DURATION: 2 HRS
TOTAL MARKS: 70

INTERNAL EXAMINERS : MS S BHAMJEE & MS S SONI
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INSTRUCTIONS:

STUDENTS ARE REQUESTED, IN THEIR OWN INTERESTS, TO WRITE LEGIBLY.

- This exam consists of TWO (2) sections, SECTION A and SECTION B.
- Both sections are compulsory.
- You must answer ALL questions in BOTH sections. NO CHOICE.
- Answer each section in a SEPARATE answer booklet.
- Please write legibly.
- When answering questions, refer to any relevant legislation, guidelines, treaties, conventions, codes of good practice, and case law that may be relevant.
SECTION A

QUESTION ONE

A psychiatrist does not warn the wife of his patient that her husband has threatened to kill her. Three weeks later, the husband is arrested and charged with the murder of his wife.

In light of the above scenario, discuss whether there is a legal and/or ethical duty on the psychiatrist to have divulged this information to the wife and/or police. Refer to relevant case law.

(20 marks)

SECTION B

QUESTION TWO

2.1 “I was the Jane Roe of Roe v Wade, but Jane Roe has been laid to rest.”
(Norma McCorvey)

In light of this statement, discuss the ethical issues surrounding abortion law. In the course of your answer discuss factors which indicate that public policy towards abortion legislation is changing.

(15 marks)
2.2

With reference to the cartoon above, fully discuss the test which the court has established to determine if a practitioner was negligent in treating his patient.

(10 marks)

QUESTION THREE

3.1 Section 295 of the Children's Act No. 38 of 2005 provides a strict stipulation regarding the genetic origin of the child born as a result of a surrogate motherhood agreement. In light of recent case law critically discuss this provision.

(15 marks)

3.2 In terms of the Regulations Relating to Artificial Fertilisation of Persons (GNR 175, March 2012), a number of informed consents must be obtained by the medical practitioner before performing treatment on a patient. Discuss these various consents and, with reference to appropriate case law where necessary, the effect of not obtaining such informed consent.

(10 marks)

(TOTAL FOR PAPER: 70 MARKS)