

CHARTERED 
INSTITUTE OF PROFESSIONAL CERTIFICATIONS

AUSTRALIA MEDICAL MALPRACTICE AND RISK MANAGEMENT

**Fully Accredited
By:**

Chartered Institute of
Professional Certifications

CPD
Certification Service

PROGRAM OVERVIEW

Navigating Australia's complex landscape of medical malpractice and risk management requires a comprehensive understanding of legal principles, healthcare provider duties, and the ethical norms guiding medical practice. Adding to this complexity are **diverse legislations and procedures that govern different aspects of healthcare provision across the state and territory jurisdictions**. With medical negligence resulting in an estimated average claim cost of \$392,000 in Australia, preventing and managing these claims presents significant challenges. Health professionals must possess a strong comprehension of medical laws and procedures to ensure they deliver patient care in compliance with the law.

This certified program will empower you with an in-depth understanding of Australia's healthcare legal system, providing you with the knowledge and skills to navigate the complex legal and ethical landscape of medical malpractice and risk management. You will learn about vital legislation, including the **Civil Liability Act 2003, Hospital and Health Boards Act 2011 and other crucial legislations** that govern critical aspects of healthcare provision. This program will also provide you with a comprehensive overview of various **risk management strategies, offering a thorough understanding of the standards and procedures for preventing and managing medical malpractice claims**.

Additionally, you will gain insights into the legal responsibilities of healthcare providers, the **governance and statutory frameworks for ethical conduct, the process of claiming damages for medical negligence, and the principles guiding consent to medical treatment**. Finally, this program furnishes you with practical skills, such as understanding **liability, managing risk, and ethical decision-making**, that can be immediately applied in your practice. By completing this program, you will acquire the expertise needed to navigate the complex legal and ethical landscape and manage medical malpractice risks in Australia.

Upon successfully completing the program, you will receive the highly respected **Certification in Australian Medical Malpractice and Risk Management**, enhancing your professional credentials and demonstrating your mastery of the key principles related to Australia's legal and ethical framework in healthcare. This industry-recognized certification offers lifelong validity and distinguishes you as an expert in the legal and ethical dimensions of medical malpractice and risk management.

ACCREDITATIONS



4.8



4.6



KEY SKILLS YOU WILL GAIN

From This Program



**AUSTRALIA MEDICAL MALPRACTICE
CLINICAL RISK ASSESSMENT
MEDICAL DOCUMENTATION
MEDICAL RECORD KEEPING**

**CLINICAL GOVERNANCE
MALPRACTICE DEFENSE
ELEMENTS OF TORT LAW
MEDICAL INDEMNITY**

**AUSTRALIAN STANDARDS ISO 31000:2018
MEDICAL LIABILITY
PATIENT SAFETY
MEDICAL RISK STRATEGIES**

**MEDICO-LEGAL DEFENSE
INFORMED CONSENT
CLINICAL RISK IDENTIFICATION
CONFLICT RESOLUTION
OPEN DISCLOSURE FRAMEWORK**

**HOSPITAL AND HEALTH BOARDS ACT 2011
PERSONAL INJURIES PROCEEDINGS ACT 2002
(PIPA)**

YOUR FACULTY DIRECTOR



Dr. Wendy Bonython

Award Winning Health Law Professor

Dr. Wendy Bonython is a distinguished Associate Professor of Law and the Associate Dean of Learning & Teaching at Bond University. With over 14 years of experience in academia, Wendy **excels in tort law, health law, and technology regulation**. She has also **developed a highly regarded Masters-level micro credential on Medical Negligence for the Australasian College of Legal Medicine**.

Her research encompasses genetic discrimination, medical negligence, and healthcare regulation. Wendy is **an award-winning educator and a trusted consultant for numerous national and international law reform activities**. Her unique interdisciplinary expertise bridges the gap between law, biotechnology, and medicine, making her an influential voice in health law and policy. Wendy's dynamic approach to online learning ensures active and impactful engagement, fostering robust academic and professional networks among her students.

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PROGRAM AGENDA

MODULE 1 - RISK, REGULATION, AND RESPONSIBILITY: AN OVERVIEW OF THE MEDICAL MALPRACTICE LANDSCAPE IN AUSTRALIA

- What is 'healthcare' in Australia?
- How much is it worth?
- Who is responsible for the various aspects of healthcare?
- How significant is medical malpractice as a component of the healthcare budget, and as a source of disability and injury?

MODULE 2 - MEDICAL MALPRACTICE AND THE LAW

- What is 'law'? What is the 'Legal System'?
- Overview of criminal prosecutions against practitioners
- Overview of medical negligence
- Overview of disciplinary/regulatory proceedings

MODULE 3 - RISK MANAGEMENT AND RESPONSES: WHO REGULATES WHICH RISKS, HOW, AND WHY?

- What activities do we regulate? And how do we choose?
- What models of regulation are there?
- Regulating against what? In whose interest?

MODULE 4 - RISK MANAGEMENT TOOLS: STANDARDS, CODES, AND CLINICAL GOVERNANCE

- What are some relevant/important standards?
- What do they do?
- How are they used?
- Why aren't the courts bound by them?

MODULE 5 - HEALTHCARE AS A CONSUMER GOOD - MEDICAL MANUFACTURER AND SERVICE PROVIDER LIABILITY

- The role of the TGA and the ACCC
- What are class actions, and what's so special about them?
- How are healthcare providers accountable for defective goods they use?

MODULE 6 - HEALTH DATA, PRIVACY, AND CONFIDENTIALITY

- Australia's Privacy Principles
- What is so special about health data?
- Data as a valuable commodity
- Data management guidelines and frameworks



PROGRAM AGENDA

MODULE 7 - DOCUMENTATION AND RECORD KEEPING

- What needs to be documented, and why?
- How do courts use documentation?
- Can documentation be used against you?

MODULE 8 - ASSAULT, BATTERY, AND FALSE IMPRISONMENT: CONSENT AND DECISION-MAKING IN HEALTHCARE

- Legal elements of assault, battery, and false imprisonment
- Justifications for touching the patient, or depriving their liberty
- Requirements for consent
- Alternatives to patient/consumer consent
- Guidelines, codes, and policies, and their relationship to the law

MODULE 9 - MEDICAL NEGLIGENCE - INDIVIDUAL AND INSTITUTIONAL WRONGDOING

- What types of harm do we recognize?
- What is a duty of care?
- How do we determine whether a breach has occurred?
- Did the healthcare provider 'cause' the harm?

MODULE 10 - CLAIMS FOR DAMAGES AGAINST HEALTH CARE PROVIDERS

- Introduction
- What is negligence?
- Professional negligence and medical negligence. Are they one and the same?

MODULE 11 - DEFENDING MEDICAL NEGLIGENCE CLAIMS – AN INTRODUCTION

- General principles and strategies
- Liability - public hospitals
- What is vicarious liability?
- Non-delegable duty of care
- Liability - private hospitals

MODULE 12 - PRE-LITIGATION PROCEDURES

- Introduction to the Personal Injuries Proceedings Act 2002 (PIPA)
- Claims notification
- Stopping a claim in its tracks – a review of s9A
- Responding to a Notice of Claim
- Admitting or denying liability
- Obligations of the parties
- What to disclose (and what not to)
- Compulsory conferences
- Commencing proceedings



PROGRAM AGENDA

MODULE 13 - ASSESSMENT OF DAMAGES

- Heads of damage in personal injury claims
- Application of the Civil Liability Act Qld 2003 Qld
- Setting and monitoring the claims and defence costs reserves
- Heads of damage in injury claims
- General damages
- Injury scale values
- Assessment of general damages for physical and psychiatric injuries
- Expert medical evidence

MODULE 14 - REMEDIES, INDEMNITIES, AND REFORM

- What remedies can the patient seek?
- Apologies and admissibility in negligence
- Learning from past mistakes - malpractice as a driver for reform
- Sharing the financial burden of liability - how indemnity insurance works

YOUR CHARTER DESIGNATION



Upon successful completion of this program, you will be awarded with the **Certification in Australia Medical Malpractice and Risk Management**, a noteworthy credential to augment your resume, CV, and professional portfolio. This industry-recognized certification holds lifelong validity, attesting to your proficiency and competence.

Renowned globally and highly sought after, this certification will significantly enhance your professional qualifications, unequivocally showcasing your expertise in the intricate field of Australian medical malpractice, including your proficiency in defending against medical negligence claims and aligning with the regulatory frameworks within medical law. Developed by the esteemed **Chartered Institute of Professional Certifications**, the program's content has been meticulously certified by the **CPD Certification Service**, ensuring adherence to the highest standards of continuing professional principles.

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CONTACT US TODAY

We Thank You for Your Ongoing Support
of Our Programs

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