OPENING KEYNOTE ADDRESS:
Voluntary Assisted Dying – Victoria at the vanguard
Julian Gardner AM, Former Chair, Victoria’s VAD Implementation Taskforce

ALSO FEATURING:

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

FEATUREING PANEL DISCUSSIONS ON:
– Birth trauma and litigation
– End of life decision-making
– Patient centered care

PRE-CONFERENCE WORKSHOP | MEDICAL CONSENT IN 2020
Wednesday 11 March, 2:00pm – 5:00pm
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
Dr Rebecca Bronwyn Saunderson, Dermatologist, CEO, Consentic

Networking and refreshment break

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, A/ 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-Marie 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 medicolegal 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 consideration
— 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 adverse 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 McIlwraith, 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 WellMO Centre, SLHD & Head, Department of Rheumatology, RPAH & Deputy Director, Institute for Musculoskeletal Health, SLHD

16:05 Closing remarks from the Chair

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