
Index

Access to health care

mental health, 764-768
Australia, 766-768
China, 764-766

Access to justice – *see also* **End-of-life decisions**
meaning, 866-867

Accident compensation – *see* **Serious injuries**
identification of compensable injury, 250-251

Accident Compensation Scheme (NZ)
unwanted pregnancy – *see* **Wrongful birth**

Adjudication
serious injuries – *see* **Serious injuries**

Admissions, involuntary
mental health facilities, 771-777
Australia, 771-775
China, 775-777

Advance directives (Living wills)
end-of-life planning, 887-906
legal-health collaboration, 896-904
client-centered, 898
practitioner-centered, 898-901
system-centered, 902-904
role of law & lawyers, 892-896
discussion with lawyers, 894-896
health practitioners' knowledge of law, 893-894
legal framework, 892-893
substitute decision-makers, 891-892
legal capacity, 126

Adverse events
right to information (NZ), 230-231

Advertising
homeopathy, 16-18

Aid in dying – *see* **Euthanasia**

Alcohol – *see* **Foetal Alcohol Spectrum Disorder**

Anonymity
semen donors – *see* **Infertility treatment**

Assisted suicide – *see* **Euthanasia**

Authorship
medical collaborations, 413-426
Copyright Act (Cth), 416-418
issues & practices in scientific authorship, 414-416

medical/scientific & legal protocols, 418-421
practical consequences of divergence of
authorship norms, 421-425

Autonomy – *see also* **Commercial surrogacy**
legal capacity, 123-124

Belgium
euthanasia – *see* **Euthanasia**

Best interests of victim
criminal injuries compensation, 195-199

Biobanking
relational obligations, 710-726
broad consent, 716-717
contractual relationship, 722-725
dynamic consent, 717-718
fiduciary relationship, 718-722
informed consent
Canada, 715-716
New Zealand, 711-715

Birth, wrongful – *see* **Wrongful birth**

Blood circulation
Harvey's theory, 50-54

Body Dysmorphic Disorder – *see* **Cosmetic surgery & procedures**

Body parts
property in – *see* **Property**

Brain surgery
book review, 979-981

Burial rights
dual burial plots, 460-470
Australian position, 465-467
better way, 467-470
legally binding agreements, 462
proprietary interest, 462-463
UK position, 463-464
US position, 464-467
Vosnakis v Arfaras, 461-462

Canada
assisted suicide, 739-746
biobanking
informed consent, 715-716
parens patriae jurisdiction, 829

Cannabis

- medical use
 - Australia
 - law reform, 497-515
 - events of 2015, 500-504
 - future, 512-515
 - Queensland Bill, 511-512
 - Victorian Bill, 504-511

Capacity to decide

- advance directives, 126
- assessment, 121-136
 - assessing legal capacity, 128-133
 - functional, status & outcome approaches, 128-130
 - models of capacity assessment, 130-133
 - challenges of assessing legal capacity, 133-134
 - conceptually different frameworks, 133
 - cost, 134
 - professional liability, 134
 - training & education, 133-134
- mentally disabling conditions, 127-128
- nature of legal capacity, 122-127
 - advance care directives, 126
 - autonomy and protection, 123-124
 - financial capacity, 124-125
 - supported decision-making, 126-127
 - testamentary capacity – *see* **Wills**
 - way forward, 134-135
- criminal injuries compensation, 195-199

Carers

- perspectives on restraints & seclusion, 299-301

Catholic Church

- child sexual abuse – *see* **Child sexual abuse**

Celibacy

- Catholic clergy, 478

Cemeteries – *see* Burial rights

Child sexual abuse

- Catholic clergy
 - conviction & rehabilitation, 471-487
 - case for rehabilitation, 485-486
 - Catholic priesthood, 472-473
 - celibacy, 478
 - characteristics of sexual assailants, 477
 - child sexual abuse by clergy, 473-474
 - convictions, 475-476
 - mandatory reporting, 474-475
 - profiles of convicted priests, 477-478
 - risk categories of sexual re-offenders, 479
 - sentencing (NSW), 480
 - situational crime prevention, 485

- success rates of treatment to prevent
 - recidivism, 480-483
 - treatment of offenders, 483-485
- photo-documentation of assaults, 925-937
 - concerns, 926-927
 - implications of study, 935-937
- research evidence, 927-935
 - impact on trial outcomes, 930-933
 - legal & medical benefits, 933-935
 - negative impacts of colposcopy, 928-930
 - reliability of medical assessment, 930

Children (minors)

- consent to medical treatment
 - intersex surgery, 540-541
- refusal of medical treatment – *see* **Parens patriae power**

China

- mental health
 - civil legislation – *see* **Mental health**

Circulation of the blood

- Harvey's theory, 50-54

Civic duty

- vaccination, 910-912

Civil liability

- homeopathy, 19-20

Clergy

- child sexual abuse – *see* **Child sexual abuse**

Codes of practice

- corporatised health care, 55-66

Colposcopy – *see also* Child sexual abuse

- negative impacts, 928-930

Commercial surrogacy, 275-296, 331-332 – *see also* Surrogacy

- Australia
 - comparative table of Australian legislation, 292-296
 - current Australian law, 275-277
- changing law, 278-280
- definition, 277-278
- domestic law & practice, 281-284
- international law, 284-291
 - Hague Conference, 284-285
 - human rights, 285-291
- regulation, 333-345
 - altruistic & commercial “fiction”, 339
 - courts, 339-341
 - legislation, 341-343
 - criminal hierarchy, 335-339
 - right to autonomy & privacy, 365-377

-
- arguments against commercial surrogacy, 366-368
 - arguments in favour of commercial surrogacy, 366-367
 - right to autonomy, 370-377
 - Communication**
 - form of
 - patients' rights (NZ), 231
 - justice, 791
 - Community values**
 - investor-state dispute settlement, 806-809
 - Compensation**
 - identification of compensable injury (Vic), 250-251
 - Competency** – *see* **Drugs, therapeutic**
 - Complaints**
 - regulatory reform, 650-661
 - health complaints & vulnerable populations, 657-661
 - national scheme (Australia), 654-657
 - vulnerable populations, 652-654
 - Compulsory vaccination** – *see* **Vaccination**
 - Confessions**
 - unreliable – *see* **Foetal Alcohol Spectrum Disorder**
 - Conflict**
 - end-of-life decisions, 877-881, 884-885
 - Conscientious objection**
 - vaccination, 910
 - Consent**
 - biobanking – *see* **Biobanking**
 - children
 - consent to intersex surgery, 540-541
 - informed – *see* **Informed consent**
 - innovative treatment, 938-948
 - surgeons' views, 940-943
 - method of study, 940
 - results of study, 941-943
 - uniqueness of innovative surgery, 943-947
 - valid consent, 939-940
 - non-consensual clinical research – *see* **Research, medical**
 - Consumers** – *see also* **Complaints**
 - doctor-patient relations in corporatised health care, 55-66
 - perspectives on restraints & seclusion, 299-300
 - Contracts**
 - biobanking, 722-725
 - consumer law & corporatised health care, 55-66
 - Controlled drugs**
 - abuse by doctors – *see* **Medical practitioners**
 - Copyright**
 - medical authorship, 416-418
 - Coroners**
 - decision-making
 - emotion & families, 571-581
 - natural justice, 574-575
 - research project & methodology, 575-581
 - emotional distance & impartiality, 576-579
 - emotional engagement & rights of families, 579-581
 - role & place of emotion in law, 572-574
 - guidelines for health practitioners, 330 – *see also* **Reportable deaths**
 - inquests following criminal acquittals, 595-680
 - current Queensland legislation, 607
 - developments after 1926, 606-607
 - identifying central issue, 598-603
 - Kahui twins cases, 597-598
 - legislative intervention, 603-606
 - Leskie case, 596-597
 - investigation of suspected deaths – *see* **Missing persons**
 - negotiating grief & trauma, 582-594
 - distress & coping mechanisms among legal personnel, 588-594
 - operational structure of Coroners Court of Victoria, 583-586
 - public role, 506-508
 - reportable deaths – *see* **Reportable deaths**
 - Corporations**
 - doctor-patient relations in corporatised health care, 55-66
 - Corrective justice**, 786-788
 - Cosmetic surgery & procedures**
 - legal liability for operating on troublesome patients, 137-155
 - Australian surgeons' legal liability, 152-154
 - negligence, 154
 - trespass, 152-154
 - Body Dysmorphic Disorder, 141-145
 - diagnostic criteria, 141-143
 - identification of, 143-144
 - normal appearance concerns compared, 144-145
 - legal claims against cosmetic surgeons, 154-155

- managing troublesome patients, 150-152
 - Lynn G v Hugo, 150-152
- mental health improvement, 139-141
- reconstructive vs plastic surgery, 138-139
- screening patients & selection criteria, 145-150
- Costs of health**
 - neonates – *see* **Neonatal care**
- Criminal injuries compensation**
 - protecting vulnerable applicants, 189-203
 - best interests of victim & capacity, 195-199
 - Convention on Rights of Persons with Disabilities, 199-200
 - disability & vulnerability, 192-195
 - powers of assessors to pay monies into trust, 190-192
 - public policy & victims of crime, 200-202
- Criminal justice system**
 - inquests following acquittals – *see* **Coroners**
- Criminal law**
 - commercial surrogacy, 335-339
- Criminal responsibility**
 - Foetal Alcohol Spectrum Disorder, 185-186
- Cross-border assisted reproduction – *see* Surrogacy**
- Damages**
 - serious injury – *see* **Serious injuries**
- Data registers**
 - property, 700-707
- Death**
 - investigation – *see* **Coroners**
 - reportable – *see* **Reportable deaths**
 - suspected – *see* **Missing persons**
- Decision-makers**
 - end-of-life decisions – *see* **End-of-life decisions**
- Decision-making capacity – *see* Capacity to decide**
- Decisions, proxy**
 - non-consensual clinical research, 529
- Dementia**
 - risks of harm, 303-307
 - driving risk, 305-306
 - fire risk, 304-305
- Dentists – *see* Endodontics**
- Diagnosis**
 - mental conditions, 768-771
 - Australia, 768-770
 - China, 770-771
- Disability**
 - criminal injuries compensation – *see* **Criminal injuries compensation**
 - critically impaired infants
 - end-of-life decisions (book review), 488-489
 - identification of impairment or loss of body function (Vic), 251-253
 - neonates – *see* **Neonatal care**
 - professional misconduct, 28-30
- Discharge against medical advice, 921-924**
 - declarations, 921-922
 - dichotomy of liabilities, 923-924
 - protocol, 922-293
- Disciplinary hearings**
 - doctors abusing controlled substances – *see* **Medical practitioners**
- Disciplinary system**
 - medical profession – *see* **Medical practitioners**
- Disordered sex development – *see* Intersex**
- Dispute resolution**
 - international trade & public health, 965-968
 - investor-state – *see* **Investor-state dispute settlement**
- Distributive justice**
 - no-fault schemes, 788-789
- DNA – *see also* Mitochondrial donation**
 - datafiles
 - property, 700-707
- Doctor-patient relationship**
 - corporatised health care, 55-66
- Doctors – *see* Medical practitioners**
- Domestic violence – *see* Violence**
- Driving**
 - risk of harm
 - dementia, 305-306
- Drugs, illicit**
 - methamphetamine use & treatments, 41-49
 - government responses, 41-43
 - treatment opportunities, 45-48

- pharmacotherapies with other agents, 47-48
 - pharmacotherapies with stimulants, 47
 - potential future treatments, 48
 - psychosocial treatments, 46
 - use issues, 43-45
- Drugs, therapeutic** – *see also Cannabis*
 - administration of medication, 316-321
 - Australian nursing performance evaluation & feedback pilot (Qld), 319-321
 - competency assessment tools, 317-318
 - competency standards, 317
 - observation & feedback, 318-319
 - controlled
 - abuse by doctors – *see Medical practitioners*
 - laws
 - uniform legislation, 67-68
- Dying, aid in** – *see Euthanasia*
- Egg donation** – *see also Mitochondrial donation*
 - egg importation, 354-355
 - genetics in Australian regulation, 392-395
- Emotion**
 - coroners & families – *see Coroners*
- End-of-life decisions** – *see also Euthanasia*
 - access to justice, 864-886
 - barriers to, 867-868
 - decision-making, 868-869
 - key themes in decision-making & disputes, 869-885
 - clinical decision-making & power
 - differentials, 871-874, 883-884
 - conflict, 877-881, 884-885
 - family decision-making, 874-877, 884
 - formal law framework, 869-871, 881-885
 - meaning of “access to justice”, 866-867
 - when required, 867
 - advance directives – *see Advance directives*
 - critically impaired infants (book review), 488-489
 - dignity & aid in dying, 311-312
 - living wills – *see Advance directives*
 - Endodontics**
 - patients’ recall & understanding of information, 637-649
 - amount of information desired, 648-649
 - demographics, 645
 - discussion, 641-644
 - factors influencing recall, 647
 - materials & methods of study, 639-640
 - minimum threshold for risk disclosure, 648
 - reported complications, 647
 - responses to true/false statements, 646
 - results, 640-641
 - treatment characteristics, 646
 - England and Wales** – *see United Kingdom*
 - Ethics**
 - national security & medical practitioner
 - regulation, 547-550
 - non-consensual clinical research, 517-519
 - Euthanasia** – *see also End-of-life decisions*
 - aid in dying (New Zealand), 308-315, 849-863
 - criminal law declarations, 853-861
 - NZBORA declarations, 857-861
 - law & the dying process, 850-853
 - High Court, 852-853
 - Seales case, 310-315
 - dignity & end-of-life decisions, 311-312
 - doctors & murder/manslaughter, 311
 - false distinctions in clinical care, 312-313
 - human rights, 311
 - palliative care & painless dignified death, 312
 - patients moved to early suicide, 312
 - sanctity of human life, 313
 - slippery slope, 314
 - suicide and, 313
 - vulnerability & autonomy, 313
 - worth of human life, 314-315
 - Belgian developments, 835-848
 - implications for Australia, 843-845
 - current debate, 843-844
 - inevitable expansion of criteria, 844
 - safeguards, 844-845
 - media-publicised developments, 839-840
 - methodology, 839-840
 - observations, 843
 - overview of 2002 Act, 836-839
 - advance directives, 838
 - oversight by FCEC, 838-839
 - patient’s age, 836
 - patient’s condition, 837
 - patient’s request must be durable, 837
 - request must be in writing, 837
 - requirements to be met by physician, 837-838
 - proposed Australian response, 845-848
 - examination & understanding of Belgian
 - experience, 845-846
 - inevitable expansion of criteria, 846-847
 - safeguards, 847-8458
 - jurisprudence & law reform, 735-761
 - Canada, 739-746
 - challenges for law reform, 761
 - Ireland, 736-739
 - lessons from jurisprudence, 756-757
 - New Zealand, 749-756

Index

- South Africa, 746-749
- Victorian parliamentary report, 757-760
- RACP's withdrawal of invitation to Syme, 50-54
- Evidence**
 - child sexual assault – *see* **Child sexual abuse**
- Evidence-based medicine**
 - Ernst autobiography (book review), 265-267
- Experiments**
 - Nazi experiments on Australian prisoners of war, 457-459
- Families**
 - coroners' decision-making – *see* **Coroners**
 - end-of-life decisions, 874-877, 884
 - violence – *see* **Violence**
- Foetal Alcohol Spectrum Disorder (FASD)**
 - law and (Australia), 156-188
 - alcohol & the foetus, 158-162
 - costs, 161-162
 - FASD, 158-150
 - harms caused by alcohol exposure, 159-160
 - patterns of consumption, 160-161
 - treatment, 162
 - alternative responses, 185-188
 - criminalisation, 185-186
 - education & support, 187-188
 - tort liability, 186-187
 - current approach, 162-169
 - common law intervention, 163-167
 - foetal interests, 167-169
 - status of the foetus, 163
 - implementing intervention, 170-176
 - legislation permitting intervention, 170-175
 - potential action, 175-176
 - merits of intervention, 176-185
 - benefits, 178-180
 - critical framework, 177-178
 - efficacy, 184-185
 - maximising "good", 185
 - potential harms, 180-184
 - sentencing & unreliable confessions, 427-442
 - AH v WA (case study), 429-432
 - FASD diagnosis & sentencing, 432-435
 - law & policy reform, 439-442
 - unreliable confessions & confabulations, 435-438
- Fiduciary relationships**
 - biobanking, 718-722
- Financial capacity**, 124-125
- Financial incentives**
 - vaccination, 912-913
- Fines**
 - disciplinary proceedings, 39
- Fire**
 - risk of harm
 - dementia, 304-305
- Gender reassignment** – *see* **Intersex**
- Gene technology** – *see* **Patenting genetic material**
- Genetics** – *see* **Mitochondrial donation**
- Genitalia, indeterminate** – *see* **Intersex**
- Grief**
 - negotiating – *see* **Coroners**
- Harm in health care** – *see* **Justice**
- Health and Disability Commissioner (New Zealand)**
 - patients' right to information, 219-220
 - analysis of opinions on website, 220-221
- Health care**
 - deaths related to – *see* **Reportable deaths**
 - harm in – *see* **Justice**
- Health complaints** – *see* **Complaints**
- Health economics**
 - neonatal care, 444
- Health practitioners** – *see also* **Medical practitioners; Nurses**
 - knowledge of law, 893-894
 - non-medical professions
 - peer professional opinion defence, 662-677
 - changing health workforce, 663-666
 - potential impact on professional liability, 675-676
 - professional status, 666-670
 - standard & competent care, 671-675
- Health service providers**
 - discharge against medical advice, 921-924
 - declarations, 921-922
 - dichotomy of liabilities, 923-924
 - protocol, 922-293

Health workforce – see Health practitioners**Homeopathy**

- medico-legal marginalisation, 7-23
 - ACCC v Homeopathy Plus!, 15-16
- advertising regulation, 16-18
 - NZ Advertising Standards Authority, 17-18
 - UK Advertising Standards Association, 16-17
- civil liability, 19-20
- insurance, 18-19
- NHMRC report, 12-13
- ramifications of UK & Australian reports, 14-15
- Swiss Government report, 12
- system of treatment, 9-10
- UK House of Commons Science and Technology Committee report, 10-12
- US developments, 14

Hospitals

- discharge against medical advice, 921-924
- declarations, 921-922
- dichotomy of liabilities, 923-924
- protocol, 922-293
- legal advice to patients – *see* **Legal advice to patients**

Human body

- parts
- property in – *see* **Property**

Human error

- medical negligence, 70-72

Human rights

- aid in dying, 311
- children
 - sex development – *see* **Intersex**
- national security & medical practitioner regulation, 547-550

“Ice” – see Drugs, illicit**Immunisation – see Vaccination****Impairment – see Disability****Indeterminate genitalia – see Intersex****Infants – see also Children (minors)**

- critically impaired infants
- end-of-life decisions (book review), 488-489

Infertility treatment

- semen donors
- anonymity
- removal, & reduction of numbers, 628-636

- clinical implications of study, 636
- discussion, 634-635
- limitations of study, 735
- materials & methods of study, 630
- results, 631-634
- statistical analysis, 631

Information

- “further information”
 - Harvey’s theory of circulation, 50-54
 - RACP’s withdrawal of invitation to Syme, 50-54
- patients’ recall & understanding of – *see*

Endodontics

- right to – *see* **Right to information**

Information disclosure

- patients’ rights – *see* **Right to information**

Informed consent – see also Consent

- biobanking
 - Canada, 715-716
 - New Zealand, 711-715

Injuries

- serious – *see* **Serious injuries**

Inoculation – see Vaccination**Innovative surgery**

- consent – *see* **Consent**

Insurance

- homeopathy, 18-19

International law

- commercial surrogacy – *see* **Commercial surrogacy**

International trade – see Public health**Intersex (Disorders of sex development, DSD)**

- surgery & human rights for children, 531-543
 - consent to medical treatment of children, 540-541
 - “consumer” response to intersex surgery, 539-540
- historical management of intersex children, 535-539
- management of disorders of sex development, 533-535
- modern recommendations for DSD management, 538-539
- psychological outcomes of DSD surgery, 537-538
- referral to tribunal, 542-543
- Senate inquiry, 541-542
- terminology, 531-533

Investor-state dispute settlement (ISDS)

- mining industry & health impacts, 801-812
 - Bilcon case study, 805-806
 - Bilcon decision & core community values, 806-809
 - High Court and NuCoal's revoked mining licence, 801-804
 - NuCoal's ISDS claim, 804-805

Involuntary admissions

- mental health facilities, 771-777
 - Australia, 771-775
 - China, 775-777

Ireland

- assisted suicide, 736-739

Journals – see Authorship

Justice

- after harm in health care, 785-794
 - providing patients with opportunities for sufficient remedy, 790-793
 - change, 792
 - communication, 791
 - restorative justice, 790-791
 - sanction, 792
 - types of justice, 785-790
 - corrective, 786-788
 - distributive, in no-fault schemes, 788-789
 - punitive, 786
- social
 - obesity, 96-97

Lawyers

- end-of-life planning – *see* **Advance directives**

Legal advice to patients

- hospital-based, 678-687
 - clinic at Alfred Hospital, Melbourne, 678-679
 - patients, departments & legal issues, 679-680
 - study discussion, 685-687
 - study methods, 681-682
 - study results, 682-685

Legal capacity – see Capacity to decide

Legal personnel

- distress & coping mechanisms, 588-594

Liability

- civil
 - homeopathy, 19-20
- cosmetic surgery & procedures – *see* **Cosmetic surgery & procedures**

Liberty – see Restrictions on liberty

Mandatory notification

- child sexual abuse, 474-475

Manslaughter

- doctors and aid in dying (New Zealand), 311

Media

- portrayal of doctor as terrorist, 552-554

Medical authorship – see Authorship

Medical education

- patients' right to information on participation in teaching (NZ), 240

Medical experiments

- Nazi experiments on Australian prisoners of war, 457-459

Medical negligence

- assessing legal capacity, 134
- cosmetic surgery, 154
- medical teams and standard of care, 69-82
 - medical professionals, teams & human error, 70-72
 - standard of care, 78-82
 - teams, 72-78

Medical practitioners

- aid in dying and murder/manslaughter (New Zealand), 311
- controlled substance abuse
 - disciplinary proceedings, 24-40
 - conditions, 33-36
 - drugs used, 30-32
 - finances, 39
 - impairment & professional misconduct, 28-30
 - penalties, 36
 - proportionality & test of "reasonable necessity", 37-39
 - reports of disciplinary proceedings, 32
 - sanctions, 33
 - types of appearances, 30
- corporatised health care, 55-66
- patients' rights to information – *see* **Right to information**
- regulation (Australia) – *see also* **Complaints**
 - national security, 544-556
 - Australian Border Force Act 2015 (Cth), 544-546
 - ethical & human rights principles, 547-550
 - Kamleh case, 550-552
 - media portrayal of doctor as terrorist, 552-554
 - Plaintiff M68/2015, 546-547

Medical teams – *see* **Medical negligence**

Medical travel

cross-border assisted reproduction – *see*

Surrogacy

Medically assisted suicide – *see* **Euthanasia**

Medication – *see* **Drugs, therapeutic**

Mental health

civil legislation

China of Australia, 762-779

access to mental health care, 764-768

Australia, 766-768

China, 764-766

diagnosis of mental conditions, 768-771

Australia, 768-770

China, 770-771

involuntary admissions to mental health

facilities, 771-777

Australia, 771-775

China, 775-777

disability & legal capacity, 127-128

improvement

cosmetic surgery & procedures, 139-141

Methamphetamine – *see* **Drugs, illicit**

Midwives

staffing ratios (to patients), 795-800

impact on patient outcomes & quality of care,
796-797

legislative mandating, 797-799

Qld legislation, 799-800

Mining industry

dispute resolution – *see* **Investor-state dispute
settlement**

Minors – *see* **Children (minors)**

Missing persons

coronial investigation of suspected deaths (NSW),
609-627

coronial data in Australia, 612

legislation, 610-611

recommendations by coroner following inquest,
611-612

research

aims of study, 612

discussion, 623-626

methodology, 613-616

results, 616-622

Mitochondrial donation, 378-395 – *see also* **Egg
donation**

genes & gestation in Australian regulation, 381-
388

genetic parents, 388-390

genetics in Australian regulation of egg donation,
surrogacy & parentage, 392-395

legal parents, 390-392

reproductive choice, 379-381

Moral rights

cross-border assisted reproduction, 406, 409

Murder

doctors and aid in dying (New Zealand), 311

Narrative tests

serious injuries, 258-262

National security

regulation of doctors – *see* **Medical practitioners**

Natural justice

coroners' decision-making, 574-575

Nazi era

medical experiments, 457-459

Neonatal care

extremely premature & critically impaired

neonates, 443-456

cost vs benefit, 446-451

economic & non-economic costs, 451-456

health economics, 444

quality adjusted life years, 445-446

Neurosurgery

book review, 979-981

New Zealand – *see also* **Health and Disability
Commissioner (New Zealand)**

Accident Compensation Scheme

unwanted pregnancy – *see* **Wrongful birth**

aid in dying – *see* **Euthanasia**

assisted suicide, 749-756

biobanking

informed consent, 711-715

health care-related deaths – *see* **Reportable
deaths**

homeopathy

advertising, 17-18

non-consensual clinical research – *see* **Research,
medical**

parens patriae jurisdiction, 825-826

unwanted pregnancy – *see* **Wrongful birth**

**New Zealand Code of Health and Disability
Services Consumers' Rights**

rights of consumers under

- informed, to be fully – *see* **Right to information**
- “No-fault” support schemes**
 - distributive justice, 788-789
- Nurses**
 - administration of medication – *see* **Drugs, therapeutic**
 - Australian nursing performance evaluation & feedback pilot (Qld), 319-321
 - competency – *see* **Drugs, therapeutic**
 - midwives
 - staffing ratios (to patients), 795-800
 - impact on patient outcomes & quality of care, 796-797
 - legislative mandating, 797-799
 - Qld legislation, 799-800
 - staff-to-patient ratios, 795-800
 - impact on patient outcomes & quality of care, 796-797
 - legislative mandating, 797-799
 - Qld legislation, 799-800
- Obesity**
 - prevention, and role of law, 106-120
 - law not a panacea, 118-119
 - personal or deflected responsibility, 107-110
 - pragmatic, fair, effective regulation, 112-114
 - regulation in practice, 114-118
 - shared but not sole responsibility, 110-112
 - public health law targeting as risk factor, 92-102 – *see also* **Public health**
 - “bottom up” approaches, 95-96
 - evidence of effectiveness, 100-102
 - “industrial epidemic”, 97-100
 - non-legal measures, 92-94
 - personal liberty & social justice, 96-97
- Palliative care** – *see also* **End-of-life decisions; Euthanasia**
 - aid in dying, 312
- Parens patriae power**
 - refusal of treatment for children
 - international consensus, 813-834
 - Australian authority, 817-825
 - NSW, 824-825
 - Qld, 823-824
 - SA, 823
 - Vic, 817-818
 - WA, 815-822
 - Canada, 829
 - England, 826-829
 - issues, 829-234
 - New Zealand, 825-826
 - parens patriae jurisdiction, 813-817
- Parentage**
 - cross-border assisted reproduction – *see* **Surrogacy**
 - mitochondrial donation – *see* **Mitochondrial donation**
- Patenting genetic material**
 - case law
 - Australia
 - High Court, 322-329
- Patients** – *see also* **Complaints; Doctor-patient relationship; Justice**
 - corporatised health care, 55-66
 - legal advice – *see* **Legal advice to patients**
 - recall & understanding of information – *see* **Endodontics**
 - right to information – *see* **Right to information**
 - staffing ratios – *see* **Nurses**
 - troublesome – *see* **Cosmetic surgery & procedures**
- Peer professional opinion defence** – *see* **Health practitioners**
- Penalties**
 - disciplinary proceedings, 36
- Personal injury litigation**
 - serious injuries – *see* **Serious injuries**
- Pharmacotherapies**
 - treatments for methamphetamine use, 46-47
- Photo-documentation**
 - child sexual assault – *see* **Child sexual abuse**
- Physician-assisted suicide** – *see* **Euthanasia**
- Plastic surgery** – *see also* **Cosmetic surgery & procedures**
 - reconstructive surgery compared, 138-139
- Pregnancy**
 - unwanted – *see* **Wrongful birth**
- Premature birth** – *see* **Neonatal care**
- Priests**
 - child sexual abuse – *see* **Child sexual abuse**
- Prisoners of war**
 - medical experiments, 457-459
- Privacy** – *see* **Commercial surrogacy**

-
- Professional liability**
 homeopathy, 19-20
 non-medical professions, 675-676
- Professional negligence** – *see* **Medical negligence**
- Property** – *see also* **Burial rights**
 body parts, 688-709
 cells & DNA datafiles, 700-707
 property in the body, 689-699
- Proportionality**
 disciplinary proceedings, 37-39
- Proxy decision-making**
 non-consensual clinical research, 529
- Psychosocial treatments**
 methamphetamine, 46
- Public health**
 international trade and, 949-978
 institutional interaction at level of regimes, 963-970
 dispute resolution, 965-968
 enforceability & normativity, 968-969
 Tobacco Convention & other international laws, 963-965
 substantive interaction at level of rules, 851-963
 arguments for consistency, 954-963
 framework of WTO, 953-954
 TBT Agreement, 957-959
 WHO Tobacco Convention, 952-953
 theoretical perspective, 970-977
 fragmentation at level of values, 972-977
 fragmentation phenomenon, 970-972
 jurisdiction to interpret international laws, 972-975
 obesity – *see* **Obesity**
 prevention of non-communicable diseases, 83-105
 obesity as risk factor – *see* **Obesity**
 public health law, 87-91
 scope, 90-91
 sources, 88-90
 public pressure & political leadership, 102-104
 rise of non-communicable diseases, 85-91
- Public health law**
 obesity – *see* **Obesity**
 prevention of non-communicable diseases – *see* **Public health**
- Publication** – *see* **Authorship**
- Punitive justice**, 786
- Quality of life**
 quality adjusted life years, 445-446
- Queensland**
 inquests following criminal acquittals, 606-607
 medical cannabis, 511-512
- Reasonable necessity**
 disciplinary proceedings, 37-39
- Recidivism**
 Catholic clergy, 479
- Reconstructive surgery** – *see also* **Cosmetic surgery & procedures**
 plastic surgery compared, 138-139
- Refusal of medical treatment**
 children – *see* **Parens patriae power**
- Rehabilitation**
 Catholic clergy
 child sexual abuse – *see* **Child sexual abuse**
- Remedy** – *see* **Justice**
- Reportable deaths**
 health care-related deaths (NZ), 557-570
 Coroners Amendment Bill 2014, 564-570
 coronial jurisdiction, 559-563
 review of coronial jurisdiction (2012-14), 563
- Reproduction**
 choices
 mitochondrial donation, 379-381
 selective
 book review, 727-728
- Research, medical**
 non-consensual clinical research (NZ), 516-530
 applications for ethical approval, 517-519
 current law, 519-522
 discussion, 522-529
 benefit threshold, 524-525
 proxy consent/refusal, 529
 research of no benefit to participants, 525-529
 way forward, 530
- Research ethics**
 non-consensual clinical research, 517-519
- Restorative justice**, 790-791
- Restraints and seclusion**
 defining, 297-302
 carer perspectives, 300-301
 consumer perspectives, 299-300
-

- existing definitions, 297-299
- focus groups on consumer & carer perspectives, 299
- Restrictions on liberty**
 - obesity, 96-97
- Right to information** – *see also* **Information**
 - New Zealand Code of Patients' Rights, 218-242
 - additional interpretation of Code rights, 231
 - adverse events, 230-231
 - civil & disciplinary proceedings for breach, 233-238
 - duties to disclose information upon request, 231-233
 - Health and Disability Commissioner, 219-220
 - analysis of opinions on website, 220-221
 - information about available options, 240-241
 - information about unavailable options, 241
 - information disclosure requirements of Right 6(1), 221-226
 - information disclosure requirements of Right 6(2), 226-230
 - information on participation in teaching, 240
 - information on risks, 239
 - professional standards, 238-239
 - Right 5 (form of communication), 231
- Rights, legal**
 - cross-border assisted reproduction, 405
- Rights, moral**
 - cross-border assisted reproduction, 406, 409
- Risk** – *see also* **Informed consent**
 - cross-border assisted reproduction, 357-362
 - disclosure
 - minimum threshold for
 - endodontics, 648
 - obesity – *see* **Obesity**
 - patients' right to information on (NZ), 239
 - risks of harm
 - dementia, 303-307
 - driving risk, 304-306
 - fire risk, 304-305
- Sanctions**
 - disciplinary proceedings, 33
 - justice, 792
- Saviour siblings**
 - book review, 727-728
- Scientific authorship** – *see* **Authorship**
- Seclusion** – *see* **Restraints and seclusion**
- Security, national**
 - regulation of doctors – *see* **Medical practitioners**
- Selective reproduction**
 - book review, 727-728
- Sentencing**
 - Foetal Alcohol Spectrum Disorder – *see* **Foetal Alcohol Spectrum Disorder**
 - child sexual abuse (NSW), 480
- Serious injuries**
 - adjudication (Vic), 243-264
 - analysis of serious injury test, 249-262
 - identification of compensable injury, 250-251
 - identification of consequences: aggravation, aggregation & disentanglement, 253-257
 - identification of impairment or loss of bodily function, 251-253
 - narrative test, 258-262
 - common law rights, 245-249
- Sex development disorders** – *see* **Intersex**
- Sexual offences**
 - characteristics of assailants, 477
 - child sexual assault – *see* **Child sexual abuse**
 - risk categories of re-offenders, 479
- Siblings**
 - saviour
 - book review, 727-728
- Social justice**
 - obesity, 96-97
- South Africa**
 - assisted suicide, 746-749
- Sperm**
 - donation – *see* **Infertility treatment**
 - importation, 356-357
- Standard of care**
 - medical teams – *see* **Medical negligence**
- Stimulants**
 - treatments for methamphetamine use, 46-47
- Substitute decision-makers**
 - end-of-life planning, 891-892
- Suicide**
 - assisted – *see* **Euthanasia**
- Supported decision-making**
 - legal capacity, 126-127

Surgery – see also Cosmetic surgery & procedures

- innovative
- consent – *see* **Consent**
- sex development disorders – *see* **Intersex**

Surrogacy

- Australia, in
 - commercial surrogacy – *see* **Commercial surrogacy**
 - genetics in Australian regulation, 392-395
- commercial – *see* **Commercial surrogacy**
- cross-border assisted reproduction, 346-364
- evidence of risks, 357-362
- government & judicial response, 410-412
- parentage of children, 396-412
 - discrimination against children, 406-409
- Family Courts, 401-405
- interests & moral rights, 406
- interests & rights, 405
- legislative maze, 398-400
- moral rights & legal rights, 409
- numbers of surrogacy attempts, 409-410
- reasons for travel, 350-357
 - Australians travelling overseas, 352-354
 - Australians travelling overseas for egg donation, 355-356
 - egg importation, 354-355
 - sperm importation, 356-357
- reducing the risk & facilitating beneficial practice, 362-363

Suspected deaths – see Missing persons**Switzerland**

- homeopathy report, 12

Teams, medical – see Medical negligence**Terrorism**

- media portrayal of doctor as terrorist, 552-554

Testamentary capacity, 125-126**Therapeutic jurisprudence**

- restorative justice, 790-791

Tobacco

- international trade – *see* **Public health**

Tort law – see also Justice; Trespass; Wrongful birth

- Foetal Alcohol Spectrum Disorder, 186-187

Trade – see Public health**Trauma**

- negotiating – *see* **Coroners**

Travel – see Medical travel**Trespass**

- cosmetic surgery, 152-154

Troublesome patients – see Cosmetic surgery & procedures**Unconscionable conduct**

- corporatised health care, 55-66

United Kingdom

- dual burial plots, 463-464
- homeopathy
 - advertising regulation, 16-17
 - parliamentary report, 10-12
 - ramifications, 14-15
- parens patriae jurisdiction, 826-829

United States

- dual burial plots, 464-465
- homeopathy, 14

Unwanted pregnancy – see Wrongful birth**Vaccination**

- compulsory measures, 907-920
 - comprehensive immunisation strategy, 908-909
- conscientious objectors, 910
- influences over decision-making, 910-916
 - civic duty, 910-912
 - complacency, 916
 - financial incentives, 912-913
 - understanding medical implications, 913-916
- necessity for, 918-919
- success of immunisation strategy, 916-918

Victims of crime – see Criminal injuries compensation**Victoria**

- assisted suicide, 757-760
- Coroners Court
 - operational structure, 586-588
- family violence
 - Royal Commission, 781-783
- medical cannabis, 504-511

Violence

- family
 - clinical forensic medicine, 780-784
 - Victorian Royal Commission, 781-783

Vulnerable populations – *see also* **Complaints**
applicants for criminal injuries compensation – *see*
Criminal injuries compensation

Wills – *see also* **Advance directives**
testamentary capacity, 125-126 – *see also*
Capacity to decide

World War II
medical experiments, 457-459

Wrongful birth
New Zealand
unwanted pregnancy & accident compensation
 scheme, 204-217
change in direction, 209-216
 entitlements, 215-216
 further step, 231-215
 pregnancy as personal injury, 210-212
history, 205-209