Index

Aboriginal & Torres Strait Islander health practitioners

regulation, 550-560

challenges for Aboriginal & Torres Strait
Islander Health Practice Boards, 558-560
health gap between Indigenous & nonIndigenous Australians, 550-551
Indigenous health care workforce, 551-553
profile of registrants, 556-558
registration, 553-556
traditional Indigenous medicine, 558

Aboriginal & Torres Strait Islander people

genetic research, 324-325 traditional medicine, 558

Access to information

public sector information – see Public sector information

Access to medicines - see Right to health

Accessions - see Implants

Accident compensation – see also Proportionate liability

Australia (1980s), 518 "no fault" schemes, 523-526

Accident Compensation Scheme (NZ)

history, 523-524

negligent pre-birth genetic testing, 103-106

Addiction

diagnosis (DSM-5), 43-44 doctors with (NSW), 437-439 medical terminology of dependence, withdrawal, tolerance & addiction, 34-36

Advertising

tobacco (Australia), 863-864

African Court of Human and People's Rights

enforceability of right to health, 909-911

Anti-doping laws - see Drugs, illicit

Apportionment - see Proportionate liability

Armed conflict

sexual violence – see Sexual violence in armed conflict

Armed forces

improving military discipline, 538 reducing gender imbalance, 538

sexual misconduct (Australian Defence Force), 262-263

sexual violence – see Sexual violence in armed

Art

bioethics - see Bioethics

Artificial implants - see Implants

ASADA – see Australian Sports Anti-Doping Authority

Assault

medical

sports scientists & doctors, 856

Assent

dementia

gaining assent rather than consent, 214-215

Assisted suicide - see Suicide, assisted

Asylum seekers

health services for

privatisation: International Health and Medical Service, 565-566

Athletes

liability of sports scientists – see Sports scientists

Australian Bone Marrow Donor Registry – see Biobanking

Australian Consumer Law

product liability, 705-706

Australian Defence Force

sexual misconduct, 262-263

Australian Sports Anti-Doping Authority (ASADA) – see also World Anti-

Doping Authority

role, 848-849

Australian Vaccination Network

misleading information on vaccination, 160-1616

Autonomy - see Patient autonomy

Autopsies – see also Coroners

patient death due to hospital error
responsibility for reporting when error occurred
at referring institution (Japan)
autopsy without police reporting, 444
post-mortem imaging in preliminary
investigations, 774-779

role of, 777-779

proposed similar Australian legislation, Bangladesh 871-873 International Crimes Tribunal (2009), 534 Voluntary Industry Code of Conduct Belgium (Australia, 2009), 860, 864-867 euthanasia **Bone marrow** seriously ill children, 762 biobanks - see Biobanking **Best interests** "Born alive" rule (R v Iby) adult lacking capacity - see Parens patriae stillbirth and, 16-18 - see also Stillbirth power Biobanking blood and bone marrow, 343-350 Cambodia Australian Bone Marrow Donor Registry, 345 Extraordinary Chambers in the Courts (2006) approach to networked biobanking, 346-347 sexual violence in armed conflict, 534 as research resource, 345-346 unfitness to stand trial, 813-825 discussion, 347-348 Ieng Thirith, 814-821 ethical challenges, 346 appellate proceedings before Supreme gifts and conditional donation, 351-356 Court Chamber, 816-817 informed consent model of donation, 352-353 medical developments, 817-818 law of gifts, 353-354 proceedings before Trial Chamber, 815-816 application to tissue banking, 354 second appellate proceedings before Supreme Court Chamber, 818-821 **Bioethics** second Trial Chamber decision, 818 artwork of Patricia Piccinini, 370-378 issues arising from decisions, 823-825 emerging technologies, 372-375 Khieu Samphan, 821-822 law of robots, 377-378 Nuon Chea, 822-823 mutants, hybrids & clones, 375-377 Promethean dreams & Shelley's nightmares, Cannabis 370-372 medical use evidence for medical uses of cannabis & Birth - see also "Born alive" rule cannabis-derived drugs, 878-879 home - see Homebirth issues specific to natural cannabis, 879 stillbirth - see Stillbirth treatment of nausea, vomiting, appetite loss & surrogacy wasting syndrome, 878-879 ethical, legal & social issues after birth of child, treatment of spasticity & pain, 879 737-738 "medical necessity" defences (Australia), 875-Birthing rights 899 Australian law, 155-156 avenues for reform, 890-896 defence model, 895-896 fetal rights, 154-155 prescription model (Netherlands), 890-891 Blood biobanks - see Biobanking statutory exemption model (Canada & California), 891-895 BMI - see Body mass index background & context, 876-879 Bodily sampling - see DNA rationale for & sources of drug laws, 876-878 **Body mass index (BMI)** scope for defences, 880-890 women conclusion & further considerations, 888legislation in modelling industry, 859-874 actions taken in other countries, 869-871 possible application to cannabis possession cigarette advertising regulation (Australia), offences, 881-888 863-864 rationale & elements (necessity and sudden eating disorders (Australia), 860-861 or extraordinary emergency), 881 eating disorders & media images, 862-863 possession offences freedom of speech, 873-874 possible application of "medical necessity" Photoshop Law (Israel), 867-869

(2014) 21 JLM 1060 1061

defences, 881-888

imminent peril/suddenness, 883-886 common law, 883-884	NZ "no fault" Accident Compensation Scheme, 532-524
criminal codes, 884-886 irreparable evil/emergency, 882-883	Charities – see Not-for-profit organisations
common law, 882	Child sexual abuse
criminal codes, 883	paedophile priests (book review), 486-489
proportion/reasonableness, 886-888	
common law, 886-887	Children (minors) – see also Birth; Child sexual
criminal codes, 887-888	abuse; Surrogacy
Capacity to decide – see also Competence	capacity and competency to consent to and refuse medical treatment, 762-773
children – see Children (minors)	biological basis, 770-773
dementia	legal notion, 764-770
how to determine capacity to give consent, 213-	competence of
214	refusal of treatment, 132-137
varying due to risks, 212	independence of age, 135
disability and legal capacity	sufficient understanding & intelligence, 133-
law reform, 789-796	135
parens patriae jurisdiction – see Parens patriae	task specificity, 136-137
power	temporal specificity, 135-136
Carers	consent to medical treatment
carer-assisted killing, 419-420	refusal conceptually identical, 137-138
carci-assisted killing, 417-420	legal capacity
Causation	parens patriae jurisdiction, 768-769
killing and letting die, 633-635	legal definition of minors, 767-768
"letting die" is to cause death, 635	parens patriae jurisdiction – see Parens patriae
omissions that cause, 634-635	power
sexual violence in armed conflict, 535-536	parental responsibility
cultural psychopathology, 536	failure to provide child with necessary
misogyny, 535-536	treatment, 780-788
primitive male sexual aggression as	refusal of medical treatment – see Refusal of
evolutionary maladaptation, 536	medical treatment
strategic weapon, 535	sexual abuse – see Child sexual abuse
stillbirth, 10-12	veracity in paediatric care, 265-272
Cerebral palsy	ethics: companionship, care & judgment, 267-
National Disability Insurance Scheme, 516-527	269
arguments against no-fault support scheme, 525-	gradual veracity, 269-271 practical aspects, 271
526	practical aspects, 271
arguments in favour of no-fault support scheme,	Chiropractors
524-525	misleading information on vaccination, 166-168
compensation in Florida & Australia, 526-527	Cigarette advertising
development of NDIS model, 517-521	regulation (Australia), 863-864
Australian workers & accident compensation	regulation (Australia), 803-804
schemes (1980s), 518	Civil commitment system
design of NDIS, 519-520	mental health tribunals – see Mental health
enactment of NDIS, 520-521	tribunals
NSW Lifetime Care and Support Scheme	Civil conscription
(2005), 518	health service providers, 569-570
Woodhouse Commission (1974), 517-518	
implications for treating medical practitioners, 527	Civil liability sports scientists – see Sports scientists
international schemes, 526	
limited litigation to recoup costs of NDIS support, 521-522	Civilians – see Sexual violence in armed conflict
support, 321-322	

Cloning bioethics, 375-377	judgment, 975-976 who should decide, 977-982
Codes of practice overcharging – see Doctor-patient relationship	choosing which twin will die & which will be saved, 981 non-sacrificial separation, 978-979
Cognitive impairment doctors with (NSW), 440	right to life, 981-982 sacrificial separation, 979-980
Cognitive trust, 783-784	Consent
Communication duty to communicate information sports physicians, 184-185	children – see Children (minors) legal notion, 764-770 infants, children & minors, 766-770 dementia – see Dementia restrictions on liberty – see Restrictions on
Compensation – see also Accident compensation negligent pre-birth genetic testing – see Genetic tests	liberty
State-based compensation for harm human body as property, 332-333 trajectory from work-related musculoskeletal injury to suicide posthumous recognition & compensation, 120- 121	Constitution – see Civil conscription Consumers protection combating misleading information on vaccination, 171
	Contracts
Competence – see also Capacity to decide; Children (minors); Consent; Refusal	breach of doctors & sports scientists, 853
of medical treatment children – see Children (minors) incompetent individuals approval of research, 52 medical research ethics, 47-52	Coroners – see also Autopsies; "Born alive" rule (R v Iby) death investigation using information to improve aged residential care – see Residential care
refusal of medical treatment, 631-632	decision-making, 775-777 human rights, 584-601
Complaints deregistered health practitioners determining risk of recidivism, 68-69 Health Ombudsman Act 2013 (Qld), 273-277 impact, 274-275 positions & roles created, 275-276 processing complaints, 276-277	Australian & NZ inquests, 599-601 Cassidy communication to UNHRC, 598-599 European death investigations, 586-590 right to fair hearing, 596-597 right to health, 595-596 right to legal representation, 594
Complementary medicine practitioners combating misleading information on vaccination, 171-174	right to life, 590-594 right to respect for privacy, family life & culture, 595 right to silence, 597-598 inquests
Conflict sexual violence – see Sexual violence in armed conflict	Tomlinson (UK), 447-472 conclusion: rights of access, 470-472 discussion: series of unfortunate events, 464- 470
Conjoined twins surgical separation of Dhasmana decision (India), 973-983 background, 974-975 earlier cases, 976-977 Lakewood, 976	death's troubling legacies, 464-466 inquests & expectations, 447-450 jeopardising justice, 466-470 justice done & denied: "awkward contradictions" of inquest & criminal trial, 461-463
Nolan, 977 Re A (Children), 976-977	two juries, 461-463 open justice & publicity, 450-456

access in media age, 455-456 ordeal of public investigations, 452-454 people's court, 450-451	Custody deaths in, 464-465
secret justice, 451-452 public death, 456-457 "something incontrovertible", "famous video", 457-461 irreconcilable conflict: Crown Prosecution Service decision, 459-461 law reform New Zealand, 602-626 background & government review, 604-606 coronial jurisdiction, 603-604 empirical evidence, 606-625 coroners' adverse comments, 620-625 Coroner's Court law reports, 612-614 coroners' prophylactic function, 607-612	Death – see also Autopsies; Coroners certification – see Reportable deaths criminal liability of sports scientists & doctors, 856-859 manslaughter by gross negligence, 857 manslaughter by unlawful & dangerous act, 857 murder, 856-857 in custody, 464-465 investigation – see also Autopsies; Coroners; Reportable deaths reportable – see Reportable deaths residential aged care services, 257 stillbirth – see Stillbirth
empirical methods, 606-607 mandatory statutory regime for follow-up to coroners' recommendations, 614-620	Death scene evaluation hoarding disorders (letter to the editor), 66
mental health data, 667-668 preliminary investigations, 774-779	Death tourism – see Medical travel
reportable deaths – see Reportable deaths stillbirth – see also Stillbirth coronial law, 18 jurisdiction, 14	Decision-makers substitute appointment & role law reform, 793-794
Corporations	Decision-making capacity - see Capacity to decid
medical treatment patents – see Medical treatment	Dementia ethics
Crimes against humanity – see Cambodia	literature review (Australia), 210-216 Australian research guidance, 215-216
Criminal justice system Tomlinson case (UK) – see Coroners	method, 211 results, 211-215
Criminal law international – <i>see</i> International criminal law Criminal liability	barriers to researchers recruiting people with dementia, 213 gaining assent rather than consent, 214-215 how capacity can vary due to risks, 212
sports scientists & doctors, 854 – see also Sports scientists	how to determine capacity to give consent, 213-214
administering drugs, 856 death, 856-859	substitute judgment, 211-212
manslaughter by gross negligence, 857 manslaughter by unlawful & dangerous act,	Deprivations of liberty – see Restrictions on liberty
857	
murder, 856-857 decision to prosecute, 855 dissemination of evidence, 854-855 match-fixing, 855 medical assault, 856 Culture right to respect for coroners, 595	Deregistered health practitioners determining risk of recidivism, 67-81 complaints about health practitioners, 68-69 de-registration, 69-71 fit and proper person, 71 case law, 71-73 professional misconduct, 74-76 risk assessment, 76-78 risk measurement, 78-80 Developmental disorders

Diagnostic and Statistical Manual of Mental Disorders (DSM)	sexual misconduct – see Sexual misconduct sports
DSM-5, 39-46	duty & knowledge of World Anti-Doping Code,
addictions & related disorders, 43-44	852
evolution, 39-41	duty to prevent economic loss, 852-853
future issues, 45-46	duty of care, 850-852
intellectual & developmental disorders, 43	defences, 852
other disorders, 44-45	failure to follow up, 851
paraphilias & paraphilic disorders, 44	failure to warn, 850-851
personality disorder, 41-42	medical treatment, 850
schizophrenia, 41	trust, 780-788
Diogenes syndrome – see Hoarding	cognitive, 783-784 emotional, 784-785
Disability	explanatory model, 786-788
cerebral palsy – see Cerebral palsy	institutional, 785-786
cognitive	refusal of treatment – see Refusal of medical
doctors with (NSW), 440	treatment
equal recognition, 794-795 legal capacity and	Doctors – see Medical practitioners
law reform, 789-796	Donation
research (NZ), 191-192 – see also New Zealand	biobanking – see Biobanking
Code of Health and Disability	oloodiikiig see blobalikiig
Services Consumers' Rights	Doping (sport) – see Drugs, illicit
_	Double jeopardy
Disability discrimination equal recognition, 794-795	plagiarism cases, 412-413
Disadvantaged communities	Drugs, illicit
Victorian Civil and Administrative Tribunal	doping (sport), 185-186, 847-849
(VCAT) Guardianship List, 986-987	administering drugs, 856-857
(VCAT) Guardianship List, 700-707	death resulting, 856-857
Disciplinary system	manslaughter by gross negligence, 857
medical profession – see Medical practitioners	manslaughter by unlawful & dangerous act
D. 1	857
Disclosure	murder, 856-857
of material risk – see Risk	medical assault, 856
Disorders – see Diagnostic and Statistical Manual	athletes' choice to sue, 849
of Mental Disorders (DSM); Paranoid	doctors & sports scientists under WADC, 848 –
disorders	see also World Anti-Doping Code
disorder s	role of Australian Sports Anti-Doping Authority
DNA	(ASADA), 848-849
extra-bodily sampling by police, 364-369	operation of anti-doping laws, 847
deregulation of bodily sampling, 367-368	rationale for, & sources of drug laws, 876-878
non-regulation, 364-366	
Doctor-patient relationship	Drugs, therapeutic – see Cannabis; Opioid
cultural barriers, 780-788	medications
overcharging (Singapore), 497-507	DSM - see Diagnostic and Statistical Manual of
codes of ethics & regulators' approaches, 498-	Mental Disorders
	Mental Disorders
500	Duty of care
Dr Ah Soon Pang, 501	sports medicine, 850-852
High Court decision, 505-506	defences, 852
treatment provided, 504	failure to follow up, 851
Dr Susan Lim, 500-501	failure to warn, 850-851
High Court decision, 502-504	medical treatment, 850
treatment provided, 501-502	, · ·
issues arising from jurisprudence, 506-507	

Duty to communicate information

sports physicians, 184-185

support active and passive **Eating disorders** Nicklinson's case, 627-640 legislation, 860-861 - see Body mass index appeal for consistency, 637-639 (BMI) avoiding suffering, 638 media images and, 862-863 decision can be made safely, 639 primacy of autonomy, 638-639 **Economic loss** inconsistency in law, 628-630 duty to prevent active and passive euthanasia, 628-629 doctors & sports scientists, 852-853 defining euthanasia, 628 voluntary, active euthanasia compared with **Economic rights** voluntary, passive euthanasia, 629-630 as human rights, 911-912 voluntary, involuntary & non-voluntary **Embryos** euthanasia, 629 flexible concept of property, 310-311 killing and let die distinction, 633-637 causation, 634-635 - see also Causation **Emergency wards** foresight, 636-637 fees, 568-569 intention, 635-636 Emotional trust, 784-785 legal regulation of decisions to die, 630-633 choosing voluntary, active euthanasia, 633 **End-of-life decisions** refusing medical treatment, 630-632 - see parens patriae jurisdiction, 921-924 - see also also Refusal of medical treatment Parens patriae power assisted suicide - see Suicide, assisted patient's views & wishes, 928-929, 938-939 international travel for - see Medical travel England and Wales - see United Kingdom seriously ill children, 762-773 travel for - see Medical travel Error voluntary hospitals - see Hospitals inconsistency in law, 628-630 voluntary, active euthanasia compared with Ethics - see also Bioethics; Consent voluntary, passive euthanasia, 629-630 biobanks, 346 dementia - see Dementia voluntary, involuntary & non-voluntary euthanasia, 629 Human Research Ethics Committees legal regulation of decisions to die, 630-633 public health research using public sector choosing voluntary, active euthanasia, 633 information, 964-965 overcharging - see Doctor-patient relationship illegality, 633 over-sedation & doctrine of double effect, paediatric care, 267-269 633 refusal of medical treatment Nitschke's autobiography (book review), 739chronic mental health problems, 547-549 740 research -see Research ethics surrogacy, 728-738 Evidence after birth of child, 737-738 anti-doping violations, 854-855 pre-conception stage, 729-734 medical (Tomlinson case), 467-468 pregnancy, 735-736 training for police & peacekeeping forces, 538-Exercise programs - see Fitness industry 539 **Expert evidence** VCAT's micro-ethical framework, 996-997 virtue jurisprudence critical approach, 990-992 Europe death investigation relevant evidence, 992-993 human rights, 586-590 **European Court of Human Rights Families** enforceability of right to health, 911

Euthanasia – see also End-of-life decisions;

Suicide, assisted; Withdrawal of life

1066 (2014) 21 JLM 1060

end-of-life decisions

family members' views & wishes, 928-930	doctors' competing obligations, 221
familial-assisted killing, 419-420	doctors' legal obligation, 219-221
right to family life	Essentially Yours Report (ALRC & AHEC),
coroners, 545	221-223
Fetal rights	implementation (s 95AA Guidelines), 223-
birthing rights and, 154-155	224
orthing rights and, 134-133	challenges & limitations, 231-233
Fitness industry	effect & important scope issues, 224-225
risk management & injury, 826-844	evaluation in international context, 229-230
national survey, 833-844	operation, 227-229
implementation of client training/education in	overview, 225-227
exercise programs, 840-842	reactions to, 230-231
maintenance, design & operation of	patient-centred & family-oriented approaches,
facility/equipment, 840-842	221
management/monitoring of safety policy,	Genetic research
education & training, 840-842	Indigenous participants, 324-325
problems identified, 832-833	margenous participants, 324-323
education, competency, knowledge &	Genetic tests
courses, 832, 843	compensation for negligent pre-birth genetic
environment, 833, 843	testing (NZ), 102-109
pre-exercise screening & management of de-	accident compensation scheme, 1013-106
conditioned clients, 832, 843	parents' claim: type of pregnancy as personal
scope of practice, nutrition & managing client	injury, 104-105
expectations, 833	resulting child's claim; genetic condition as
supervision & equipment, 832-833, 843	personal injury, 105-106
regulatory context, 828-830	pre-birth genetic testing, 102-103
scoping of concerns, 831-832	tortious remedies
nominal group technique (NGT) sessions,	wrongful birth, 106-108
832-833	wrongful life, 108
Fitness to stand trial – see Trial	non-consensual
Fitness to stand trial – see I rial	establishing the offence (Australia), 335-342
Florida	debate about protection, 337
compensation, 526-527	Essentially Yours Report (ALRC & AHEC),
	338-339
Follow up, duty of doctor to	human tissue legislation, 338
sports medicine, 851	international experience, 340, 342
Forensic pathologists	Model Criminal Code offences, 339-340
role in autopsy	rights of individuals affected, 335-337
post-mortem imaging in preliminary	Genocide – see Cambodia
examination, 774-779	Genociae See Camboura
	Gifts
Freedom of information	biobanking – see Biobanking
right to access public sector information, 963-964	Government
Freedom of speech	
modelling industry legislation, 873-874	databases – see Public sector information
	Guardians
Futility	restrictions on liberty, 655-656
best interests assessment, 925-927	Victorian Civil and Administrative Tribunal
	(VCAT) Guardianship List
	virtue jurisprudence – see Virtue
Gene technology – see Patenting genetic material	jurisprudence
General practitioners – see Medical practitioners	Cymnosia saa Fitnoss industry
Genetic information – see also Property	Gymnasia – see Fitness industry
disclosure to genetic relatives, 217-234, 810-812	
discressure to genetic relatives, 21/-234, 010-012	

Health	registration – see Health practitioner
research (NZ), 189-191	registration
experimental research, 190-191	regulation
observational research, 189-190	plagiarism, 401-402 – see also Plagiarism
right to - see Right to health	sexual misconduct – <i>see</i> Sexual misconduct trade practices & fair trading legislation – <i>see</i>
Health care – see also Private health care	Trade practices
clinical care vs testing	training
proportionate liability, 721-723	plagiarism in, 410-411
misadventures – see Proportionate liability	piagiarism in, 410-411
systems – see Private health care	Health professionals – see Health practitioners
withholding & causing death, 420-422	Hoarding
Health care practitioners – see Complementary	terminology
	Diogenes syndrome
medicine; Health practitioners;	death scene evaluation (letter to the editor),
Medical practitioners	66
Health complaints – see Complaints	Homebirth
Health inequity – see Right to health	Australia, 142-158
realth inequity—see rught to health	birthing rights & Australian law, 155-156
Health Ombudsman (Qld) – see Complaints	birthing rights & fetal rights, 154-155
Health practitioner registration	history, 144-145
Aboriginal & Torres Strait Islander health	"medicalisation" of birth, 145-146
practitioners, 553-556	minority report, 157-158
profile of registrants, 556-558	models of maternity care, 148-149
deregistered practitioners – see Deregistered	new homebirth (1970s), 147-148
health practitioners	rise of "natural birth" & backlash against
plagiarism, 400 – see also Plagiarism	medicalisation, 146-147
	risk, 153-154
Health practitioners – see also Complementary	safety, 151-153
medicine; Medical practitioners	since Maternity Services Review (2009), 149-
Aboriginal & Torres Strait Islander – see	150
Aboriginal & Torres Strait Islander	150
health practitioners	Homœopathy
education	misleading information on vaccination, 161-166
combating misleading information on	
vaccination, 170-171	Homœoprophylaxis
national regulation & accreditation – see also	misleading information on vaccination, 161-166
Health practitioner registration	Hospitals
mandatory notification	emergency wards
impact on trust relationships, 82-101	user fees, 568-569
defining trust, 83-85	patient death due to hospital error
impetus for national reporting of	responsibility for reporting when error occurred
professional incompetence, 91-94	
mandatory reporting & impact on trust, 98-	at referring institution (Japan), 441-446
100	conclusions, 445-446
- * *	discussion, 444-445
mandatory reporting & whistleblowing, 94-	questionnaires, 442
98	results, 442-444
national regulatory system, 90-91	autopsy without police reporting, 444
trust relationships in health care system,	police reporting, 443-444
85-89	responses, 442-443
overcharging - see Doctor-patient relationship	privatisation directives
plagiarism	Fiona Stanley Hospital & Midland Public
current hearings, 402 – see also Plagiarism	Hospital, WA, 566-568
plagiarism – see Plagiarism	* '
	Human body – see also Human tissue

property in – *see* **Property**regulating use of human bodily material, 245-250,
299-306
approaches, 300-302
choice of best approach, 302-306
reasons for lack of consensus, 299-300
relational bodies, 294-298 – *see also* **Property**

Human cloning - see Cloning

Human rights – see also Right to health; Sanctity of life principle

coroners – *see* **Coroners** mental health tribunals, 951-954 pharmaceutical patents – *see* **Patents**

Human Rights Commission (United Nations)

Cassidy communication, 598-599

Human tissue – see also Biobanking

Hybrids

bioethics, 375-377

Immunisation – see Vaccination Impairment – see Disability

medical practitioners - see Medical practitioners

Implants

property in recyclable artificial implants, 357-363 identifying accessions, 360-361 if accession has occurred, 362-363 role of intention, 361-362 mixtures & accessions, 359-360 transfer of title, 358

Incompetent persons – see Competence

Indigenous health practitioners – see Aboriginal & Torres Strait Islander health practitioners

Information

exchange of clinical information proportionate liability, 720-721

Information disclosure

duty to communicate information sports physicians, 184-185

Informed consent - see also Consent

biobanking model of donation, 352-353

Injuries

assessing sports physicians, 183-184 fitness industry – see Fitness industry trajectory from work-related musculoskeletal

injury to suicide – see Workplace safety

Inquests - see Coroners

Insanity

fitness to stand trial - see Trial

Institutional trust, 785-786

Intellectual disability

diagnosis (DSM-5), 43

Intellectual property

medical treatment patents – see **Medical**

treatment

trade & access to medicines, 94-916 public interest measures in TRIPS Agreement, 916-918

Intention

killing and letting die, 635-636 role of property in recyclable artificial implants identifying accessions, 361-362

Inter-American Court of Human Rights

enforceability of right to health, 908-909

International Criminal Court

sexual violence in armed conflict, 532-533 results of prosecutions, 539-542

International criminal law

fitness to stand trial – see Trial

International Military Tribunal at Nuremberg (Nuremberg Tribunal)

fitness to stand trial, 748-756 Hess, 751-755 Krupp, 748-751 Streicher, 756

International Military Tribunal for the Far East (Tokyo Tribunal)

fitness to stand trial (Okawa), 746-758

International travel - see Medical travel

Investigation of deaths – see Coroners; Reportable deaths

Israel

modelling industry legislation, 867-869

Japan

patient death due to hospital error responsibility for reporting when error occurred at referring institution, 441-446

war crimes trials – see International Military
Tribunal on the Far East

Journal of Law and Medicine

Production Editor farewell & thank you to Susan Tarua, 761

Judicial officers

virtue jurisprudence – see Virtue jurisprudence

Jurisprudence, virtue – see Virtue jurisprudence

Jury trials

functioning of jury system (book review), 1004-1006 Tomlinson case (UK), 461–463

Killing

distinction from letting die, 633-637 causation, 643-635 "letting die" is to cause death, 635 omissions that cause, 634-635 foresight, 636-637 intention, 635-636

Legal capacity – see Capacity to decide Legal representation, right to – see Right to legal representation

Letting die

distinction from killing, 633-637 causation, 643-635 "letting die" is to cause death, 635 omissions that cause, 634-635 foresight, 636-637 intention, 635-636

Liability – see Pharmaceutical industry; Proportionate liability; Sports scientists

Liberty - see Restrictions on liberty

Life, right to – see Sanctity of life principle

Life, sanctity of - see Sanctity of life principle

Life support, withdrawal of – see Withdrawal of life support

Lifetime Care and Support Scheme (NSW)

history, 518

Litigation

patents term extensions, 392-394 private litigation to apportion liability human body as property, 332 recouping costs of NDIS support, 521-522

Mandatory notification – see Health practitioners; Medical practitioners

Manslaughter

criminal liability of sports scientists & doctors gross negligence, 857 unlawful & dangerous act, 857 failure to provide child with necessary treatment, 780-788

Manufacturers' liability – see Pharmaceutical industry

Material risk - see Risk

Maternity care

models of, 148-149 - see also Homebirth

Maternity Services Review (2009)

homebirth since, 149-150

"Mature minor" principle

refusal of medical treatment, 123-126

Media

legislation – see Body mass index (BMI) rights of access

Tomlinson inquests, 455-456 – see also

Coroners
tobacco advertising (Australia), 863-864

Medical assault

sports scientists & doctors, 856

Medical error

hospitals - see Hospitals

Medical evidence - see Evidence

Medical futility

best interests assessment, 925-927

Medical malpractice - see Medical negligence

Medical necessity - see Cannabis

Medical negligence – see also Complaints; Duty of care; Warn, duty to

genetic testing – see Genetic tests sports physicians, 181-182 – see also Sport sports scientists – see also Sports scientists manslaughter by gross negligence, 857

Medical practitioners – see also Complementary medicine; Doctor-patient relationship

disciplinary system (NZ), 690-695 decision-makers, 692 maintenance of professional standards, 692-693

public protection, 695	Medical technology
punishment, 693-694	bioethics, 372, 375
rehabilitation, 694-695	
legislative purpose, 691-692	Medical tourism – see Medical travel
regulatory theory, 690-691	Medical travel
disclosure of genetic information – see Genetic	international travel to end life
information	Australian legal regulation, 415-428
doctor-patient relationship – see Doctor-patient	creating the demand, 417-422
relationship	criminalising suicide assistance, 417-418
duty of care – see Duty of care	familial & carer-assisted killing, 419-420
duty to follow up, 851	legality of withholding care & causing
general practitioner co-payments, 568-569	death, 420-422
impaired	physician-assisted suicide, 418-419
regulation (NSW), 429-440	options for addressing death tourism, 426-428
Australian Health Practitioner Regulation	travelling abroad to die, 422-426
National Law, 430	likelihood of death tourism growth, 424-
impairment in NSW, 434-436	426
issues which emerge, 436-440	scope of euthanasia travel, 422
difficulty in effectively monitoring	scope of travel to purchase suicide-
conditions on doctor's practice, 437	inducing substances & tools, 422-424
need to maximise concept of therapeutic	<u>-</u>
jurisprudence, 437-440	Medical treatment
what is impairment, 430-434	burdensome
formal regulation, 432-434	best interests assessment, 927
informal regulation, 434	patenting of therapeutical treatments, 797-809
information disclosure, 184-185	High Court's Apotex decision, 800-804
mandatory notification	background, 800-801
impaired practitioners, 433-434	majority decision, 802-804
overcharging – see Doctor-patient relationship	gene patents appeal, 806
protection of profession (NZ), 684	patentable inventions & medical inventions,
interaction with public protection, 684-685	798-800
refusal of medical treatment, 632 – see also	surgical method patents, 804-807
Refusal of medical treatment	Trans-Pacific Partnership Agreement, 806-808
regulation (NZ), 682-699	research ethics and, 47-52
purpose of disciplinary system, 690-695	neonatology, 47-49
decision-makers, 692	sports medicine, 850
legislative purpose, 691-692	Medicalisation
regulatory theory, 690-691	birth, 145-146 – see also Homebirth
purpose of professional regulation, 682-690	onth, 143-140 See also Homeon th
legislative purpose, 685-690	Mental disorders – see Diagnostic and Statistical
identity of regulator, 689-690	Manual of Mental Disorders
legislative statement, 685-686	Montal health
who & what is regulated, 688-689	Mental health fitness to stand trial – <i>see</i> Trial
professional regulation, 682-683	
regulatory theory, 683-685	refusal of medical treatment, 543-549
interaction between public protection &	case, 543-544
professional interests, 684-685	ethical responses, 547-549
interests of the state, 685	legal responses, 544-547
protection of profession, 684	restraints – see Restraints and seclusion
protection of public, 683-684	safety & risk, 661-681
what is public protection, 695-699	background, 662-666
public interest, 695-699	coronial data, 667-668
sports – see Sport; Sports scientists	legislative data, 668-680
treating cerebral palsy, 527	assessment decisions, 668-675
	communication & information transfer, 675-
Iedical profession –see Medical practitioners	676

documentation & planning, 676-679 training, 670-680 research method, 666-667 seclusion – see Restraints & seclusion

Mental health tribunals

publication of reasons, 942-956 civil commitment system, 943-948 human rights, 951-954 open justice, 948-950 significant reasons, 954-956 therapeutic jurisprudence, 950-951

Minors - see Children (minors)

Misadventures - see Proportionate liability

Misleading information

vaccination - see Vaccination

Misogyny

causation of sexual violence in armed conflict, 535-536 primitive male sexual aggression as evolutionary

primitive male sexual aggression as evolutionary maladaptation, 536

Modelling industry

legislation - see Body mass index (BMI)

Murdei

criminal liability of sports scientists & doctors, 856-857

Musculoskeletal injury

trajectory from work-related injury to suicide – *see*Workplace safety

Mutants

bioethics, 375, 377

National Commission of Audit

privatisation directives, 562-564

National Disability Insurance Scheme (NDIS) cerebral palsy – see Cerebral palsy

National health practitioner regulation scheme – see Health practitioners

Natural birth - see also Homebirth

rise of & backlash against medicalisation, 146-147

Necessity - see Cannabis

Negligence

sports scientists & doctors – see also **Sports** scientists manslaughter by gross negligence, 857

Negligence, medical - see Medical negligence

Neonatal care

medical research ethics, 47-49

Netherlands

euthanasia legislation seriously ill children, 762-763

New South Wales Health Care Complaints Commission

misleading information on vaccination, 160-1616

New Zealand

Accident Compensation Scheme – see Accident Compensation Scheme (NZ)

coronial jurisdiction – *see* Coroners genetic testing – *see* Genetic tests

inquests – see Coroners

medical profession – see Medical practitioners

sexual misconduct by health practitioners – see

Sexual misconduct

New Zealand Code of Health and Disability Services Consumers' Rights

research under, 187-193
disability research, 191-192
gaps in types of research covered, 192-193
health research, 189-191
experimental research, 190-191
observational research, 189-190
historical context, 187-188
meaning of "research", 188-189

"No fault" support schemes, 523-526 – see also Accident compensation

Non-consensual genetic testing – see Genetic tests

Northern Ireland

stillbirth decision, 21-22

Not-for-profit organisations

government control, 278-293
AID v AOSI Inc (US), 280-285
health-related organisations (Australia), 279-280
Australian government interference, 285-286
new public role for charities, 286-290
NSW, Qld & future of NFP sector, 291-292

Nuremberg Tribunal (International Military Tribunal at Nuremberg)

fitness to stand trial, 748-756 Hess, 751-755 Krupp, 748-751 Streicher, 756

Nutrition and hydration

fitness industry, 833

```
refusal of treatment for children, 131-132
Occupational health and safety
  fitness industry - see Fitness industry
                                                          Parental refusal of treatment for children
                                                            parental rights, 130-131
Old people
  residential care - see Residential care
                                                          Patenting genetic material
                                                            case law
Ombudsman
                                                               Australia
  Health Ombudsman (Old) - see Complaints
                                                                 impact of Apotex decision, 806
                                                          Patents
  mental health tribunals, 948-950
                                                            medical treatments - see Medical treatment
Operations - see Surgery
                                                            pharmaceutical
                                                               human rights considerations, 900-919
Opioid medications
                                                                 access to medicines, right to health &
  regulation, 27-38
                                                                      pharmaceutical patents, 912-913
    legislative framework, 31-32
                                                                 economic & property rights as human rights,
    medical terminology of dependence,
                                                                      911-912
            withdrawal, tolerance & addiction, 34-
                                                                 enforceability of right to health, 905-907
                                                                   national courts, 907-908
    notifications & permits, 32-33
                                                                   regional courts, 908-911
    oxycodone, 29-31
                                                                 global health & health inequity, 901-902
Overcharging - see Doctor-patient relationship
                                                                 public interest measures in TRIPS
                                                                      Agreement, 916-918
Oxycodone - see Opioid medications
                                                                 right to health in international law, 902-904
                                                                 trade, intellectual property & access to
                                                                      medicines, 914-916
Pacemakers – see Implants
                                                               term extensions (Australia), 379-398
Paediatrics - see Children
                                                                 evolving statutory schemes, 380-383
                                                                   Patents Act 1903 (Cth), 380
Paedophilia
                                                                   Patents Act 1952 (Cth), 380-381
  priests (book review), 486-489
                                                                   Patents Act 1990 (Cth), 381-383
Paranoid disorders
                                                                 "inadequate remuneration" (1903 & 1952
  doctors with (NSW), 439
                                                                      Acts), 383-388
                                                                 information provision, 394-395
Paraphilic disorders
                                                                 litigation under post-1989 schemes, 391-394
  diagnosis (DSM-5), 44
                                                                 policy justification for post-1989 schemes,
                                                                      388-392
Parens patriae power
                                                            therapeutic treatments - see Medical treatment
  best interests of adults lacking capacity, 768-769
    end-of-life cases (Australia), 921-924
                                                          Pathologists, forensic - see Forensic pathologists
    judicial decision-making (UK), 932-936
    new approach (Australia), 936-940
                                                          Patient autonomy
      balance sheet approach, 937-938
                                                            euthanasia, 638-639
       factors comprising best interests, 936-937
                                                            right of refusal of medical treatment, 630-631 -
      medical evidence, 939-940
                                                                      see also Refusal of medical treatment
      patient's views & wishes, 938-939
                                                          Patients - see Competence; Complaints; Doctor-
    trends in assessing, 922-932
                                                                      patient relationship; Research
      burdensome treatment, 927
                                                            death due to hospital error – see Hospitals
      deference to medical opinion, 930-931
                                                            end-of-life decisions - see End-of-life decisions
       futility, 925-927
      interests of third parties, 930
                                                          Peacekeeping forces
      quality of life, 927-928
                                                            ethical forces, 538-539
      views & wishes, 928-930
                                                          Performance, clinical
         family members, 929-930
                                                            mandatory notification - see Health
         patient, 928-929
```

children's legal capacity, 768-769

practitioners; Medical practitioners

Personality disorders	investigative practices & family communication,
diagnosis (DSM-5), 41-42	468-470
Peru	reporting patient death due to hospital error
Truth and Reconciliation Commission, 535	responsibility for reporting when error occurred
·	at referring institution (Japan), 443
Pharmaceutical industry	opposition from referring facility, 444
liability of manufacturers (Australia)	vetting & training, 465-466
case law, 706-715	Post-mortem examination - see Autopsies
observations & analysis, 710-715	-
Peterson judgments, 708-710	Pre-birth genetic testing – see Genetic tests
pharmaceuticals & the law, 701	Pregnancy
product liability laws, 702-706	surrogacy
Australian Consumer Law, 705-706	ethical, legal & social issues, 735-736
relevant sections, 702-703	
Trade Practices Act, 703-705	Privacy
patents – see Patents	effect of laws on research – see Research
Physical education – see Fitness industry	legal redress for individuals harmed by breaches,
Physician-assisted suicide – see Suicide	479-483 accidental or deliberate misuse of information,
nysician-assisted suicide – see Suicide	479-482
Physicians – see Medical practitioners	injury where access to information is denied,
sports – see Sport	482-483
Piccinini, Patricia – see Bioethics	public sector information – see Public sector
,	information
Plagiarism	research, effect on – see Research
registered health professionals, 399-414	right to
reflections on previous cases, 411-413 matter of trust, 412	coroners, 595
previous disciplinary action & double	sports physicians, 185
jeopardy, 412-413	Private health care
public protection: direct patient safety or	systems, 194-209
maintaining standards, 412	private sector & health care, 195-197
relevance to health practitioner regulation, 401-	privatisation directives, 561-571
402	Australian health system privatisation case
current hearings under National Scheme, 402	studies, 565-569
relevance to registration, 400	Fiona Stanley Hospital & Midland Public
relevant Australian decisions, 403-405	Hospital, WA, 566-568
Queensland Nursing Council and Webb, 405	general practitioner co-payments &
Psychologists Registration Board (Vic) v	emergency department user fees, 568-
Glamcevski, 403-405	569
relevant English decisions, 406-408	health services for asylum seekers:
Re Persaud, 406-407	International Health and Medical
recent GMC decisions, 407-409	Service, 565-566
UK decisions, 409-411	constitutional prohibition against conscription
plagiarism & other professions, 409-410	of health service providers to private
plagiarism in health professions training,	sector, 569-570
401-411	health system outcomes of Qld Commission of Audit, 564-565
Poisoning	National Commission of Audit, 562-564
19th century England (book review), 235-236	right to health, 197-209
Police officers	content of state's obligations, 201-202
deaths in custody, police brutality &	nature of state's obligations, 201-202
accountability, 464-465	private sector involvement in health, 200
DNA sampling, 364-369	Privatisation – see Private health care
ethical training, 538-539	1117 ausauon See 1117 au meann eart

Product liability	framework for reform, 319-322
pharmaceutical industry, 702-706	property rights as human rights, 911-912
Australian Consumer Law, 705-706	recyclable artificial implants – see Implants
relevant sections, 702-703	· · · · · · · · · · · · · · · · · · ·
Trade Practices Act, 703-705	Proportionate liability
	health care misadventures, 717-727
Professional misconduct	apportionment within treating team: Ballard v
deregistered practitioners – see Deregistered	Cox, 723-724
health practitioners	clinical care vs testing: Macquarie Pathology
recidivism – see Deregistered health	Service v Sullivan, 721-723
practitioners	exchange of clinical information: Elayoubi v
sports physicians – see Sport	Zipser, 720-721
Professional negligence – see Medical negligence	"just" and "equitable", 719-720 keys for assessing apportionment, 726-727
Professional regulation – see Medical	now & into future, 727
practitioners	professionals vs "administration": CS v
•	Bierdrzycha, 724-726
Property	private litigation
human body as	human body as property, 332
body ownership & research, 323-329	
current approaches: participatory governance, 327-328	Protection of public – see Public protection
genetic research with indigenous participants,	Psychological testing
324-325	anatomical development of brain, 771-773
legal perspectives on genetic ownership, 325-327	Public health – see also Right to health; Vaccination
flexible concept of property, 307-311	communicating messages
application to tissues & embryos, 310-311	combating misleading information on
Yanner v Eaton & thin conception of	vaccination, 174-175
property, 308-309	privatisation of – see Private health care
regulatory theory, 330-334	research – see Public sector information
delimiting the problem, 330-331	residential aged care services, 257-258
regulatory strategies, 331-334	residential aged care services, 237-238
private litigation to apportion liability, 332	Public interest
prohibiting/sanctioning specific behaviours,	government databases – see Public sector
332	information
	medical profession regulation (NZ), 695-699
promulgation of norms, 333-334	TRIPS Agreement, 916-918
State-based compensation for harm, 332-	<u>-</u>
333	Public protection
relational bodies, 294-298	medical profession regulation (NZ), 695-699
spectrum of approaches to regulating use of	regulatory theory, 683-684
human bodily material, 299-306	interaction with professional interests, 684-
approaches, 300-302	685
choice of best approach, 302-306	Public sector information
reasons for lack of consensus, 299-300	public health research, 957-972
human tissue, in, 312-322 – see also Human	national resource, 958-960
tissue	research & information, 960-961
analysis of law, 315-319	right of access, 968-972
Greenberg in Australia, 317-319	
Greenberg v Miami Children's Hospital, 316-	application for review, 971-972
317	conditions, 970
common law, 313-315	cost, 969
legal history, 313-314	decision-making criteria, 970
Re Edwards, 315	information should be released, 968-969
flexible concept of property, 310-311	reasons for decisions, 971
property rights in regenerative tissue 319-322	timeframe, 970

right to access & right to privacy, 961-964 access & re-use, 962-963 freedom of information, 963-964 privacy, 961-962 seeking access for research, 964-968 data custodians' role, 966 Human Research Ethics Committees, 964-965 privacy protective data linkage, 965-966 suppression of data, 967-968 Publication mental health tribunals – see Mental health	chronic mental health problems, 543-549 case, 543-544 ethical responses, 547-549 legal responses, 544-457 legal notion, 764-770 infants, children & minors, 766-770 legal regulation of decisions to die, 630-632 competence, 631-632 doctor's perspective, 632 right of refusal: principle of autonomy, 630-631 parental rights, 130-131
tribunals	Registration – see Health practitioner registration
Quality of life best interests assessment, 927-928	Regulation of medical profession – see Medical practitioners Rehabilitation medical practitioners disciplinary system (NZ), 694-695
Reasons for decisions mental health tribunals – see Mental health	Relational bodies – see Property
tribunals Recidivism	Religious perspectives paedophile priests (book review), 486-489
deregistered health practitioners – see Deregistered health practitioners	Reportable deaths Queensland, 572-583
Recyclable artificial implants – see Implants	current context, 573-574 further opportunities for intake rigour, 582-583
Refugees enhancing safety of refugee camps for women, 538	investigating death, 574-576 registrar trial, 576-580 outcomes, 580-582
Refusal of medical treatment children, 122-141 common law, 127-132 adults, 127-129 children, 129-130 parens patriae jurisdiction, 131-132 parental rights, 130-131 decision-making capacity, 762-773 biological basis, 770-773 legal notion, 764-770 "mature minor" principle, 123-126 nature of decision to refuse, 137-141 consent & refusal conceptually identical, 137- 138 sliding scale, 138-139 "wise decision, 139-141 NSWLRC reports (2008), 132 statutory regulation, 126-127 test of competency, 132-137 independence of age, 135 sufficient understanding & intelligence, 133- 135 task specificity, 136-137	Research – see also New Zealand Code of Health and Disability Services Consumers' Rights; Research ethics body ownership and – see Property meaning of (NZ), 188-189 privacy laws, effect of, 473-485 balancing risks & potential benefits, 478-479 defensive decision-making, 483-484 hypothetical illustration, 475-476 legal redress for individuals harmed by breaches of privacy, 479-483 accidental or deliberate misuse of information, 479-482 injury where access to information is denied, 482-483 public sector information – see Public sector information regulatory context, 476-478 resources biobanking, 345-346 Research, medical dementia – see Dementia
task specificity, 136-137 temporal specificity, 135-136	dementia – see Dementia

content of state's obligations, 201-202 Research ethics approval of research (Australia), 49-50 nature of state's obligations, 201-202 incompetent individuals, 52 private sector involvement in health, 200 competence, 47-52 Right to legal representation ethical justification for research, 51-52 coroners, 594 therapy and, 47-52 unrepresented clients (VCAT Guardianship List), neonatology, 47-49 997-999 Residential care Right to life - see Sanctity of life principle using existing information from medico-legal death investigations to improve care of Right to refuse medical treatment - see Refusal of older people, 255-261 medical treatment myths, 257-258 Right to respect for privacy, family life & culture deaths in residential aged care services coroners, 595 inevitable, not preventable, 257 limited public health gains, 257-258 Right to silence someone else's charter or responsibility, 258 coroners, 597-598 unique opportunity, 258-261 Rights, birthing - see Birthing rights Rights, human - see Human rights right to respect for privacy, family life & culture coroners, 595 Restraints and seclusion disclosure of material risk, 53-65 High Court and medical duty prior to operation, legal regulation of mental health facilities, 251-54-56 254 Wallace v Kam, 56-58 definitional problems, 251-252 systems-error tragedy, 58-61 National Mental Health Commission project, tragic systems context, 61-64 254 duty to warn need for national data collection, 253-254 sports medicine, 850-851 priority area, 252-253 homebirth, 153-154 Restrictions on liberty mental health - see Mental health consent vs scrutiny (Vic), 641-660 Risk management Bournewood litigation, 642-643 deregistered health practitioners Deprivation of Liberty Safeguards (DOLS), risk assessment, 76-78 648-652 risk measurement, 78-80 guardianship, 655-656 risk of recidivism, 68-69 legal problem: restrictive practices & fitness industry - see Fitness industry deprivations of liberty, 643-648 VLRC proposal, 652-655 way forward, 656-659 law & bioethics, 377-378 Right to health Rwanda coroners, 595-596 International Criminal Tribunal (1994), 532 enforceability, 905-907 national courts, 907-908 regional courts, 908-911 Safety African Court of Human and People's Rights, fitness industry – see Fitness industry 909-911 European Court of Human Rights, 911 Sanctity of life principle coroners, 590-594 Inter-American Court of Human Rights, 980surgical separation of conjoined twins, 981-982 international law, 902-904 Schizophrenia - see also Hoarding pharmaceutical patents, 902-904 diagnosis (DSM-5), 42 private health care systems, 197-209 - see also Private health care Scholarly misconduct - see Plagiarism

Scrutiny – see Restrictions on liberty	positively reinforcing cultural taboos of armed
Seclusion – see Restraints and seclusion	groups, 538 reducing gender imbalance of combatant forces
Self-image – see Body mass index (BMI)	538
Sexual misconduct Australian Defence Force, 262-263	reducing tolerance of armed forces for crimes o sexual violence, 537
health practitioners (NZ) disciplinary responses, 508-515 nature & duration of professional relationship,	Shelley, Mary artwork of Patricia Piccinini, 370-378
nature & duration of professional relationship, 511-512 nature of sexual relationship, 512 other factors, 512	Sierra Leone Special Court (2002), 533 Truth and Reconciliation Commission, 535
penalties, 512-514 timing, 511	Silence, right to coroners, 597-598
Sexual violence in armed conflict, 528-542 causation, 535-536 cultural psychopathology, 536	Singapore overcharging – see Doctor-patient relationship
misogyny, 535-536 primitive male sexual aggression as	South Africa Truth and Reconciliation Commission, 535
evolutionary maladaptation, 536 strategic weapon, 535	Sport – see also Doctor-patient relationship; Fitness industry; Sports scientists
definitions, 529 legal deterrence, 530-535 Control Council Law No 10 (1945), 530-531 Extraordinary Chambers in the Courts of Cambodia (2006), 534 Geneva Conventions (1949), 531 International Crimes Division in Uganda (2010), 534-535 International Crimes Tribunal in Bangladesh	match-fixing, 855 medical malpractice & professional legal responsibility of sports physicians, 79- 186 assessing injuries, 183-184 doping, 185-186 duty to communicate information, 184-185 pre-participation screening, 182-183 privacy issues, 185
(2009), 534 International Criminal Court (2002), 532-533 International Criminal Tribunal for Rwanda (1994), 532	professional negligence, 181-182 role of guidelines, 184 team physicians, 180-181
International Criminal Tribunal for the former Yugoslavia (1993), 531-532 Lieber Code (1863), 530 results of prosecutions by ICC & special national courts, 539-542 Rome Statute (1998), 532 Truth and Reconciliation Commission in South Africa, Sierra Leone & Peru, 535 Special Court of Sierra Leone (2002), 533 mechanisms for prevention, 536-539 enhancing safety of refugee camps for women, 538 ethical training for police & peacekeeping forces, 538-539 focusing attention on the issue, 536-537 improving military discipline, 538 improving relationships between civilians & hostile armed forces, 538 political training, 538	Sports scientists criminal & civil liability, 845-858 breach of contract, 853 criminal liability, 854-857 administering drugs, 856 death resulting, 856-859 – see also Death medical assault, 856 decision to prosecute, 855 dissemination of evidence, 854-855 match-fixing, 855 definition of sports science, 845-846 negligence, 846-853 athletes & sports science, 846-847 manslaughter by gross negligence, 857 medical negligence, 849-853 doctor-patient duty of care, 850-852 – see also Doctor-patient relationship; Duty of care duty & knowledge of WADC, 852 – see
pontical training, 556	also World Anti-Doping Code

sports governing bodies, 846 sports law, 846	Technological frontiers bioethics – <i>see</i> Bioethics
vulnerability of athletes, 847-849 choice to sue, 849 doctors & sports scientists under WADC, 848 – see also World Anti-Doping Code operation of anti-doping laws, 847 role of Australian Sports Santi-Doping Authority (ASADA), 848-849	Therapeutic jurisprudence impaired medical practitioners formal regulation, 432-433 need to maximise concept, 437-440 doctors with addictions, 437-439 doctors with cognitive impairment, 440 doctors with paranoid disorders, 439 mental health tribunals, 950-951
Stillbirth, 1-26 Barrett decisions (SA), 18-21	Therapeutic treatments – see Medical treatment
born alive rule, 16-18 causes, 10-12 coroners' jurisdiction, 14	$\label{eq:constraint} \textbf{The rapeutical relationships} - see \ \textbf{Doctor-patient} \\ \textbf{relationship}$
coronial law, 18 definitional issues, 9-10	Third parties end-of-life decisions, 930
law reform, 23-26 Legislative Review Committee report (SA), 22-23	Tissue banking - see Biobanking
life & death, 14-16 Northern Ireland decision, 21-22	Tobacco advertising regulation (Australia), 863-864
statistics, 12-14 Substitute decision-makers	Tokyo Tribunal – see International Military Tribunal for the Far East
appointment and role law reform, 793-794	Torres Strait Islander health practitioners – see Aboriginal & Torres Strait Islander
Suicide – see also Euthanasia	health practitioners
assisted sagalsa Futhanasia	
assisted – <i>see also</i> Euthanasia Australian legal regulation, 417-418 familial & carer-assisted killing, 419-420	Tort law – see Medical negligence; Negligence; Wrongful birth; Wrongful life
Australian legal regulation, 417-418 familial & carer-assisted killing, 419-420 international travel for – <i>see</i> Medical travel	
Australian legal regulation, 417-418 familial & carer-assisted killing, 419-420 international travel for – see Medical travel physician, by Australian legal regulation, 418-419 seriously ill children, 762-773 substances & tools to induce travel to purchase, 422-424 trajectory from work-related musculoskeletal injury to – see Workplace safety	Wrongful birth; Wrongful life
Australian legal regulation, 417-418 familial & carer-assisted killing, 419-420 international travel for – see Medical travel physician, by Australian legal regulation, 418-419 seriously ill children, 762-773 substances & tools to induce travel to purchase, 422-424 trajectory from work-related musculoskeletal injury to – see Workplace safety travel for – see Medical travel	Wrongful birth; Wrongful life Tourism – see Medical travel Trade agreements patenting medical treatments, 806-808 public interest measures in TRIPS Agreement, 916-918 intellectual property & access to medicines, 914-
Australian legal regulation, 417-418 familial & carer-assisted killing, 419-420 international travel for – see Medical travel physician, by Australian legal regulation, 418-419 seriously ill children, 762-773 substances & tools to induce travel to purchase, 422-424 trajectory from work-related musculoskeletal injury to – see Workplace safety travel for – see Medical travel Surgery medical duty prior to High Court decisions, 54-56 Wallace v Kam, 56-58	Wrongful birth; Wrongful life Tourism – see Medical travel Trade agreements patenting medical treatments, 806-808 public interest measures in TRIPS Agreement, 916-918 intellectual property & access to medicines, 914- 918
Australian legal regulation, 417-418 familial & carer-assisted killing, 419-420 international travel for – see Medical travel physician, by Australian legal regulation, 418-419 seriously ill children, 762-773 substances & tools to induce travel to purchase, 422-424 trajectory from work-related musculoskeletal injury to – see Workplace safety travel for – see Medical travel Surgery medical duty prior to High Court decisions, 54-56 Wallace v Kam, 56-58 patents for surgical methods, 804-807	Wrongful birth; Wrongful life Tourism – see Medical travel Trade agreements patenting medical treatments, 806-808 public interest measures in TRIPS Agreement, 916-918 intellectual property & access to medicines, 914- 918 Trade practices product liability – see Pharmaceutical industry Trans-Pacific Partnership Agreement
Australian legal regulation, 417-418 familial & carer-assisted killing, 419-420 international travel for – see Medical travel physician, by Australian legal regulation, 418-419 seriously ill children, 762-773 substances & tools to induce travel to purchase, 422-424 trajectory from work-related musculoskeletal injury to – see Workplace safety travel for – see Medical travel Surgery medical duty prior to High Court decisions, 54-56 Wallace v Kam, 56-58	Wrongful birth; Wrongful life Tourism – see Medical travel Trade agreements patenting medical treatments, 806-808 public interest measures in TRIPS Agreement, 916-918 intellectual property & access to medicines, 914- 918 Trade practices product liability – see Pharmaceutical industry Trans-Pacific Partnership Agreement patenting medical treatments, 806-808

historical background, 747-760 – see also International Military Tribunal at Nuremberg; International Military Tribunal for the Far East

Tribunals – see Mental health tribunals; Virtue jurisprudence

TRIPS Agreement - see Trade

Trust relationships

doctor-patient relationship, 780-788 cognitive trust, 783-784 emotional trust, 784-785 institutional trust, 785-786 plagiarism, 412

Twins

conjoined - see Conjoined twins

Uganda

International Crimes Division (2010), 534-535

Unfitness to stand trial – see Trial

United Kingdom – see also Northern Ireland coroners

Tomlinson inquests – *see* Coroners plagiarism decisions – *see* Plagiarism poisoning (book review), 235-236

United Nations Human Rights Commission

Cassidy communication, 598-599

United States

compensation (Florida), 526-527

Unrepresented clients – see Right to legal representation

Unwell people

fitness to stand trial - see Trial

Vaccination

misleading information, 159-178

Australian Vaccination Network and NSW

Health Care Complaints Commission, 160-161
chiropractic, 166-168
homeopathy & homephylaxis, 161-166
pragmatic approach, 175-178
reflections on case studies, 168-170
ways to combat, 170-175
communicating public health messages, 174175
complementary & alternative medicine
practitioners, 171-174

consumer protection laws, 171 mandatory notification, 170 practitioner education, 170-171

Veracity - see Children (Minors)

Victorian Civil and Administrative Tribunal (VCAT)

virtue jurisprudence in Guardianship List – see **Virtue jurisprudence**

Violence

sexual - see Sexual violence in armed conflict

Virtue jurisprudence

Victorian Civil and Administrative Tribunal (VCAT) Guardianship List, 984-1003 disadvantaged clients, 986-987 legal theory of virtue jurisprudence, 987-1002 judicial courage, 993-995 judicial craft & skill, 988-989 judicial diligence & carefulness, 999-1002 judicial equanimity, 996-999 absence of legal representation, 997-999 VCAT's micro-ethical framework, 996-997 judicial intelligence & learnedness, 989-993 critical approach to expert evidence, 990-992 relevant expert evidence, 992-993 treating clinician vs independent assessor, 990 judicial temperament & impartiality, 995-996 tribunal member function, 1003

Voluntary euthanasia – see Euthanasia

WADC - see World Anti-Doping Code

War - see Sexual violence in armed conflict

Warn, duty to

sports medicine, 850-851

Whistleblowing

mandatory reporting and, 94-98

Withdrawal of life support

adults lacking capacity – see Parens patriae power children, 763-773

Women

body mass index - see Body mass index

Woodhouse Commission (1974)

cerebral palsy, 517-518

Workers' compensation

cerebral palsy, 518

Workplace safety

trajectory from work-related musculoskeletal injury to suicide, 110-121 critical events mediating, 112-116 opportunities for intervention, 118-120 posthumous recognition & compensation, 120-121 suicide following injury, 111-112 systemic factors, 116-118

World Anti-Doping Code (WADC)

doctors' duty & knowledge of, 852 duty to prevent economic loss, 852-853 vulnerability of athletes, 847-849 choice to sue, 849 doctors & sports scientists, 848 role of Australian Sports Anti-Doping Authority (ASADA), 848-849 operation of anti-doping laws, 847

World War II

international criminal law – see International
Military Tribunal at Nuremberg;
International Military Tribunal for
the Far East

Wrongful birth

New Zealand negligent pre-birth genetic testing, 106-108

Wrongful life

negligent pre-birth genetic testing (NZ), 108

Yugoslavia (former)

International Criminal Tribunal (1993), 531-532