

# LAWS 6006 MEDICAL LAW

**Credit Points** 10

**Coordinator** Sandy Noakes ([https://directory.westernsydney.edu.au/search/name/Sandy Noakes/](https://directory.westernsydney.edu.au/search/name/Sandy%20Noakes/))

**Description** This subject analyses Australian medical law. The legal issues are examined in broad social, cultural and ethical contexts, including critical perspectives on medical law and policy relating to Indigenous people. Medical law is underpinned by the rapid pace of scientific and social developments that generate new issues for medicine and for the law, many of which are at the core of policy— birth and reproduction, choice and responsibility, life and death. Students will engage in professional learning activities to demonstrate their application of this body of law in practice.

**School** Law

**Discipline** Legal Practice

**Student Contribution Band** HECS Band 4 10cp

**Level** Postgraduate Coursework Level 6 subject

**Pre-requisite(s)** LAWS 7047 Contracts

LAWS 7027 Torts Law

LAWS 7057 Government Public Law

LAWS 7048 Criminal Law

**Incompatible Subjects** LAWS 3050 Medical Law

## Restrictions

Must be enrolled in the 2826 Juris Doctor program.

## Learning Outcomes

After successful completion of this subject, students will be able to:

1. Critically evaluate medico-legal principles from primary and secondary legal sources.
2. Apply knowledge of medical law to practical issues.
3. Analyse the relationship between law, medicine, and ethics, incorporating different social and cultural perspectives.
4. Evaluate recent and potential areas appropriate for medical law reform.
5. Develop advanced communication and reflection skills.

## Subject Content

- Civil liability legislation
- Privacy, confidence and medical record access
- Insurance
- Consent / trespass; consent / incapacity
- Medical law and policy relating to Indigenous people
- Negligence - Duty and breach, conflicting duties
- Vicarious liability and non-delegable duties
- Contract and Australian Consumer Law claims
- Information cases / failure to warn
- Mental harm claims
- Duties to third parties
- Causation / apportionment
- Assessment of damages
- Limitation periods
- Alternative dispute resolution

- Beginning of life
- Wrongful life and birth
- End of life
- Expert evidence and immunity
- Discipline, mandatory reporting and crime
- Coronial jurisdiction
- Medicare

## Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/Group Task
Reflection	1,500 words or equivalent	30	N	Individual
Professional Task	3,000 words	35	N	Individual
Professional Task	3,000 words	35	N	Individual

Prescribed Texts

- Madden, McIlwraith & Madden, *Australian Medical Liability* (LexisNexis 4th ed 2021)

Teaching Periods