Welcome to the Australian Centre for Health Law Research

The Australian Centre for Health Law Research was established at the Queensland University of Technology in 2012 and is the country’s leading health law research group. We are a specialist research centre that addresses current and emerging challenges in the fields of health law, policy, ethics and regulation in Australia and globally.

The Centre is home to 20 academics – the largest group of health law scholars in Australia – Adjunct Professors, and a vibrant community of higher degree researchers. We undertake collaborative research with prominent scholars and research institutions in Australia, the United States, Canada, the United Kingdom, Europe and Asia. Our vision is to make a significant contribution to the field of health law in Australia and internationally.

The Centre produces research that improves health outcomes for patients and their families as well as benefiting health professionals, health systems and the broader community. Our focus is not only on quality scholarship, but improving health law, policy and practice. Our research has real impact and makes a difference.

We welcome you to the Australian Centre for Health Law Research and take this opportunity to provide you with an overview of our research, people and activities. We are a collegial group and invite you to contact us if you are interested in researching, collaborating or studying with the Centre.
The Centre’s research expertise focuses on end of life, children’s health and the beginning of life, and governance and regulation of health care. Within these research programs we undertake empirical, theoretical and doctrinal research into complex problems that arise at the interface of law, health, ethics, technology, governance, regulation and public policy.

Program 1
End of life

This research focuses on:
• withholding and withdrawing life-sustaining medical treatment
• provision of futile treatment at the end of life
• advance care planning
• palliative care
• euthanasia
• coronial systems and regulation.

Program 2
Children’s health and the beginning of life

Our research in this area includes:
• child abuse and neglect
• conception, pregnancy and birth
• assisted reproductive technology and embryo selection technologies
• ethics and regulation of embryonic stem cell research
• end-of-life issues for infants and children
• consent to treatment
• surrogacy
• abortion
• disability discrimination against children in education
• tissue transplantation and organ donation
• gender dysphoria
• cultural violence against children, especially female genital cutting, and other sexual violence.

Program 3
Governance and regulation of health care

This research examines existing and emerging challenges in health including:
• governance and regulation of health care
• legal issues in global health
• public health law
• global health governance agreements and institutions
• regulation of new technologies in health care
• negligence and patient safety
• health governance and organisational ethics
• adult guardianship and capacity
• regulation of consent to medical treatment
• tobacco control
• ehealth and privacy
• work health and safety regulation
• health implications of food, air, water and climate change.
Program 1 | End of life

Program Leaders: Professor Lindy Willmott & Professor Ben White

As baby boomers age and advances in technology allow us to prolong life, legal and ethical issues in death, dying and decision-making become increasingly important.

Professor Ben White and Professor Lindy Willmott are the leading researchers in Australia on law at the end of life, including withholding and withdrawing life-sustaining treatment, advance care planning, futile treatment and euthanasia. Other researchers in the Centre also explore end-of-life issues including criminal responsibility, palliative care and organ and tissue donation (Dr Andrew McGee), coronial systems and regulation (Professor Belinda Carpenter), withholding and withdrawing treatment from children (Dr Malcolm Smith and Dr Shih-Ning Then) and capacity assessment (Dr Kelly Purser).

Withholding and withdrawing life-sustaining medical treatment from adults who lack capacity: the role of law in medical practice

When decisions are made to withhold or withdraw life-sustaining treatment from adults who lack capacity, do doctors know and consider the law? Over 40,000 adult deaths occur each year across Australia following a decision to withhold or withdraw treatment, yet the role that the law plays in these decisions is unknown.

This interdisciplinary empirical project examines the legal knowledge of medical specialists. The project aims to enhance clinical practice through identifying legal education needs and areas for law reform, and to produce better outcomes for patients and their families.
Enhancing community knowledge and engagement with law at the end of life

Little is currently known about whether individuals know the law, or are able to exercise their legal rights to be involved in the process of making decisions about treatment at the end of life. This research aims to enhance patient and family decision-making through a better understanding of legal rights, powers and duties, and to improve the experiences of patients and families at the end of life. This project investigates how and if members of the community understand and act upon these legal rights and explores the barriers to and facilitators of good decision-making.

Futile treatment at the end of life: legal, policy, sociological and economic perspectives

Treatment is futile when it either cannot work, or cannot achieve an acceptable quality of life for the patient. Futile treatment causes harm to patients, distress to their families and treating health professionals, and wastage of scarce health resources. Despite these adverse outcomes, there is a lack of research on why such treatment is provided and the extent to which it occurs.

This interdisciplinary project considers legal, policy, sociological and economic perspectives of futile treatment at the end of life. These issues are explored through a legal and policy review, in-depth interviews and chart audits at large Queensland public hospitals, and economic modelling. This research will provide a rich understanding of why and how often doctors give treatment they believe to be futile, and establish an empirical foundation for addressing its causes.
NHMRC Centre of Research Excellence in End-of-Life Care

The Centre of Research Excellence in End-of-Life Care brings together four leading research centres in end-of-life care and establishes strategic links with leading investigators in chronic disease, health economics and legal and ethical issues. The Centre will address the urgent need for evidence-based end-of-life service delivery strategies that are responsive to the complex, unpredictable and often extended patterns of disease progression.

Investigating the coronial determination of suicide as a category of death

Data for suicide statistics can only come from official findings of suicide by a coroner, however this is a finding they are often reluctant to reach. The purpose of this project is to investigate how statistical calculations of suicide are dependent upon its coronial determination. This research will not only result in more defensible national suicide data, it will also clarify the degree to which the recurrent ‘problem’ of suicide data may lie in the coronial construction of suicide itself. Expected benefits of the project include the development of a more viable ways of operationalising suicide, the clarification of the role of the coroners regarding suicide determination, and the more effective targeting of suicide prevention programs.

Chief Investigators (QUT):
Professor Patsy Yates
Professor Helen Edwards
Professor Glenn Gardner
Professor Lindy Willmott
Professor Ann Bonner
Associate Professor Robyn Clark

Associate Investigators (QUT):
Professor Ben White
Dr Fiona McDonald

Funding:
National Health and Medical Research Council

Chief Investigators:
Professor Belinda Carpenter and Associate Professor Gordon Tait (QUT)
Professor Diego De Leo (Griffith University)
Professor Colin Tatz (ANU)

Funding:
Australian Research Council Discovery Project
Program 2 | Children’s health and beginning of life

**Program Leaders: Professor Ben Mathews & Dr Malcolm Smith**

Children’s health and welfare and the emergence of technologies at the beginning of human life raise significant societal issues. Researchers at the Centre contribute to debates in this field and have a broad range of expertise in these areas.

**Conception, pregnancy and birth**

Our researchers undertake research in areas including regulation of assisted reproductive technology and genetic testing (Professor Belinda Bennett and Dr Malcolm Smith), ethics and regulation of embryonic stem cell research (Dr Andrew McGee and Dr Shih-Ning Then), surrogacy (Professor Lindy Willmott, Professor Ben White, Professor Belinda Bennett, Dr Malcolm Smith and Pip Trowse) and abortion (Professor Lindy Willmott, Professor Ben White, Professor Belinda Bennett and Dr Andrew McGee).

**Children’s health**

Professor Ben Mathews is an internationally recognised expert in child maltreatment law. Dr Elizabeth Dickson researches in the area of disability discrimination in education. In addition, the Centre has expertise in areas such as consent and refusal of consent by children to medical treatment (Professor Ben Mathews, Professor Lindy Willmott, Professor Ben White, Dr Malcolm Smith, Dr Shih-Ning Then and Pip Trowse), tissue transplantation from children (Dr Shih-Ning Then), gender dysphoria (Dr Malcolm Smith), domestic violence (Associate Professor Molly Dragiewicz), and cultural violence including female genital mutilation (Professor Ben Mathews).

**End-of-life issues for children**

Our researchers also contribute to the field of end-of-life issues for infants and children (Professor Ben White, Professor Lindy Willmott and Dr Shih-Ning Then).
Effective teacher-based assessment adjustments for students with disability

Teachers are required by legislation to provide assessment for students with disability that enables those students to demonstrate their learning without compromising inherent course requirements. The process of making reasonable adjustment to assessment for students with disability can raise many issues of fairness, equity and quality assessment for both students and teachers. This project will analyse current practice in the making of reasonable adjustment for students with disability with the aim of developing guidelines for best practice.

Oversight and regulatory mechanisms aimed at protecting children from sexual abuse: understanding current evidence of efficacy

This project examines the nature and effectiveness of approaches in different Australian jurisdictions to oversight and regulatory mechanisms which aim to protect children from institutional sexual abuse. It explores ways in which these mechanisms can be improved to reduce the likelihood of child sexual abuse occurring in institutions, and to boost organisational capacity to prevent and respond optimally to cases of sexual abuse.

Child abuse and neglect: a socio-legal study of mandatory reporting in Australia

This landmark national study (conducted in 2013-2014) analysed 10 years of child abuse and neglect reporting data in each Australian jurisdiction, with comparison against different legislative frameworks and evaluation over time of reporting trends and outcomes. This project identified the reporting practices of different reporter groups, both mandated and non-mandated, for each type of child abuse. A nine volume national report was produced and is in press.
Program 3 | Governance and regulation of health care

Program Leader: Professor Belinda Bennett

Effective governance and regulation of health care is critical to the delivery of quality health services and systems, and improving health outcomes.

The Centre’s researchers are recognised scholars in the broad field of governance and regulation of health care. Professor Belinda Bennett is a leading researcher on legal issues related to global health. Other key areas of focus by researchers in the Centre include: negligence and patient safety, disclosure of adverse events and medical innovation (Associate Professor Tina Cockburn, and Tracey Carver); health governance and organisational ethics (Dr Fiona McDonald and Professor Belinda Bennett); adult guardianship and capacity (Professor Lindy Willmott, Professor Ben White, Dr Shih-Ning Then and Dr Kelly Purser); work health and safety regulation (Professor Richard Johnstone); supply and regulation of drugs (Professor John Scott); health implications of food, air and water (Professor Reece Walters); gene patenting, tobacco control, access to essential medicines, trade and health, and climate change (Professor Matthew Rimmer); 3D printing, privacy and health data (Dr Angela Daly); and regulation of health technologies (Professor Belinda Bennett, Professor Matthew Rimmer, Dr Angela Daly and Dr Fiona McDonald).

Belinda Bennett

Professor Belinda Bennett is Professor of Health Law, School of Law, QUT. Her research explores issues related to health law and globalisation. Her research also focuses on the development of regulatory responses to new technologies in health care and the interface between social change, scientific developments and legal regulation.
Liability v Innovation: unpacking key connections

In medico-legal literature two related claims are common: that the threat of legal liability for medical mishaps causes defensive medicine, and that it stifles innovation. However, the extent of the problem within and outside the UK is disputed. This six-part seminar series, hosted at Keele University and Durham University, UK and at the Australian Centre for Health Law Research, Brisbane explores the relationships between tort liability, disciplinary proceedings, defensive medicine and the effect on innovation. It will also explore how to balance the interests of clinicians, patients and society, how best to encourage responsible innovation, and whether the regulation of innovative treatments and research should change and be unified.

Project website: www.liabilityinnovation.wordpress.com

Australian supply chain regulation: practical operation and regulatory effectiveness

Australia has developed innovative regulatory models to improve the working conditions of workers in supply chains in the textile, clothing and footwear and long-haul transport industries. There has been no empirical research into how these regimes operate in practice. This project aims to provide a detailed legal analysis of each regime; to examine empirically the practical operation and regulatory effectiveness of each regime; to recommend ways in which their operation and effectiveness might be improved; and to consider whether these regulatory models might be extended to other industries in Australia, or internationally. Project outcomes will include policy proposals, a workshop with stakeholders and improved working conditions for workers.

Principal Investigator:
Professor Tsachi Keren-Paz (Keele University)

Co-Investigators:
Associate Professor Tina Cockburn (QUT)
Professor Alicia El Haj and Mr Michael Fay (Keele University)
Professor Richard Goldberg (Durham University)

Funding:
Economic and Social Research Council UK (ESRC)

Chief Investigators:
Professor Richard Johnstone (QUT)
Dr Michael Rawling (UTS)
Mr Igor Nossar

Funding:
Australian Research Council
Discovery Project

Professor Richard Johnstone (QUT)
Collaboration and engagement

The Centre’s researchers have a strong track record of research collaboration with academics, industry and government.

We strive to make a difference to health law, policy and practice by contributing to parliamentary committees, public inquiries, reviews, consultations and roundtables through written submissions, publications and presentations.

The Centre also engages with government, the health services sector, the health and legal professions and the broader community through training and education, conferences, consultancies and public events.

Industry and government partnerships

The impact and relevance of the Centre’s research is strengthened by its collaborative partnerships with industry and government. The goal of these collaborations is to improve outcomes for end-users including the government and health sectors, legal and health professionals, patients and families.

We collaborate with a range of industry, government and statutory bodies including hospitals, guardianship bodies, public trustee offices, government departments (especially health and justice) and coronial courts.

The Centre’s researchers also examine health issues of global relevance through partnerships with government, non-government organisations and industry internationally.

Professor Ben White, Ms Jodie Cook (Public Advocate), Dr Ian Freckelton SC, Dr Lesley van Schoubroeck (Queensland Mental Health Commissioner) and Professor Lindy Willmott
Academic collaboration

Our researchers have strong collaborative relationships with scholars and research centres within Australia and internationally. We engage in interdisciplinary research with colleagues in the fields of ethics, philosophy, medicine, nursing, psychology, public health, economics, political science, sociology and social work.

International collaboration

Internationally, our researchers collaborate with academics from a variety of institutions in the United Kingdom, the United States of America, Canada, New Zealand, Switzerland, Belgium, The Netherlands, China, India and Indonesia.

Recent international collaboration by Centre members includes projects with Professor Julian Savulescu, University of Oxford (voluntarily stopping eating and drinking); Professor Jocelyn Downie, Dalhousie University (assisted dying prosecutorial guidelines and futile treatment); Professor Donald Bross, University of Colorado (child maltreatment law and practice); Professor Shen Weixing, Tsinghua University (adult guardianship law); Dr Charles Foster, University of Oxford (intuitions in ethics and law); Dr Franklin Miller, National Institutes USA of Health (upper brain criterion for declaring death); Professor Jonathan Herring, University of Oxford (moral status); Professor Benjamin Levi, Penn State University (child protection randomised controlled trial); Professor Luc Daliens and Assistant Professor Kenneth Chambaere, Vrije Universiteit Brussel (VUB) & Ghent University (euthanasia), Professors Tsachi Keren-Paz and Alicia El Haj, Keele University and Professor Richard Goldberg, Durham University (liability and innovation); and Dr Dale Gardiner (Nottingham University Hospitals).

The Centre’s international engagement also includes the 2014 International Conference on End of Life, co-hosted with the Dalhousie Health Law Institute and Tsinghua Health Law Research Center. The conference featured more than 100 presentations from 19 countries exploring law, ethics, policy and medical and legal practice of end-of-life care. Seven papers from keynote conference speakers were published in 2016 in a collaborative special health law edition of the QUT Law Review.

Health law in Australia

A key academic collaboration for the Centre has been the leading text, *Health Law in Australia*. Edited by Professor Ben White, Dr Fiona McDonald and Professor Lindy Willmott, the book draws together 24 health law scholars including Centre members and other leading health law academics from around Australia. The second edition of this text was published in 2014.
Public events

The Centre hosts many public events including lectures, forums, workshops and panels delivered by a variety of distinguished national and international scholars. Notably, we host an annual public lecture series which featured Professor Loane Skene (Melbourne University) in 2013, Professor Julian Savulescu (Oxford University) in 2014 and Professor Lawrence Gostin (Georgetown University) in 2015. The Centre has co-hosted two successful international conferences – the 2014 International Conference on End of Life Law, Policy and Practice (with Dalhousie University, Canada and Tsinghua University, China) and the 2015 Biosecurity in a Globalised World conference. Videos and podcasts from our events are available from our website www.qut.edu.au/research/achlr.

Professor Loane Skene, University of Melbourne delivered the 2013 Annual Public Lecture on whether women should be paid for donating their eggs for medical research.

Professor Julian Savulescu, University of Oxford, delivered the 2014 Annual Public Lecture on the place of refusal of food and hydration in end-of-life decision making.

Professor Lawrence Gostin from Georgetown University delivered the 2015 Annual Public Lecture on the Ebola epidemic and global heath frameworks.

Professor Jocelyn Downie from Dalhousie University presented a public lecture in 2011 on the arguments for decriminalisation of voluntary euthanasia and assisted suicide.

Professor Peter Singer, Princeton University and Associate Professor Charles Camosy, Fordham University, debated the ethics of euthanasia and assisted suicide, 2014 International Conference on End of Life, QUT, Brisbane.

Professor Ezekiel Emanuel, University of Pennsylvania presented a public lecture in 2015 on megatrends and predictions for the future of American health care.
Our members

**Professor Lindy Willmott**
Lindy is a Director of the Australian Centre for Health Law Research and co-leader of the End of Life research program. She publishes extensively in the area of health law, specialising in end-of-life decision-making, futile treatment and advance care planning.

**Professor Ben White**
Ben is a Director of the Australian Centre for Health Law Research and co-leader of the End of Life research program. He publishes widely in health law generally, with a particular focus on end-of-life decision making, adult guardianship and consent to medical treatment.

**Professor Belinda Bennett**
Belinda is Professor of Health Law and leader of the Governance and Regulation of Health Care research program. Her research focuses on regulatory issues in global health and the interface between social change, scientific developments and legal regulation.

**Professor Belinda Carpenter**
Belinda is the Assistant Dean of Research, Faculty of Law, QUT. Belinda publishes extensively on autopsy, coronial systems, suicide and death investigation.

**Professor Reece Walters**
Reece is Director of the Crime and Justice Research Centre, QUT. His research in the areas of eco crime and environmental justice, state violence and corporate crime include a focus on the health implications and regulation of food, air and water.

**Professor Richard Johnstone**
Richard is the Director of Research at the QUT Law School. His research focuses on work health and safety regulation.

**Professor Ben Mathews**
Ben is co-leader of the Children’s Health and Beginning of Life research program. His research focuses on law and child abuse and neglect; children and medical law; children’s rights and law in school contexts.

**Professor John Scott**
John’s research interests in health governance and regulation include social control, with a focus on public health regulations, the supply and regulation of drugs, and pollution.

**Professor Matthew Rimmer**
Matthew is the leader of the QUT Intellectual Property and Innovation Law research program. His research focuses on health law issues including gene patenting, access to essential medicines, bioprinting, tobacco control, health implications of climate change and trade and health.

**Associate Professor Tina Cockburn**
Tina’s research focuses on medical negligence, medical innovation, torts, disclosure of adverse medical events, patient safety, disciplinary proceedings, equity, and the rights of vulnerable persons, in particular the elderly.

**Associate Professor Molly Dragiewicz**
Molly’s research focuses on domestic violence, particularly against women and children.

**Dr Andrew McGee**
Andrew is a senior lecturer and researcher in the areas of end-of-life decision-making, organ donation, embryonic stem cell research and the intersection of law and medical ethics.

**Dr Elizabeth Dickson**
Elizabeth is a senior lecturer and her research focuses on education law and discrimination law, particularly rights and the law in relation to people with disabilities and children.

**Dr Fiona McDonald**
Fiona is a senior lecturer whose research focuses on health governance, particularly governance of health institutions and systems, health research, health professionals and patient safety.

**Dr Angela Daly**
Angela is a socio-legal scholar of technology with expertise in EU, US and Australian law. Her research interests include privacy issues associated with health data, the application of medical device regulation to new technology and the governance of health-related uses of 3D printing.

**Dr Malcolm Smith**
Malcolm is co-leader of the Children’s Health and Beginning of Life research program. His research interests include children and medical treatment, legal and ethical issues associated with assisted reproductive technology, and gender dysphoria.
Dr Kelly Purser
Kelly is a lecturer with a particular interest in capacity assessment in the context of wills, powers of attorney and advance health directives.

Dr Shih-Ning Then
Shih-Ning’s research interests include the use of human tissues and tissue transplantation relating to children, artificial reproductive technologies, involvement of minors in a health context, guardianship of adults without capacity, and end-of-life issues relating to children and infants.

Edith Cowan University
Adjunct appointments

Professor Julian Savulescu
Julian is Uehiro Chair in Practical Ethics at the University of Oxford. He is founder and Director of the Oxford Uehiro Centre for Practical Ethics, Director of the Oxford Centre for Neuroethics and Director of the Institute for Science and Ethics at the Oxford Martin School.

Professor Jocelyn Downie
Jocelyn is a Professor in the Faculties of Law and Medicine at Dalhousie University and a Fellow of the Royal Society of Canada and the Canadian Academy of Health Sciences. She is a former Canadian Research Chair in Health Law and Policy and former Director of the Dalhousie Health Law Institute.

Professor Donald Bross
Donald is a Professor of Paediatrics and Director of the Paediatric Law, Policy and Ethics Program at the Kempe Center for the Prevention and Treatment of Child Abuse and Neglect, Department of Paediatrics, University of Colorado School of Medicine.

Professor Thaddeus Pope
Thaddeus is Director of the Health Law Institute and an Associate Professor of Law at Hamline University. He is the Director at Large, American Society of Bioethics and Humanities.

Professor Benjamin Levi
Benjamin is a practising paediatrician and philosopher who is Professor of Paediatrics and Humanities at the College of Medicine, Penn State University. He is also the Director of the Center for the Protection of Children at Penn State University.

Professor Malcolm Parker
Malcolm is the Professor of Medical Ethics at the School of Medicine, University of Queensland. He is a former president of the Australasian Association of Bioethics and Health Law.

Adjunct Professor Bill Madden
Bill is the national practice group leader in Medical Law at Slater & Gordon Lawyers. He teaches and writes on health law, in particular current trends in patient consent, medical litigation and practitioner regulation.

Associate Professor Sara Davies
Sara is an Associate Professor and ARC Future Fellow, Centre for Governance and Public Policy, School of Governance and International Relations, Griffith University. She is also the Program Director of the Prevention of Sexual Violence Unit, Asia Pacific Centre for the Responsibility to Protect, University of Queensland.

Associate Professor Christy Simpson
Christy is Head and Associate Professor, Department of Bioethics, Faculty of Medicine, Dalhousie University, Canada.

Associate Professor Marie Bismark
Marie leads the Law and Public Health Group, Centre for Health Policy, Melbourne School of Population and Global Health, University of Melbourne. She is also a public health physician and health lawyer.

Assistant Professor Kenneth Chambaere
Kenneth is an academic within the End-of-life Care Research Group, Vrije Universiteit Brussel & Ghent University, Belgium. He is a Postdoctoral Fellow of the Research Foundation - Flanders (FWO) and co-leader of the End-of-Life Care Research Group research program ‘Palliative care for people with cancer’.

Tracey Carver
Tracey’s research focuses on torts law, in particular the law of negligence, including medical negligence, the formulation of duties of care, causation and damages assessment, and civil litigation.

Pip Trowse
Pip is a lecturer with a particular interest in surrogacy and children’s consent to medical treatment. Pip is currently completing her PhD on commercial surrogacy.
Contact us

Australian Centre for Health Law Research
Phone +61 7 3138 5345
Fax +61 7 3138 2222
Email achlr@qut.edu.au
www.qut.edu.au/research/achlr
@HealthLawQUT

Location
Level 4, C Block
Gardens Point
Queensland University of Technology
2 George St
Brisbane QLD 4000

Postal address
Australian Centre for Health Law Research
QUT Faculty of Law
GPO Box 2434
Brisbane QLD 4001

Centre Directors
Professor Ben White
Director
Australian Centre for Health Law Research
Phone +61 7 3138 4066
Fax +61 7 3138 2121
Email bp.white@qut.edu.au

Professor Lindy Willmott
Director
Australian Centre for Health Law Research
Phone +61 7 3138 5205
Fax +61 7 3138 2121
Email l.willmott@qut.edu.au

CRICOS No. 00213J