

**LAWS6090: Health Law**

Newcastle City Precinct  
Semester 1 - 2024



## OVERVIEW

**Course Description**

Students develop and apply advanced research, collaboration, and problem-solving skills to legal and policy topics relevant to the delivery of health care and bioethics. Key topics include legal foundations of the health care system; international human rights laws and the right to health; consent to health care and medical treatment; medical negligence; genetic technologies and regulations; human reproductive technologies; public health, including infectious and chronic disease control; and end of life care. The course focuses on the contemporary Australian context and incorporates international comparative material and international human rights laws.

**Compulsory Attendance**

Attendance at all classes (seminars and workshops) will be monitored and records maintained by the Course Coordinator. In order to satisfy the “Compulsory Attendance” requirement, students must be present at a minimum of 80% of scheduled classes as spelled out in the course outline, unless they are able to demonstrate that their absence falls within the Adverse Circumstances policy. Unless this requirement is met, despite marks awarded in other assessment items, the student will receive a zero mark and an FF grade for the course.

Please note that if you miss more than 2 classes for reasons that fall within the University’s adverse circumstances policy you may be required to complete additional assessment items to ensure that you have completed the required volume of learning for this course.

**Content Warning**

The content covered in this course may be particularly triggering or upsetting to some students. During the course of the semester, we will be examining and discussing a range of complicated and difficult topics in medicine and health care including the withdrawal of medical treatment for children, mental health laws, pregnancy law and end of life care decision-making.

Please contact the course coordinator and/or seminar leaders if you have any concerns about the nature of the content covered.

Students are also asked to be respectful towards others at all times and to be open to differing opinions across subject matters.

**To access UON support:**  
<https://www.newcastle.edu.au/current-students/support/personal>

Ph: 4921 6622 or email: [counselling@newcastle.edu.au](mailto:counselling@newcastle.edu.au)

# COURSE OUTLINE

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For support outside of office hours call the University Crisis

Support Line on 1300 653 007 or for chat SMS 0488 884 165.

For immediate support contact Lifeline 24/7 on 13 14 11  
or <https://www.lifeline.org.au/>

### Skills Focus

This course will focus on assisting students to develop the following skills:

1. Collaboration
2. Legal research and database use
3. Writing - legal audience
4. Oral communication – legal and non-legal audiences

### Requisites

This course is only available to students enrolled in the Juris Doctor/ Graduate Diploma in Legal Practice program, a Bachelor of Laws (Honours) combined program or a relevant postgraduate program.

### Contact Hours

**Newcastle City Precinct  
Online Activity**

Online Lecture Videos and Assigned Readings  
1 hour(s) per Week for 12 Weeks

**Seminar**

2 hour(s) per Week for 12 Weeks

### Unit Weighting

10

### Workload

Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

## CONTACTS

### Course Coordinator

**Newcastle City Precinct**

Dr Donna McNamara (for weeks 1, 2, 3, 4, 5, 6 and 7)

[Donna.Mcnamara10@newcastle.edu.au](mailto:Donna.Mcnamara10@newcastle.edu.au)

02 4055 3341

Consultation: appointment by email

Ms Lisa Molloy (for weeks 8, 9, 10, 11 and 12)

[Lisa.Molloy@newcastle.edu.au](mailto:Lisa.Molloy@newcastle.edu.au)

02 4921 8666

Consultation: appointment by email

### Seminar Leaders

To be announced on Canvas.

### School Office

**Newcastle Law School**

5th Floor

NU Space

409 Hunter Street

Newcastle

[Law-School@newcastle.edu.au](mailto:Law-School@newcastle.edu.au)

+61 2 4921 8666

# SYLLABUS

## Course Content

The topics covered in this course include:

1. An introduction to principles of healthcare law and ethics
2. Autonomy, informed consent and the right to refuse treatment
3. Medical negligence and patient safety
4. Mental health laws
5. Healthcare decisions for children and young people
6. Health care information
7. Pregnancy and the law; including reproductive technologies, access to abortion care and refusal of treatment during pregnancy
8. Genetics and research involving human participants
9. Public health and pandemics
10. End of life care and the right to dignity in death

## Course Learning Outcomes

**On successful completion of this course, students will be able to:**

1. Apply critical analysis and problem-solving skills to a range of health law and policy problems.
2. Conduct independent and advanced research on health law and policy problems using primary and secondary research resources to develop written communication skills.
3. Compare and contrast different legal and policy approaches to addressing health law and policy problems with regard to international human rights laws.
4. Critique and justify options for law reform and engage with public policy to suggest amendments or alternatives to the existing rules and practices in health law.
5. Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.

## Course Materials

Ben White, Fiona McDonald, Lindy Willmott and Shih-Ning Then, *Health Law in Australia* (Thomson Reuters, 4<sup>th</sup> ed, 2023). There is a 15% discount and free postage offer available for students this semester. See here:

<https://legal.thomsonreuters.com.au/health-law-in-australia-fourth-edition/productdetail/130552> with the use of PROMO CODE **UNIS15**



*Additional readings will be notified via Canvas, however, it is expected that students will show some independence and initiative in their personal research around each topic.*

**SCHEDULE**

Week	Week Begins	Topic	Learning Activity	Assessment Due
1	26 Feb	Introduction to Principles of Health Law, Medical Ethics, and Indigenous Health Care	Lecture recordings, readings and seminar discussion	
2	04 Mar	Negligence: The Duty of Care and Patient Safety	Lecture recordings, readings and seminar discussion	
3	11 Mar	Autonomy and Informed Consent for Competent Adults	Lecture recordings, readings and seminar discussion	Deadline for self-enrolling in a group ahead of AT1.  Students who have not self-enrolled will be assigned to a group in week 4.
4	18 Mar	Autonomy, The "Incompetent" Adult and Mental Health Laws	Lecture recordings, readings and seminar discussion	
5	25 Mar	<b>Seminar cancelled due to Good Friday</b>	<b>Seminar cancelled due to Good Friday</b>	
6	01 Apr	Autonomy and Informed Consent in Pregnancy	Lecture recordings, readings and seminar discussion	Deadline for AT1; 11 <sup>th</sup> April midnight.
7	08 Apr	Autonomy and Informed Consent for Children and Young People	Lecture recordings, readings and seminar discussion	
<b>Mid-Term Break</b>				
<b>Mid-Term break</b>				
<b>NOTE: LISA MOLLOY WILL TAKE OVER THE ROLE AS COURSE COORDINATOR FOLLOWING THE BREAK.</b>				
8	29 Apr	Health Care Professionals and the Coroners Court	Lecture recordings, readings and seminar discussion	
9	06 May	Genetics and the Law	Lecture recordings, readings and seminar discussion	Deadline for AT2; 9 <sup>th</sup> May midnight.
10	13 May	Health Information, Patient Privacy and Medicare	Lecture recordings, readings and seminar discussion	
11	20 May	Public Health Law and Pandemics	Lecture recordings, readings and seminar discussion	
12	27 May	End of Life Care and Assisted Dying	Lecture recordings, readings and seminar discussion	
13	03 Jun	Revision Week		Deadline for AT3; 4 <sup>th</sup> June release – to be submitted by 5 <sup>th</sup> June.
<b>Examination Period</b>				
<b>Examination Period</b>				

# ASSESSMENTS

This course has 3 formal assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Multimedia Assessment	Deadline for AT1; 11 <sup>th</sup> April midnight	Group	10%	1, 2, 3,4, 5
2	Law Reform Commission Report	Deadline for AT2; 9 <sup>th</sup> May midnight	Group/Individual	40%	1, 2, 3, 4, 5
3	24-hour Time-Restricted Assessment	Deadline for AT3; 4 <sup>th</sup> June release – to be submitted by 5 <sup>th</sup> June (24-hour turnaround)	Individual	50%	1, 2, 3, 4, 5

## Approval of Results

To ensure that grades are fair both within and between courses and cohorts, Newcastle Law School has a rigorous policy of moderating and reviewing assessment. The School Assessment Board (SAB) reviews all final grades before they are released to students, and the SAB process may result in the overall marks of a class being moved up or down by a specific amount, thus impacting individual marks. This is consistent with grading practices in other Law Schools across the country and important to ensure the integrity of assessment. This means that the final grade you are awarded may not be the sum of marks you have received in all assessments.

## Late Submissions

The mark for an assessment item submitted after the designated time on the due date, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.

## Assessment 1 - Multimedia assignment

### Assessment Type

Group Video or Podcast

### Description

Students will work in groups of 3-4 to complete a 6-minute (maximum) video or podcast examining a contemporary medio-legal issue. Students can enrol in their chosen group up until the end of week 3. Those who don't have a group will be assigned to one after this date. Students will work together to design an engaging multimedia oral presentation. You can record this assessment task using a range of different devices (mobile phone, iPad, digital camera, Zoom etc.). If you don't have access to a suitable device, please be in touch with Dr McNamara. Further details will be provided in relation to this task on Canvas.

### Weighting

10%.

### Due Date

11<sup>th</sup> April midnight

### Submission Method

Online via Canvas.

All team members are expected to make a “substantial scholarly contribution” to the completion of the assignment. This is the standard required to be considered an author under the University’s Research Authorship Guideline: <https://policies.newcastle.edu.au/document/view-current.php?id=128>.

One student will upload the assignment. Upload of the assignment with all students’ names in the title will be taken to indicate that all students’ contributions met the standard of a “substantial scholarly contribution”.

Evidence of non-participation (i.e., a failure to actively participate to the completion of the task, a failure to contribute in a meaningful manner or a failure to respond to group

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communications) will amount to a **fail grade for this task**.

**Assessment Criteria**

- Clear identification and articulation of a contemporary medico-legal problem
- Demonstrated understanding of the relevant law (including legislation and relevant case law) and relevant policy factors relating to the problem concerned
- Critical analysis of the issues with reference to primary and secondary legal sources
- Ability to make and justify recommendations for reform
- Clear, creative and concise communication and presentation style
- Ability to work effectively as part of a team

Evidence of non-participation (i.e., a failure to actively participate to the completion of the task, a failure to contribute in a meaningful manner or a failure to respond to group communications) will amount to a **fail grade for this task**.

**Return Method**

Marks to be released on Canvas following the mid-semester break.

**Feedback Provided**

Via Canvas.

## Assessment 2 - Law Reform Commission Report

**Assessment Type**

Written Assessment (can be completed as part of a group **or** individually. Please contact the course coordinator, Lisa Molloy, if you wish to complete the project individually so that a submission link can be made available to you.)

**Description**

This task requires students to write a written law reform report/submission based on the medico-legal problem identified in assessment item one. The report will comprise of two parts:

- (1) The submission itself, with a strict word limit of 1500 words (not including reasonable footnotes). The submission should include a literature review, critical analysis and robust recommendations as appropriate.
- (2) An annotated bibliography of at least ten primary legal and scholarly secondary sources. For each source, students should include a one sentence statement of how the source influenced their research or conclusion. The annotated bibliography is not included in word count.

Further detail on this assessment will be made available during semester.

**Weighting**

40%

**Due Date**

9<sup>th</sup> May midnight

**Submission Method**

Online via Canvas

**Assessment Criteria**

- Clear identification and articulation of a contemporary medico-legal problem
- Demonstrated understanding of the relevant law (including legislation and relevant case law) and relevant policy factors relating to the problem concerned
- Critical analysis of the issues with reference to primary and secondary legal sources
- Ability to make and justify recommendations for reform
- Clear, creative and concise communication and presentation style
- Ability to work effectively as part of a team

**Return Method**

Marks to be released via Canvas.

**Feedback Provided**

Via Canvas.

## Assessment 3 - Time-Restricted Assessment

<b>Assessment Type</b>	Individual time-restricted assessment (24 hours)
<b>Description</b>	The purpose of this assessment is to test students' cumulative understanding of the principles and rules of health law and their ability to apply these rules as appropriate. Additional guidance and explanation of the examination and the material being assessed will be provided by the course coordinator during the semester.
<b>Weighting</b>	50%.
<b>Due Date</b>	4 <sup>th</sup> June release – to be submitted by 5 <sup>th</sup> June (24-hour turnaround)
<b>Submission Method</b>	Online via Canvas. Further details will be made available via the course coordinator.
<b>Assessment Criteria</b>	<ul style="list-style-type: none"><li>• Demonstrated knowledge and understanding of the course content</li><li>• Demonstrated ability to apply principles of health law to solve legal problems</li><li>• Demonstrated awareness of the nuances and uncertainties in health law and ethics; where there is uncertainty in the law, students will need to demonstrate an ability to adopt a reasoned position of their own</li><li>• Demonstrated ability to engage with the facts of the matter so that relevant parallels and/or distinctions to case law can be drawn to support a conclusion</li><li>• Demonstrated analytical abilities, including the ability to separate the relevant from the irrelevant, and to present a clear analysis of competing considerations</li><li>• Demonstrated ability to critically assess the role of health law in contemporary society and the adequacy of Australia's healthcare system</li><li>• Presentation of arguments in writing that is clear, grammatically correct, unambiguous and concise</li></ul>
<b>Return Method</b>	Marks to be released on Canvas following the SAB.
<b>Feedback Provided</b>	No feedback is provided in relation to this assessment item apart from a final course mark. Students can request an appointment with the examiner for individual feedback on their performance in the examination following the release of final course marks.

## ADDITIONAL INFORMATION

### Grading Scheme

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction (HD)	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory

		development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

\*Skills are those identified for the purposes of assessment task(s).

**Communication Methods**

Communication methods used in this course include email and Canvas announcements.

**Course Evaluation**

Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.

**Oral Interviews**

As part of the evaluation process of any assessment item in this course an oral examination may be conducted. The purpose of the oral examination is to verify the authorship of the material submitted in response to the assessment task. The oral examination will be conducted in accordance with the principles set out in the Oral Examination Guidelines. In cases where the oral examination reveals the assessment item may not be the student's own work the case will be dealt with under the Student Conduct Rule.

**Academic Misconduct**

All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity Policy, refer to <https://policies.newcastle.edu.au/document/view-current.php?id=35>.

**Adverse Circumstances**

The University acknowledges the right of students to seek consideration for the impact of allowable adverse circumstances that may affect their performance in assessment item(s). Applications for special consideration due to adverse circumstances will be made using the online Adverse Circumstances system where:

1. the assessment item is a major assessment item; or
2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply the online Adverse Circumstances system;
3. you are requesting a change of placement; or
4. the course has a compulsory attendance requirement.

Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at:

<https://policies.newcastle.edu.au/document/view-current.php?id=236>

**Important Policy Information**

The 'HELP for Students' tab in UoNline contains important information that all students should be familiar with, including various systems, policies and procedures.

*This course outline was approved by the Head of School. No alteration of this course outline is permitted without Head of School approval. If a change is approved, students will be notified and an amended course outline will be provided in the same manner as the original.*

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