Medico Legal Congress
Addressing a vast range of complex medico-legal challenges

9 – 10 March 2017 | Swissotel, Sydney

8.50 OPENING | Opening remarks from the Chair
A/Professor Vinay S Rane, Consultant OB/GYN and Lawyer, Melbourne Mothers and Monash University

9.00 KEYNOTE OPENING ADDRESS
Targeting Zero Harm in Victorian Hospitals - A Physician’s View of the Key Implications from the Review of Hospital Safety and Quality Assurance in Victoria
— Redressing the balance between performance goals and safety and quality improvement
— Implications - Leadership, clinical governance, clinician engagement, data management and transparency
Associate Professor Harvey Newham, Director of General Medicine, Alfred Health

9.40 The Emergency Department: A Laboratory for Error
— The role of cognitive and affective bias in medical error
— Why doctors “mess up” in the ED
— The important role of EBM (experience-based medicine)
Dr Andrew Walby, Director of Emergency Medicine, St Vincent’s Hospital Melbourne

10.20 Medicinal Cannabis: The Law and its Ethical Implications
— Overview of different legislation in Australian states and territories
— Practical implementation of laws
— Role of medical trials
— Ethical issues
Kate Gillman, Head of Medico Legal Advisory Service, Avant Mutual Group
Ruanne Brell, Medico Legal Adviser, Avant Mutual Group

11.00 Morning refreshments and networking

11.30 Liability of Expert Witnesses
— Civil claims: Revisiting expert witness immunity after Atwells v Jackson Lalic Lawyers Pty Ltd [2016] HCA 16
— Disciplinary sanctions: implications of Squier v General Medical Council [2016] EWHC 2739
Associate Professor Tina Cockburn, Australian Centre for Health Law Research, QUT Faculty of Law, Brisbane
Bill Madden, National Practice Group Leader - Medical Law, Accredited Specialist in Personal Injury Law, Slater and Gordon Lawyers

12.10 INTERACTIVE DISCUSSION
Mental Health Issues and Health Practitioners
— Impaired registrants
— Second victim phenomena and incident disclosure
Anne Shortall, Principal Lawyer, Slater and Gordon Lawyers
Associate Professor Harvey Newham, Director of General Medicine, Alfred Health
Fiona Burns, Legal Counsel, Sunshine Coast Hospital and Health Service

13.50 Birth - Why Don’t We Just Tell the Truth?
There are no guidelines for information that should be provided to pregnant women regarding birth. Current information guidelines and childbirth education models deny women true choice. This presentation will illustrate how current obstetric practice is inadequate and does not conform to legal standards under current case-law. The health system is complicit in denying full disclosure of birth risks. IVF and other forms of ART have changed the demographics of the pregnant population. Pregnant women are no longer a homogenous group for which vaginal birth is always appropriate. Internet and social media have increased the health awareness of women but often present a biased source of information. Is it time the medical and midwifery approach to antenatal education and information provision reflected these changing conditions to allow women to make a more informed birth choice for themselves?
Dr Amber Moore, MB BS FRANZCOG LLB (Hons) (also completing MLM), Royal Women’s Hospital and St Vincent’s Private Hospital Melbourne

14.30 PRIVACY AND SECURITY CHALLENGES
Health in the Age of the Internet of Things
— Health services through the internet of things
— “Big data” – Balancing the risks and benefits of sharing sensitive information
— Mandatory data breach reporting
— De-identification revisited – The Privacy Commissioner’s new guidelines
— Increased liability for privacy and security breaches
Louise Cantrill, Partner, Henry Davis York
Matthew McMillan, Partner, Henry Davis York

15.10 Afternoon refreshment break and networking

15.30 Increased Regulation for Cosmetic Surgery
— Current regulation
— Topical issues arising from incidents particularly in cosmetic day surgeries
— Potential for class actions
— Call for increased regulation and amendments to the Private Health Facilities Act
Sarah Lark, Special Counsel, MinterEllison

16.10 CLOSING PANEL DISCUSSION
Is AHPRA Working?
Looking at AHPRA in a broad context to consider national regulation.
Assoc Prof Bernadette Richards, Adelaide Law School, University of Adelaide
Fiona Burns, Legal Counsel, Sunshine Coast Hospital and Health Service
Janine McIlwraith, Principal Lawyer, Slater and Gordon Lawyers

16.50 Closing remarks from the Chair

17.00 NETWORKING DRINKS
Informa invites all speakers and delegates to an informal drinks reception to discuss the day’s issues and network with their peers.
8:20 OPENING | Opening remarks from the Chair
Janine McIlwraith, Principal Lawyer, Slater and Gordon Lawyers

8:30 KEYNOTE ADDRESS
Medical Communication after Prenatal Testing for Down Syndrome
Most Australian women are offered testing during pregnancy to identify fetal abnormalities such as Down Syndrome. After a diagnosis is made, women and their partners are usually given a choice about continuing their pregnancy or having an abortion. Information about the condition that has been diagnosed is material to decision-making at this time.

This presentation will explore the nature of medical communication within this setting and present findings from a longitudinal research study that explored couple’s experiences of receiving a prenatal diagnosis. The impact of communication upon patient satisfaction and informed decision-making will be highlighted.

Dr Jan Hodgson PhD, Academic Researcher and Lecturer, Department of Paediatrics, Faculty of Medicine, Dentistry and Health Sciences, University of Melbourne, and Genetics Education and Health Research, Murdoch Children’s Research Institute

9:10 Regulating Innovation: How can we Protect Patients and Encourage Medical Advancement?
This presentation will consider the current legal framework around innovation and critically assess how an appropriate balance can be struck between patient protection and encouragement of medical innovation.

Assoc Prof Bernadette Richards, Adelaide Law School, University of Adelaide

9:50 Memories, Light the Corner of my Mind….Or Do They?
— What are memories?
— True, recovered and false memories and the patient experience
— Case study – Patient memory vs contemporaneous documentation – Which is true?
— Patient memory and the complaints process

Fiona Burns, Legal Counsel, Sunshine Coast Hospital and Health Service

10:30 Morning refreshments and networking break

11:00 RESEARCH
Identifying Medico-Legal Risks of Ageing Practitioners
— The background and social context of ageing in the medical profession and the role of regulation
— A decade of research - How the law and regulatory data can be used to improve population health and the quality of healthcare
— Health, performance and conduct concerns among older doctors: A retrospective cohort study of notifications
— The implications of research for the medical profession, medical regulators, colleges and medico-legal professions

Laura A Thomas, Senior Research Assistant, Law and Public Health Unit, Centre for Health Policy, Melbourne School of Population and Global Health, University of Melbourne

11:40 CASE STUDY
‘Special Medical Procedures’ and a Parent’s Ability to Consent to Surgery on Behalf of their Child
There are some medical treatments that a parent cannot consent to on behalf of their child. These treatments are referred to as ‘special medical procedures’ and require authorisation by the Family Court. The presentation will focus on:
— The legal test that determines which treatments are ‘special’ and therefore require authorisation
— How treatments for Gender Dysphoria have brought the effectiveness of this test into question

Shannon Mony, Partner, HBA Legal
Will Goodheart, Solicitor, HBA Legal

12:20 The Latest Disciplinary Perspectives: Recent Regulatory Reviews, Revalidation and Risk-Based Regulation – How the System Might Look in 5 Years?

Timothy Bowen, Senior Solicitor – Advocacy, Claims & Education, MIGA

13:00 Lunch and networking break

14:00 The “Quality Formula”
— Satisfaction = Outcome – Expectation
— Satisfied patients or their families do not complain
— The key contributors to good outcomes
— The expectations of patients and their families
— How failure to recognise and address expectations can overshadow or undermine good outcomes

Dr John Short, Obstetrician and Gynaecologist, Christchurch Women’s Hospital

14:40 CLOSING DEBATE
Current Medico Legal Issues will be Debated from Medical, Legal, Governance and Patient Perspectives using Hypothetical Scenarios
Facilitated by: Janine McIlwraith, Principal Lawyer, Slater and Gordon Lawyers
Panellists: Belinda Epstein, Senior Associate, Catherine Henry Lawyers
Timothy Bowen, Senior Solicitor – Advocacy, Claims & Education, MIGA

15:20 Closing remarks from the Chair

15:30 Close of congress

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Swissotel, Sydney, 68 Market St, Sydney NSW 2000
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GROUP DISCOUNTS

Book 3 delegates and receive the 4th delegate pass at no cost.
Note: All delegates must be from the same company and register at the same time to qualify.

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