

PRESENTING THE 33RD ANNUAL

Medico Legal Congress

19 – 20 March 2024 | Swisshotel, Sydney

KEYNOTE SPEAKERS:



Kate Eastman AM SC



Dr Wade Stedman,
*Clinical Lead – Voluntary Assisted
Dying Implementation,*
NSW Ministry of Health



Katherine Waller, *Project
Coordinator – Voluntary Assisted
Dying Training Projects – QUT*

SPEAKERS INCLUDE:



Dr Jamie Orchard, *General Counsel, AHPRA*



Dr Peter Honeyman,
Occupational and Environmental Physician



Justine Anderson, *Senior Associate,
Carroll & O’Dea Lawyers*



Professor Tina Cockburn, *Director,
Australian Centre for Health Law Research*



Dr Roger Levy, *Anaesthetist, Chairman, Patient Care Review
Committee, North Shore Private Hospital*



Dr Sandra Johnson, *Consultant Paediatrician, Clinical
Academic, The University of Sydney*



Nicole Lawless, *Executive Director Legal Services and
Director of Proceedings, Health Care Complaints
Commission (NSW)*



Dr Susan Hertzberg, *Senior Staff Specialist in Emergency
Medicine, Prince of Wales Hospital, Senior Consultant
Medical Advisor, Avant Mutual Medical Indemnity*



Scott McLean, *Executive Director Legal Services
and Director of Proceedings, Office of the Health
Ombudsman (Qld)*



Kate Betts, *Partner, Corrs Chambers Westgarth*



Dr Rachael Hickinbotham, *Obstetrician and Gynaecologist,
North Shore Private and The Mater Hospitals*



Dr Reece Adler, *Doctor in Training Medical Adviser, Avant,
Emergency Registrar, RPA Hospital*



Alice Robinson, *Director and Principal Lawyer,
Polaris Lawyers*



Erica Thuijs, *Partner, Jackson McDonald*



Dr Yega Muthu, *Principal Lawyer, YM Lawyers, Adjunct
Associate Professor, Australian Catholic University*



Dr Michael Wright, *General practitioner and Chief Medical
Officer, Avant*

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8:30 Registration & Morning Coffee

9:00 **DAY ONE OPENING**

9:05 **Opening Remarks From the Chair**

Justine Anderson, *Senior Associate, Carroll & O'Dea Lawyers*

9:10 **OPENING ADDRESS | Disability Royal Commission: The Interface of Health Systems and the Law**

Kate Eastman AM SC

9:45 **Cosmetic Surgery Update Post 1st July 2023: what will happen next?**

Dr Jamie Orchard, *General Counsel, AHPRA*

10:15 **AI in the Medico Legal Sector**

- Applications of AI in the medico-legal sector
- Ethical and legal considerations when implementing AI
- Future of AI in the sector

Alexander Acaster, *Chief Operating Officer, TMLEP*

10:45 Networking Break & Morning Tea

11:15 **How to Discuss Risk with Patients**

- The challenges around risk
- Why is this important to uphold this?
- Good clinical governance and preventable medical error

Dr Roger Levy, *Anaesthetist, Chairman, Patient Care Review Committee, North Shore Private Hospital*

11:45 **Medico Legal Opinions in Environmental Health**

- Brief overview of environmental health (EH)
- Discussion on some past EH medico-legal cases
- Discussion on complexity, limitations & likely plaintiffs

Dr Peter Honeyman, *Occupational and Environmental Physician*

12:15 **Recent Developments in the Standard of Care in Medical Negligence Cases**

Bill Madden, *Special Counsel, Carroll & O'Dea Lawyers, Adjunct Professor, Australian Centre for Health Law Research*

Professor Tina Cockburn, *Director, Australian Centre for Health Law Research*

12:45 Networking Lunch

13:45 **PANEL | Unlawful Detention, Gillick Competency, and Other Considerations within the Hospital / Emergency Setting**

Erica Thuijs, *Partner, Jackson McDonald*

Dr Susan Hertzberg, *Senior Staff Specialist in Emergency Medicine, Prince of Wales Hospital, Senior Consultant Medical Advisor, Avant Mutual Medical Indemnity*

Professor Anne-Maree Kelly, *Director, Joseph Epstein Centre for Emergency Medicine Research, Senior Emergency Physician, Western Health, Melbourne, Adjunct Professor, The Australian Centre for Health Law Research, Queensland University of Technology, Professorial Fellow, The University of Melbourne*

Moderated by Alice Robinson, *Director and Principal Lawyer, Polaris Lawyers*

14:30 **Cross-Border Issues in the Era of Telehealth & Travelling Medicine**

- Forum/Venue issues arising from telehealth where the doctor and patient are in different states
- Impacts on damages calculations/claims arising from these issues
- Online Health Delivery Platforms, Australian Consumer Law, and Choice of Law
- Navigating jurisdictional issues

Adam Clements, *Associate, Melinda Griffiths Lawyers*

15:00 Afternoon Tea & Networking Break

15:30 **Medicolegal Obligations when Using AI tools in Healthcare**

- Complying with medicolegal duty of care
- Accountability if/when harm occurs may need to be shared
- Regulation and Governance of AI in healthcare will require an interdisciplinary approach

Dr Sandra Johnson, *Consultant Paediatrician, Clinical Academic, The University of Sydney*

16:00 **Implementation of Victoria's Statutory Duty of Candour Legislation in a Regional Health Service**

Dr Andrew Walby, *Director of Medical Services, Portland District Health, Emergency Physician, St Vincent's Hospital Melbourne*

16:30 **CLOSING ADDRESS | Reducing Re-Traumatisation – Approaches to Supporting Witnesses in Matters Involving Allegations of Sexual Misconduct in Tribunals**

- The approach of tribunals when dealing with witnesses in matters involving allegations of sexual misconduct compared with the approach of criminal courts when dealing with allegations of sexual offences
- Some recent tribunal decisions dealing with allegations of sexual misconduct
- Dealing with allegations of asexual misconduct – a blueprint for protection
- The practical support offered to those witnesses most directly affected by the allegations

Dr Jamie Orchard, *General Counsel, AHPRA*

Nicole Lawless, *Executive Director Legal Services and Director of Proceedings, Health Care Complaints Commission (NSW)*

Scott McLean, *Executive Director Legal Services and Director of Proceedings, Office of the Health Ombudsman (Qld)*

17:10 Closing Remarks from Chair

17:15 Networking Drinks 🍷🍹

18:10 Day 1 Concludes



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8:30 Registration & Morning Coffee

9:00 **DAY TWO OPENING**

9:05 **Opening Remarks From the Chair**

Dr Reece Adler, *Doctor in Training Medical Adviser, Avant, Emergency Registrar, RPA Hospital*

9:10 **KEYNOTE ADDRESS | Voluntary Assisted Dying: What you Need to Know About the Changes in NSW**

- What's unique about the NSW VAD Act
- What does this mean for health care workers in NSW
- Highlight some challenges for VAD providers in Australia

Dr Wade Stedman, *Clinical Lead – Voluntary Assisted Dying Implementation, NSW Ministry of Health*

9:45 **PANEL | Birth Trauma Parliamentary Inquiry – Where to From Here?**

- Findings from NSW Parliamentary inquiry into Birth Trauma
- RANZCOG developed and published Guidelines on Informed Birth
- Will consent and birth trauma be the next big thing in obstetric law?

Kate Betts, *Partner, Corrs Chambers Westgarth*

Dr Rachael Hickinbotham, *Obstetrician and Gynaecologist, North Shore Private and The Mater Hospitals*

Moderated by Dr Vijay Roach, *Immediate Past President, RANZCOG*

10:30 **Intentional Torts in Healthcare**

- How/when they happen
- Why they are important in certain jurisdictions
- Unlawful detentions in hospital

Alice Robinson, *Director and Principal Lawyer, Polaris Lawyers*

11:00 Networking Break & Morning Tea

11:30 **Session Spotlight**

12:00 **KEYNOTE ADDRESS | Voluntary Assisted Dying: The Legal Differences from State to State**

Katherine Waller, *Project Coordinator – Voluntary Assisted Dying Training Projects – QUT*

12:30 **Medico-Legal Issues Arising from Psychiatric Hospitalisation**

Dr Yega Muthu, *Mental Health Lawyer, YM Lawyers, Former Legal Member, NSW Mental Health Review*

Catherine Henry, *Health & Medical Lawyer, Former Legal Member, NSW Mental Health Review Tribunal*

13:00 Networking Lunch

14:00 **When Things go Wrong: Who, What, When and How**

- Complaints and how they unfold
- Open disclosure and what to do if the process breaks down
- Tips for managing complaints effectively

Ruanne Brell, *Senior Legal Advisor, Avant*

Dr Michael Wright, *General practitioner and Chief Medical Officer, Avant*

14:30 **CLOSING ADDRESS | Session TBC**

15:10 Closing Remarks from Chair

15:15 Congress Concludes

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