



Quiz

Apologies, Liability and Civil Society: Where to from here?

1. How does legislation in NSW protect apologies?
 - a. By providing that an apology will be relevant to determining fault on liability
 - b. By providing that an apology does not constitute an admission
 - c. By providing that an apology does constitute an admission
 - d. By expressly providing that insurance contracts cannot be voided on the basis of an apology.
2. Which Australian jurisdictions protect a 'total apology'?
 - a. NSW, QLD, ACT
 - b. NSW, ACT, WA
 - c. NSW, QLD, WA
 - d. NSW, WA, SA
3. What is a 'partial apology'?
 - a. A request for forgiveness
 - b. An apology that acknowledges the harm but does not provide explanation for the cause of the action
 - c. An apology which expressly acknowledges fault
 - d. An expression of regret

4. What is the aim of apology legislation?
 - a. Reducing litigation;
 - b. Ensuring that apologies are utilised as a remedial tool in negligence and medical malpractice matters;
 - c. Providing an alternative to monetary compensation;
 - d. All of the above

5. What do legal practitioners generally advise health professionals to do in cases of medical malpractice in Australia?
 - a. To apologise to the patient immediately as the Open Disclosure program allows for complete apologies and explanations to be given without becoming liable as an admission.
 - b. Always offer a full apology and acknowledge fault because this has been shown in the literature to avoid litigation altogether, or at least bring about earlier settlements.
 - c. Not to apologise to the patient and avoid any chance of an admission of liability as not all jurisdictions protect a total apology which makes it difficult for the Open Disclosure program to be understood and applied uniformly.
 - d. Not to apologise to the patient unless the apology is sincere as the patient will likely become angrier and more likely to sue if they sense that an apology is insincere.

Answers:

1. B 2. A 3. D 4. A 5. C