



Australian Centre for Health Law Research



Research Program | Governance and Regulation of Health Care

The Australian Centre for Health Law Research is the country's leading health law research centre and is located at the Queensland University of Technology (QUT), Brisbane, Australia. The Centre undertakes pioneering empirical, theoretical and doctrinal research into complex problems that arise at the interface of law, health, ethics, technology, governance and public policy. Governance and Regulation of Health Care is one of the Centre's three research programs.

Our interdisciplinary researchers have a strong track record of collaboration. They have attracted significant national and international funding, including funding from the Australian Research Council (ARC), the National Health and Medical Research Council (NHMRC), and the Canadian Institutes for Health Research. Our academics have published in leading national and international journals and books.

We aim to translate our research into change that has real impact. Our findings have been cited and approved by governments, regulators, courts and law reform bodies, and have informed improvements to law, governance, public policy and regulation.

The Governance and Regulation of Health Care research program explores legal, regulatory and policy issues including:

- legal issues in global health
- 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
- work health and safety regulation
- health implications of food, air and water.

Professor Belinda Bennett



Belinda is Professor of Health Law in the Law School at QUT, and co-leader of the Governance and Regulation of Health

Care research program in the Australian Centre for Health Law Research. She is a leading researcher in the field of governance and regulation of health care. Her research explores issues related to health law and globalisation, the development of regulatory responses to new technologies in health care, and the interface between social change, scientific developments and legal regulation. She has been a Chief Investigator on four ARC-funded projects, and a Chief Investigator on two NHMRC-funded Centres for Research Excellence. She is the author of *Health Law's Kaleidoscope: Health Law Rights in a Global Age* (Ashgate, 2008). Her other publications include: B Bennett, T Carney and I Karpin (eds) *Brave New World of Health* (Federation Press, 2008) and M Freeman, S Hawkes and B Bennett (eds), *Law and Global Health: Current Legal Issues Volume 16* (Oxford University Press, 2014). Belinda is the Deputy Editor of the *Journal of Law and Medicine*.

Dr Sara Davies



Sara is an ARC Future Fellow, a QUT Vice-Chancellor Research Fellow and co-leader of the Governance and Regulation of Health Care

research program in the Australian Centre for Health Law Research. She specialises in legal issues relating to global health including global health governance and security, international health regulations, infectious disease control, responsibility to protect, and sexual and reproductive rights. Her ARC Future Fellowship explores security and health diplomacy. She is also a Chief Investigator on an ARC Discovery Project examining the prevention of mass sexual and gender-based violence in the Asia Pacific. Sara is Program Director of the Prevention of Mass Atrocities Program in the Asia Pacific Centre for the Responsibility to Protect.

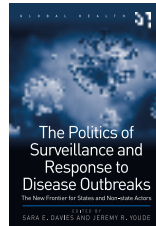
Publications

Our researchers have published extensively in the field of governance and regulation of health care. Publications include:



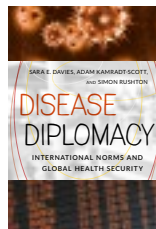
Law and Global Health: Current Legal Issues Volume 16

M Freeman, S Hawkes & B Bennett (eds)
Oxford University Press, United Kingdom, 2014



The Politics of Surveillance and Response to Disease Outbreaks: The New Frontier for States and Non-state Actors

S Davies and J Youde (eds)
Ashgate, United Kingdom, 2015



Disease Diplomacy: International Norms and Global Health Security

S Davies, A Kamradt-Scott and S Rushton
John Hopkins University Press, United States, 2015

Our Research

Security and health diplomacy: a necessary partnership?

ARC Future Fellowship

There has been a four-fold increase in global expenditure on development assistance for health since 1990. Part of this increase has been attributed to increased linkage between health issues and national security interests. This project explores the veracity of this claim by focusing on five distinct global health programs: Global Outbreak Alert Response Network (GOARN), GAVI Alliance, Framework for Tobacco Control, and Safe Motherhood Initiative. The project will conduct a systematic evaluation of the manner in which major international health initiatives are conceptualised, developed, and able to generate effective international cooperation over the short and long term. This will help advance our understanding of the factors associated with the political and economic success of major international health initiatives, intended to be of assistance to those charged with developing new initiatives.

Chief Investigator: Dr Sara Davies (QUT)



From left: Dr Fiona McDonald, Associate Professor Tina Cockburn, Executive Dean of Faculty of Law Professor John Humphrey and Dr Sara Davies.

Professor Richard Johnstone



Richard is a leading international researcher in work health and safety regulation. His work critically evaluates the way in which work

health and safety regulation is designed and implemented. He has also contributed to normative debates about the design and reform of work health and safety regulation, and effective enforcement approaches. Richard has completed seven major empirical studies on work health and safety regulation, and has authored, co-authored or edited 17 books, including five leading books in work health and safety regulation. He has been awarded six ARC grants, including two current ARC Discovery Projects. Richard is a Director of the National Research Centre for OHS Regulation in the Regulatory Institutions Network at ANU. He is also an editor of the *Australian Journal of Labour Law* and Fellow of the Australian Academy of Law.

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. John has successfully attracted nationally competitive grants and industry funding, including three ARC grants. He is currently a Chief Investigator on two ARC grants, a Rural Industries Development Corporation Grant, and two National Drug Law Enforcement Research Fund grants. John has published extensively, including 15 books and major research reports, and over 50 papers and book chapters.

Dr Fiona McDonald



Fiona's research focuses on health governance and regulation issues including governance of health professionals, institutions and systems,

the governance of health research, technology and innovations, the governance of patient safety, and rural bioethics. She is an Associate Investigator on the NHMRC-funded Centre of Research Excellence in End-of-Life Care, and is a co-investigator on a Canadian Institutes for Health Research funded project on standards and health technologies. Fiona is an Adjunct Professor at the Department of Bioethics, Faculty of Medicine, Dalhousie University, Canada, where she works with Associate Professor Christy Simpson examining rural bioethics. Fiona has co-authored and co-edited three books on health law and ethics, and health governance and regulation.

Australian supply chain regulation: practical operation and regulatory effectiveness

ARC Discovery Project

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.

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

Social supply of cannabis

National Drug Law Enforcement Research Fund

There are a number of ways of getting access to cannabis for recreational use including supply through everyday social activities and networks. Many people accessing cannabis are often otherwise law-abiding and not involved with organised drug dealers or drug dealing with its associated risks.

This study aims to provide a detailed account of the ways in which young adults (aged 18-30 years old) gain access to cannabis. In doing so the project will explore the impact of supply routes on different aspects of young people's lives, including health, access to other drugs, contact with the police, schooling and relationships with families and friends.

Chief Investigators: Professor Simon Lenton (Curtin University), Dr Monica Barrett (UNSW), and Professor John Scott (QUT).

Articulating standards: translating the practices of standardising health technologies

Canadian Institutes for Health Research Operating Grant

The construction, development and consistent use of biomedical standards (standardisation) to regulate health risks is essential to the health and safety of the public. This project will examine the way in which standards are developed and negotiated through three case studies: the development of international standards to be applied in proteomics research, the implementation of global vaccine safety standards in a developing country (Burkina Faso), and the renegotiation of technical standards relating to the environmental and health consequences of pollutants (Walpole Island First Nation in Ontario, Canada).

Chief Investigators: Professor Janice Graham, Dr Christina Holmes and Dr Mavis Jones (Technoscience and Regulation Research Unit, Dalhousie University, Canada), Professor Regna Darnell (University of Western Ontario, Canada) and Dr Fiona McDonald (QUT).

Our Researchers



Professor Lindy Willmott

Lindy is a Director of the Australian Centre for Health Law Research. She publishes extensively in the area of health law and guardianship law. Her research interests include regulation and policy relating to adults who lack decision-making capacity, futile treatment and consent to medical treatment.



Professor Ben White

Ben is a Director of the Australian Centre for Health Law Research. His research interests in the regulation of health care include adult guardianship, consent to medical treatment and advance care planning. He has also served as a Commissioner at the Queensland Law Reform Commission during its review of adult guardianship law.



Professor Reece Walters

Reece's 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.



Associate Professor Tina Cockburn

Tina's research focuses on medical negligence, torts, disclosure of adverse medical events, patient safety, disciplinary proceedings, equity, and the rights of vulnerable persons, in particular the elderly.



Tracey Carver

Tracey's research in the health governance and regulation context 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.



Dr Malcolm Smith

Malcolm's research interests include legal, regulatory and ethical issues associated with assisted reproductive technology, the law of consent, and negligence concerning patient decision-making.



Dr Kelly Purser

Kelly's research interests include the assessment of testamentary and decision-making capacity, elder law, future planning for parents and carers of children with a disability, succession law, trusts and equity.



Dr Shih-Ning Then

Shih-Ning's research interests include guardianship of adults without capacity, the use of human tissues and tissue transplantation, artificial reproductive technologies and regulation of biomedical science.

Higher Degree Research Students

The research of two of our PhD students in the health governance and regulation field is profiled here.

Deanna Sedgwick Fincher

Timely elective surgery is a contentious and unresolved issue in the Australian public hospital system and internationally. The Queensland Government's recently introduced non-enforceable wait time guarantee acknowledges that individuals who fail to receive elective surgery within clinical time frames may develop adverse health consequences. Using a theoretical and analytical framework, Deanna's research will examine the effectiveness of an enforceable legal right to timely elective surgery in Queensland.

Lisa Kruck

Lisa's research explores the role of values in contemporary theories of public health law and ethics, and their potential relevance to decisions about the use of law to prevent obesity. Conducting both literature-based and qualitative empirical research, her work highlights the way that scholars' and research participants' beliefs about the use of law to prevent obesity are influenced by values such as individual responsibility, government duty, community and social justice.

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