secure is health data from cyber attack?
- What to do to monitor privacy and in the event of a breach

Elizabeth Kennedy, *General Counsel & Corporate Secretary, Peter MacCallum Cancer Centre*

**12:30 Campaigning to change the law**

If you believe the law to be manifestly unjust what do you do about it? This presentation discusses:

- A law we see as unjust and why
- Case examples of the injustice of the law as it stands
- Our attempts to have that law changed

Janine McLlraith, *Principal Lawyer, Slater and Gordon Lawyers*

Naty Guerrero-Diaz, *Principal Lawyer, Slater and Gordon Lawyers*

**13:05** Lunch and networking break

**14:05 PANEL DISCUSSION | Patient centered care**

- Addressing inpatient initiated requests for non-hospital provided treatment
- Does it matter if the treatment is not clinically proven?
- How does the hospital work through these requests both clinically and legally?
- Managing the risks
- What happens in the event of misconduct or injury?

Moderated by: Richard Laufer, *Legal Counsel, Director – Legal and Information Services, Northern Health*

Elizabeth Kennedy, *General Counsel & Corporate Secretary, Peter MacCallum Cancer Centre*

Annabelle Mann, *General Counsel, The Royal Children's Hospital*

Naty Guerrero-Diaz, *Principal Lawyer, Slater and Gordon Lawyers*

Professor Rina Hui, *Senior Staff Specialist in Medical Oncology, Crown Princess Mary Cancer Centre, Westmead Hospital & Clinical Professor, University of Sydney*

**14:55 Medico-legal issues in genetic testing**

- A number of potential medico-legal issues have emerged (such as ownership and privacy) in direct to consumer and DNA testing generally
- The ability of existing legislation and common law to deal with novel issues such as the ownership of genetic material and remedies for breach of genetic privacy, is limited
- Discussion of case law and potential case scenarios

Julie Brooke-Cowden, *Manager Professional Services, MDA National Insurance*

**15:30 CLOSING ADDRESS | Medical staff burnout: What is it, why we should care and what is being done about it?**

Dr Bethan Richards, *Chief Medical Wellness Officer, Director WellMD Centre, SLHD & Head, Department of Rheumatology, RPAH & Deputy Director, Institute for Musculoskeletal Health, SLHD*

**16:05** Closing remarks from the Chair

### SPONSORSHIP AND EXHIBITION OPPORTUNITIES

Excellent opportunities exist to showcase your organisation. For further information, please contact: **Danielle Newman**, Sponsorship Manager on (+61) 2 9080 4432 or email: [Danielle.Newman@informa.com](mailto:Danielle.Newman@informa.com)

# Medico Legal 2020

12 – 13 March 2020 | Radisson Blu Plaza Sydney

## Easy Ways to Register

- 1 Web**  
[www.informa.com.au/medleg2020](http://www.informa.com.au/medleg2020)
- 2 Telephone**  
+61 (0)2 9080 4307 – Quoting P20A01
- 3 Email**  
[info@informa.com.au](mailto:info@informa.com.au) – Quoting P20A01

## Stay Connected



# medleg20

## Pricing Details

Register Early & Save	Early Bird Rate				Standard Rate		
	Book & pay on or before 20 December 2019				Book & pay from 21 December 2020		
Two Day Conference	PRICE	GST	TOTAL	SAVE	PRICE	GST	TOTAL
Hospital/Government/Academia rate	\$1,795	\$179.50	\$1,974.50	\$500	\$2,295	\$229.50	\$2,524.50
Standard rate	\$2,295	\$229.50	\$2,524.50	\$500	\$2,795	\$279.50	\$3,074.50
Hospital/Government/Academia rate + Workshop	\$2,290	\$229	\$2,519	\$500	\$2,790	\$279	\$3,069
Standard rate + Workshop	\$2,790	\$279	\$3,069	\$500	\$3,290	\$329	\$3,619

### BOOK 3 DELEGATES AND RECEIVE THE 4TH DELEGATE PASS AT NO COST.

Book 3 delegates and receive the 4th delegate pass at no cost. To take advantage of this offer, call us today on 02 9080 4307 or email [info@informa.com.au](mailto:info@informa.com.au).

*Note: All delegates must be from the same company and register at the same time to qualify.*

For full terms and conditions, please visit:  
[www.informa.com.au/medleg2020](http://www.informa.com.au/medleg2020)

### VENUE DETAILS

Radisson Blu Plaza Hotel, 27 O'Connell St, Sydney NSW 2000  
**Phone:** (02) 8214 0000, [www.radissonblu.com](http://www.radissonblu.com)

If undeliverable return to: PO BOX Q1439, SYDNEY NSW 1230

POSTAGE  
PAID  
AUSTRALIA