
Index

Aboriginal deaths in custody

- Doomadgee (Mulrunji) inquest, 677-700
 - appeal to District Court, 691-693
 - book review, 873-875
 - conclusions, 690-691
 - decision of Queensland Court of Appeal, 693-697
 - discussion, 697-699
 - evidence of witnesses, 679-681
 - expert medical evidence, 681-684
 - findings, 684-690
 - postscript, 699-700
- transport conditions
 - coronial decision, 157-158, 160-164

Aboriginal people

- disadvantaged and isolated communities – *see* **Children (minors)**

Abortion

- minors
 - consent and criminal law, 249-260
 - extending Marion's Case to terminations of pregnancy for a non-Gillick-competent minor, 250-255
 - incursion into parental powers, 253-254
 - parental power to consent in relation to more significant medical decisions, 254-255
 - procedures of termination and non-therapeutic sterilisation, 251-253
 - implications for criminal law, 255-259
 - medical (rather than surgical) terminations, 257-259
 - Qld criminal law, 255-256
 - surgical terminations and children, 256-257
- Victoria
 - Abortion Act 2008, 261-269
 - abortion law development, 262-264
 - broader utility of (eventual) legislative intervention, 264-268
 - actionable rights, created by Parliament, but governed by judicial discretion, 266
 - uncertain role of Charter, 266-268

Addiction – *see* **Drugs, illicit; Sugar**

Advance directives (Living wills)

- Australia, 556-581
 - autonomy in common law & statutory regulation, 558-561
 - capacity & absence of vitiating factors, 566-567
 - circumstances in which advance directive can be completed, 571-572
 - circumstances in which advance directive can be ignored, 575-576
 - circumstances in which advance directive can operate, 573-575
 - form & witnessing requirements, 567-569
 - promoting autonomy in legal regulation, 561-564
 - requirement to provide information, 569-571
 - statutory regimes, 564-566
 - comparison of provisions, 578-581

Adversarial legal system – *see* **Expert evidence**

Adverse events

- compensation for (UK), 95-104
 - Call for Ideas (2001), 95
 - Making Amends (2003), 96
 - NHS Redress Bill (2005), 96-98
 - amendments to, 98-100
 - responses to NHS Redress Act 2006, 95, 100-103
 - wider debate on patient safety & health system accountability, 103-104

Alcohol dependency

- public health policy, 373-385
 - alcohol, 378-380
 - information, education & choice, 380-385
 - making health policy, 375-378
- United Kingdom, 386-399
 - compulsion & impaired control, 391-393
 - evading impaired control, 393-395
 - inclusive alcohol policy & public health, 388-389
 - nature of dependency, 389-390
 - responsible drinking & cultural change, 395-396
 - safety net for alcohol dependent, 396-399

- consensus statement on nature of dependence & impaired control, 397
 - dependence as public issue, 397-398
 - dependence incorporated within general public policy documentation, 397
 - ethical foundations, renewed & explicit, 398-399
 - Scotland & England, 387-388
- Anthrax** – *see* **Biosecurity**
- Assisted reproductive technology**
 - donor's right to withdraw consent to use gametes and embryos, 582-593
 - assisted reproductive technology & embryo freezing, 583
 - Australian regulatory frameworks, 584-589
 - NHMRC Guidelines, 588-589
 - New South Wales, 588
 - South Australia, 587-588
 - Victoria, 584-587
 - Western Australia, 588
 - Caulfield v Wong, 583-584
 - donor consents, 590-591
 - framework for donor withdrawal of consent, 592-593
 - "known and involved" donors, 591-592
 - legal status of embryo, 589-590
 - stakeholder needs in legislation (Vic), 138-146
- Avian influenza virus**
 - sovereignty & international politics in negotiation (WHO Material Transfer Agreement), 355-372
 - Indonesia's withholding of virus samples, 355-356
 - contributing events, 356-357
 - response to claims, 357-358
 - sovereignty claim, 357-358
 - international provisions, 359-361
 - Bonn Guidelines, 361
 - Convention on Biological Diversity, 360-361
 - Global Influenza Surveillance Network, 359-360
 - International Health Regulations, 360
 - sovereignty, 361-371
 - in context of Convention on Biological Diversity, 364
 - in context of International Health Regulations, 361-363
 - in context of Material Transfer Agreement, 365-371
- Biobanks** – *see* **Human tissue**
- Bioethics**
 - book reviews, 866-873
- Biological agents**
 - security – *see* **Biosecurity**
- Biological weapons**
 - security – *see* **Biosecurity**
- Biomedical products** – *see* **Drugs, therapeutic**
- Biosecurity**
 - Australian regulation, 751-752
 - United States, 748-760
 - lessons, 752-759
 - research disincentives, 757-759
 - scientists as security threats, 752-757
 - phases of regulation, 750-751
- Bird flu** – *see* **Avian influenza virus**
- Body, human** – *see* **Human body**
- Bonn Guidelines** – *see* **Avian influenza virus**
- Burial rights**
 - disputed family claims, 178-183
 - AB v CD, 181-182
 - Joseph v Dunn, 179-181
 - subsequent law, 182-183
- Cannabis**
 - medical use, 508-531
 - challenges to legalisation, 527-530
 - "cannabis clubs" & caregivers, 528-529
 - doctors in medical marijuana programs, 527-528
 - herbal marijuana or pharmaceutical cannabinoids, 529-530
 - contested benefits & risks, 509-514
 - legal status & regulation, 514-527
 - Australia, 517-521

-
- Canada & Netherlands, 525-527
 - international law, 516-517
 - socio-political objections, 514-516
 - United States, 521-525
 - Carbon market – see Climate change**
 - Carers**
 - rights in mental health legislation, 481-486
 - access to information & confidentiality, 484-486
 - involvement in decision-making process, 482-483
 - involvement in review process, 483-484
 - Causation**
 - legal & scientific concepts, 206-215
 - plaintiff's evidence, 240-241
 - Child – see Children (minors)**
 - Child abuse**
 - forensic pathology (Ontario), 22-28
 - inquiry into, 23-28
 - Children (minors)**
 - abortion – *see* **Abortion**
 - “design” of – *see* **Human enhancement technologies**
 - disadvantaged & isolated communities
 - medical-legal partnerships, 105-116
 - Australian laws & practices, 113-117
 - Charter of Human Rights and Responsibilities Act 2006 (Vic), 115
 - Child Wellbeing and Safety Act 2005 (Vic), 115
 - National Obesity Taskforce, 114
 - Privacy Act, 114-115
 - Royal Australian College of GPs, 113-114
 - UN Convention on the Rights of the Child, 115-116
 - Australian social & health concerns, 109-113
 - homelessness, 112-113
 - obesity, 113
 - socio-economic disadvantage, 109-111
 - women & young females, 111-112
 - confidentiality, 108-109
 - conflicts of interest, 109
 - professional, government & community support, 108
 - recommendations, 116-117
 - crisis services, 116
 - prevention & promotion, 117
 - social workers, 117
 - training programs, 116-117
 - United States, 107-108
 - forensic pathology – *see* **Child abuse**
 - Civil conscription**
 - medical employment, 196-205
 - PSR case, 197-201
 - decision & implications, 201-205
 - Climate change**
 - public health response, 772-783
 - Australian climate change policy, 774-776
 - greening public hospitals, 776-782
 - carbon market creation, 780-781
 - Climate Change Action Fund, 781-782
 - Commonwealth funding arrangements, 778-780
 - information & awareness, 777-778
 - social justice, 782
 - health & climate change, 773-774
 - Clinical testing**
 - registration of trials (international regulation), 82-94
 - commercial information & public registration, 87-88
 - compliance mechanisms & success of registers, 88-89
 - developing countries, 92-93
 - health data for women & minorities, 89-92
 - International Clinical Trials Registry Platform (ICTRP), 85-87
 - move to registration, 83-84
 - outcomes reporting, 93-94
 - Compensation – see Adverse events; Damages; Disability; Workers' compensation**
 - Competence**
 - research not known to be contrary to best interests of incompetent patients (NZ), 323-325
 - Complaints**
 - against medical practitioners
 - University of Queensland graduates, 493-501
-

- “aggrieved person” (NZ), 322-323
- Confidentiality**
 - disadvantaged children, 108-109
- Conflicts of interest**
 - medical-legal partnerships, 109
- Conjoined twins**
 - ethics of separation, 184-189
 - legal justification, 184-185
 - standard cases & responses, 185
 - substantial benefit, potential & best interests of child, 185-186
 - unacceptability, 188-189
 - variant possibilities, 186-188
 - medical & criminal law of separation, 594-607
 - adult twins, 603-606
 - incomplete twins & shared organs, 600-603
 - Queensland v Nolan, 598-600
 - Re A (Children), 595-598
- Consent**
 - children – *see* **Abortion**
 - informed – *see* **Informed consent**
- Constitution** – *see* **Civil conscription**
- Consumers**
 - complaints – *see* **Complaints**
 - rights (NZ) – *see* **New Zealand Code of Health and Disability Services Consumers’ Rights**
- Convention on Biological Diversity** – *see* **Avian influenza virus**
- Coroners**
 - determination of manner of death
 - statistical modelling of decisions, 224-234
 - method, 226-227
 - results, 227-233
 - Doomadgee (Mulrunji) inquest, 677-700
 - appeal to District Court, 691-693
 - book review, 873-875
 - conclusions, 690-691
 - decision of Queensland Court of Appeal, 693-697
 - discussion, 697-699
 - evidence of witnesses, 679-681
 - expert medical evidence, 681-684
 - findings, 684-690
 - postscript, 699-700
 - law reform, 471-480
 - health procedure deaths, 477-479
 - New South Wales, 475-476
 - Queensland, 476-477
 - United Kingdom, 471-474
 - Victoria, 474-475
 - medical investigation of deaths (Vic), 487-492
 - preliminary investigations, 489-492
 - procedures, 488-489
- Corpse** – *see also* **Burial rights**
 - book review, 297-298
- Cremation**
 - disputed family claims – *see* **Burial rights**
- Criminal law** – *see* **Abortion; Homicide**
- Criminal responsibility**
 - withdrawal of life support decisions – *see* **Withdrawal of life support**
- Crisis services**
 - medical-legal partnerships, 116
- Custody, deaths in** – *see* **Aboriginal deaths in custody; Deaths in custody**
- Damages**
 - cap on, 241-243
 - medico-legal interaction in claims, 833-848
- Death**
 - custody, in – *see* **Deaths in custody**
 - investigation – *see* **Coroners**
- Deaths in custody** – *see also* **Aboriginal deaths in custody**
 - medical care
 - coronial decision, 157-160, 164
- Defensive medicine**
 - general practice & Civil Liability Act 2002 (NSW), 235-248
 - impact on medical negligence actions, 237-243
 - capping economic & non-economic damages, 241-243
 - causation & plaintiff’s evidence, 240-241
 - good faith, 243

- limiting duty of care owed by public health authorities, 238-239
 - modified Bolam principle, 239-240
 - wrongful birth, 241
- practice of defensive medicine, 244-248
- trends in claims after, 243-244
- Disability**
 - access to services & disability services consumers (NZ), 317-319
 - causation
 - medico-legal interaction in claims, 833-848
 - drug addiction – *see* **Drugs, illicit**
- Disadvantaged communities –see Children (minors)**
- Distributive justice**
 - health care policy-making, 52-53
- Doctor-patient relationship**
 - privilege, 309-313, 659
 - confidentiality of communications, 309
 - practicality, 311-313
 - statutory forms of privilege, 310-311
- Drugs, illicit – see also Cannabis**
 - addiction and disability, 400-411
 - Marsden litigation, 401-402
 - Federal Court proceedings, 403
 - federal legislation proposals, 405-406
 - HREOC decision, 402-403
 - long-term results, 408-409
 - media role, 403-405
 - public interest, 406-408
 - ecstasy (MDMA, methylenedioxymethamphetamine), 327-348
 - Adams v The Queen, 336-337
 - legislative framework, 330-333
 - Customs Act 1901 (Cth), 331
 - Drugs, Poisons and Controlled Substances Act 1981 (Vic), 330-331
 - Misuse of Drugs Act 1971 (UK), 331-332
 - Misuse of Drugs Act 1975 (NZ), 332-333
 - pathology, 337-347
 - acute effects, 339-341
 - adolescent use, 346-347
 - comparison with other substances of abuse, 346
 - drug interactions, 345-346
 - long-term or residual effects, 341-342
 - pharmacodynamics, 339
 - pharmacokinetics, 338-339
 - physical toxicity, 342-343
 - potential for abuse, 344-345
 - routes of administration, 338
 - suicide & misadventure, 343-344
 - R v Pidoto, 333-336
- Drugs, therapeutic – see also Cannabis; Vitamin and mineral supplements**
 - regulation, 701-707
 - costs of protection, 706-707
 - efficacy & toxicity, 704-705
 - medicalisation of life, 706
 - Pan Pharmaceuticals, 702-703
 - protection of patients, 705
 - Truehope, 703-704
- Duty of care**
 - public health authorities, 238-239
- Ecstasy – see Drugs, illicit**
- Electronic health records (EHR) – see Healthcare identifiers**
- Employment**
 - medical – *see* **Civil conscription**
 - police – *see* **Police officers**
 - sick leave – *see* **Sick leave**
 - workers' compensation – *see* **Workers' compensation**
- England and Wales – see United Kingdom**
- Enhancement – see Human enhancement technologies**
- Epidemics – see Avian influenza virus; Pandemic infections**
- Ethics**
 - book reviews, 866-873
 - health care policy-making, 54-55
 - National Statement on Ethical Conduct in Human Research (NHMRC), 9-15
- Euthanasia – see also Withdrawal of life support**
 - Australian law, 532-555
 - Australian Capital Territory, 543

debate, 550-554
 arguments against active voluntary euthanasia, 552-554
 arguments for active voluntary euthanasia, 550-552
homicide & suicide laws, 534-535
New South Wales, 542
Northern Territory & Commonwealth response, 540-541
Queensland, 543
recent case law, 544-550
 Wylie case, 548-550
South Australia, 541-542
Tasmanian Bill, 535-540
Victoria, 542-543
Western Australia, 543

Expert evidence

adversarial legal system, 133-137
 conduct of expert preparing report, 135-136
 expert as witness in court, 136-137
 relationship of lawyer & expert, 134-135
medico-legal interaction in claims, 833-848
 background & relevance, 833-835
 deciding the general issue, 847-848
 multiple causes, 846-847
 scientific proof, 835-846
 availability & relevance, 837
 courts, 844-846
 “don’t know”, 839-840
 illegal demand for, 838-839
 legal significance, 840-844
 meaning, 835-836
 misuses of the phrase, 837-838
 problem, 836-837

Family disputes – see Burial rights

Forensic pathology

children (Ontario), 22-28

Gene technology – see Patenting genetic material

General practitioners – see Medical practitioners

Generic medicines – see Pharmaceutical industry; Pharmacists

Genetic tests – see Patenting genetic material

Global Influenza Surveillance Network – see Avian influenza virus

Health care

policy-making variables, 52-58
 challenging new medicine, 53
 dialogue & informed decision-making, 57-58
 distributive justice & the just society, 52-53
 ethics of rationing, 54-55
 intergenerational justice, 55
 measuring quality of life, 55-56
 procedural safeguards for balancing needs, 56-57
 rationing as normative standard, 53-54

Health Care Complaints Commissions

negligent investigation, 46-51

Health care information – see Healthcare identifiers

Health care providers – see Healthcare identifiers

Health care recipients – see Healthcare identifiers

Health professionals – see also Medical practitioners; Nurses; Pharmacists

national regulation & accreditation, 190-195
 mandatory notification, 708-710
 nurses & midwives, 194-195
 structure & function of national scheme, 192-194
performance
 mandatory reporting by colleagues, 29-46, 708-710
 national registration and, 40-42
 New South Wales, 33-37
 New Zealand, 30-33
 Queensland, 33-40
 self-regulation & professional independence, 42-43

Health records – see Healthcare identifiers

Healthcare identifiers

- national service, 660-676
 - Deloitte report on e-health strategy, 661-666
 - individual healthcare identifiers, 666
 - legislation, 666-667
 - collection & use of healthcare identifiers & identifying information, 670-671
 - confidentiality & privacy, 673-675
 - disclosure of healthcare identifiers & identifying information, 672-673
 - fulfilment of purpose, 675-676
 - Healthcare Identifiers Scheme, 668-670
 - identifying information, 671-672
 - purpose, 667
 - regulations, 675
 - technology & scope, 668

Homelessness

- children, 112-113

Homicide

- medical actions, 439-451
 - application of law in practice, 445
 - causation, 445-446
 - intention, 446-449
 - abuse of, 447-448
 - inadequacy of, 449
 - lack of prosecutions, 448-449
- criminal law principles, 440-441
- medical practice & conflict with law, 441-445
 - deep continuous sedation, 442-444
- necessity to palliate pain and suffering as defence, 449-451

Hospitals

- climate change response, 772-783

Human body – see also Corpse; Cremation

- book review, 297-298

Human enhancement technologies

- law and human dignity, 807-815
 - balance of options, 813-814
 - children, 814
 - enhancement, 808
 - enhancement and human dignity, 809-810
 - enhancement distinguished from therapy, 808
 - human dignity, 809
 - legislative preemption, 812
 - regulation, 810-811

- self-regulation & non-regulation, 811-812

Human rights

- disadvantaged children, 115-116

Human tissue – see also Corpse

- collections
 - public trust in biobanking research, 119-132
 - qualitative analysis, 120-122
 - discussion, 127-132
 - interpretation, 126-127
 - methods, 122-123
 - results, 123-126

Identifiers – see Healthcare identifiers**Incompetent persons – see Competence****Indemnity insurance – see Medical indemnity insurance****Indonesia**

- avian influenza virus – see **Avian influenza virus**

Infertility treatment – see also Assisted reproductive technology

- semen donors
 - multiple use in donor insemination, 270-279
 - flaws in 1980 model & implementation, 278-279
 - regulation of ART, 271-274
 - sperm donor limits, 272-274
 - revocation of anonymity, 275-276
 - risk of inadvertent half-sibling mating, 274-275
 - use of terms “anonymous” sperm donors and “public interest”, 277
- national sperm donor registry, 608-616
 - limiting donor sperm use, 610-612
 - risk of inadvertent half-sibling mating, 610-611
 - risks of complex donor insemination & family relationships, 611-612
 - public interest in legislation, 612-614
 - regulation of assisted reproductive technologies, 609-610

Influenza – see Avian influenza virus; Pandemic infections

Informed consent

medical tourism (Malaysia), 65-66
misrepresentation and, 65-66

Inquests – see Coroners

Insurance – see also Medical indemnity insurance

medico-legal interaction in claims, 833-848

International Clinical Trials Registry Platform (ICTRP), 85-87

International Committee of Medical Journal Editors (ICMJE)

registration of clinical trials, 82-94
commercial information & public registration, 87-88
compliance mechanisms & success of registers, 88-89
developing countries, 92-93
health data for women & minorities, 89-92
International Clinical Trials Registry Platform (ICTRP), 85-87
move to registration, 83-84
outcomes reporting, 93-94

International Health Regulations – see Avian influenza virus

Investigation of deaths – see Coroners

Life support, withdrawal of – see Withdrawal of life support

Litigation

Malaysia
medical tourism, 63-64

Living wills – see Advance directives

Malaysia

medical tourism – see **Medical tourism**

Mandatory notification – see Health professionals; Medical practitioners; Nurses

Marijuana – see Cannabis

MDMA – see Drugs, illicit

Mediation

withholding or withdrawing life-sustaining treatment (NSW), 74-81
benefits, 76-77
decision-making dynamics & framework, 74-78
development of model, 80
procedure, 76
United States experience and, 77-78
downsides, 79-80

Medical devices

national policy, 412-425
lessons of National Medicines policy, 413-416
medical device life-cycle in policy context, 416-422
access to devices & Medical Services Advisory Committee, 420-422
manufacture & industry, 417-420
use of devices, 422
policy development, 422-425

Medical employment – see Civil conscription

Medical ethics – see Ethics

Medical homicide – see Homicide

Medical indemnity insurance

subsidising, 729-735
Amaca, 733-734
Baker-Morrison, 731-733
civil liability legislation & justice, 734-735
manufactured crisis, 729-731
tort law reform, 729-735

Medical investigation of deaths – see Coroners

Medical-legal partnerships – see Children (minors)

Medical negligence – see also Damages; Duty of care; Tort law

defensive medicine – see **Defensive medicine**
negligent investigation, 46-51
AG v Bar-Mordecai, 46-49
breach of common law duty, 48-49
breach of statutory duty, 47-48
common law duty of care (Canada), 49-51
expeditious investigation, 47

- failure to dismiss complaints, 48
- failure to protect from harm, 48
- reference to Medical Tribunal, 47-48
- NSW Civil Liability Act 2002 & general practice, 235-248
- impact on medical negligence actions, 237-243
 - capping economic & non-economic damages, 241-243
 - causation & plaintiff's evidence, 240-241
 - good faith, 243
 - limiting duty of care owed by public health authorities, 238-239
 - modified Bolam principle, 239-240
 - wrongful birth, 241
- practice of defensive medicine, 244-248
- trends in claims after, 243-244
- Medical practice boards**
 - negligent investigation, 46-51
 - AG v Bar-Mordecai, 46-49
 - breach of common law duty, 48-49
 - breach of statutory duty, 47-48
 - common law duty of care (Canada), 49-51
 - expeditious investigation, 47
 - failure to dismiss complaints, 48
 - failure to protect from harm, 48
 - reference to Medical Tribunal, 47-48
- Medical practitioners – see also Doctor-patient relationship; Duty of care**
 - complaints about
 - University of Queensland graduates, 493-501
 - defensive medicine – see **Defensive medicine**
 - employment – see **Civil conscription**
 - murder by (book review), 462-464
 - novel about (book review), 633-634
 - patient relationships – see **Doctor-patient relationship**
 - performance
 - mandatory reporting by colleagues, 29-46
 - national registration and, 40-42
 - New South Wales, 33-37
 - New Zealand, 30-33
 - Queensland, 33-40
 - self-regulation & professional independence, 42-43
 - torture, complicity in – see **Torture**
- Medical records – see Healthcare identifiers**
- Medical tourism**
 - history of, 59-60
 - Malaysia, 59-73
 - development of medical tourism, 60-62
 - future challenges & opportunities, 70-73
 - legal issues, 62-70
 - immigration issues, 62-63
 - increasing demand for human organs, 69-70
 - informed consent & misrepresentation, 65-66
 - regulating private health care institutions, 68-69
 - suits against health care providers, 63-64
 - telemedicine, 66-67
 - vicarious liability, 64-65
- Medical treatment – see also Children (minors); Drugs, therapeutic; Medical practitioners; Nurses**
 - right to be treated with compassion (NZ), 320-322
- Men**
 - national health policy, 14
- Mental health**
 - carers – see **Carers**
 - laws for compliant patients, 16-21
 - England and Wales, 16-21
 - assessment process, 18-20
 - consequences of new scheme, 20-21
 - HL v UK (Bournewood case), 16-18
 - review & appeals procedures, 20
- Methylenedioxymethamphetamine (MDMA) – see Drugs, illicit**
- Midwives**
 - national regulation & accreditation, 194-195
- Migration law**
 - medical tourism (Malaysia), 62-63
- Mineral supplements – see Vitamin and mineral supplements**
- Minors – see Children (minors)**
- Murder**
 - doctors who kill (book review), 462-464

National Women's Health Policy – *see* **Women's health**

Negligence, medical – *see* **Medical negligence**

New Zealand Code of Health and Disability Services Consumers' Rights

- review of, 314-326
 - access to services & disability services consumers, 317-319
 - "aggrieved person", 322-323
 - research not known to be contrary to best interests of incompetent patients, 323-325
 - right to be treated with compassion, 320-322
 - right to privacy, 319-320

Nurses

- mandatory notification, 708-718
 - barriers for overseas-trained nurses, 713-714
 - non-professional barriers, 714-715
 - professional barriers, 713-714
- conclusion, 717-718
- discussion, 715-717
- nursing culture, 711-713
 - attitudes to overseas-trained nurses, 712-713
 - incident reporting, 711-712
 - voluntary notification, 711
- response by medical profession, 710
- response by nursing profession, 710
- midwives
 - national regulation & accreditation, 194-195
 - national regulation & accreditation, 194-195
 - overseas-trained, 708-718

Obesity

- childhood
 - disadvantaged & isolated children, 113, 114

Organ donation

- medical tourism (Malaysia), 69-70

Pain and suffering – *see* **Homicide**

Palliative care – *see* **Homicide**

Pandemic infections – *see also* **Avian influenza virus**

- duty to treat during, 736-747
 - contemporary health system, 746-747
 - employment and OH&S laws, 744-746
 - ethical & professional duties, 739-742
 - requirement to work, 742-744
 - SARS & health care workers, 737-738
 - willingness to work, 738-739

Patenting genetic material

- gene patents, 800-806
 - definition, 800
 - impact on health care provision & costs, 801-804
 - measures to ameliorate adverse impact, 804-805
- Patents Act prohibition, 805-806

Patents

- genetic inventions – *see* **Patenting genetic material**

Pathology, forensic – *see* **Forensic pathology**

Patients – *see* **Doctor-patient relationship; Healthcare identifiers**

Pharmaceutical industry – *see also* **Drugs, therapeutic**

- generic medicine substitution, 761-771
- influence on medicine, 216-223
 - conflict of interest & prescribing, 220
 - doctors & drug companies, 219-220
 - drug companies' methods of increasing sales, 220-221
 - journal editors' views, 221-222
 - possible solutions, 222-223
 - research conduct, reporting & drug approval, 217-218
 - research findings, 217

Pharmacists

- generic medicine substitution, 761-771
- generic medicines, 762-763
 - opinions of pharmacists, 768-770
 - financial implications, 770
 - patient safety, 769-770
 - pharmacy procedures, 770
 - pricing reforms, 763-765

-
- safe use, 767-768
 - supply framework, 765-767
 - pecuniary interests in pharmaceutical businesses, 502-507
 - AG (NSW) v Now.com.au Pty Ltd, 502-503
 - restriction of ownership to registered pharmacists, 503-504
 - shareholding as pecuniary interest, 504-505
 - social implications of pharmacy business, 505-507
 - Plagiarism**, 645-659
 - Australian decisions, 654-656
 - AJG, 654
 - Humzy-Hancock, 654-655
 - Keough, 655-656
 - Liveri, 654
 - Canadian decision, 653-654
 - reflections & recommendations, 656-658
 - taxonomy of, 651-652
 - United Kingdom decisions, 652-653
 - Police officers**
 - Doomadgee (Mulrunji) inquest, 677-700
 - appeal to District Court, 691-693
 - book review, 873-875
 - conclusions, 690-691
 - decision of Queensland Court of Appeal, 693-697
 - discussion, 697-699
 - evidence of witnesses, 679-681
 - expert medical evidence, 681-684
 - findings, 684-690
 - postscript, 699-700
 - sick leave and workers' compensation, 816-832
 - conclusions & reflections, 831-832
 - coverage for work-related injury & disease, 821-823
 - employment status, 817-818
 - nature & rate of injury & disease, 818-820
 - sick leave
 - other Australian jurisdictions, 828-830
 - Western Australia sick leave & medical expenses provisions, 825-828
 - workers' compensation coverage, 823-825
 - Pregnancy**
 - termination – *see* **Abortion**
 - Preimplantation genetic diagnosis**
 - regulation
 - criminal & professional models, 452-461
 - ethical values, 454-455
 - regulatory models, 456-460
 - criminal model (Vic), 456-458
 - professional model (NSW), 458-460
 - Privacy**
 - disadvantaged children, 114-115
 - healthcare identifiers, 673-675
 - New Zealand, right to privacy, 319-320
 - Private health care**
 - Malaysia
 - medical tourism, 68-69
 - Privilege** – *see* **Doctor-patient relationship**
 - Professional misconduct**
 - negligent investigation, 46-51
 - AG v Bar-Mordecai, 46-49
 - breach of common law duty, 48-49
 - breach of statutory duty, 47-48
 - common law duty of care (Canada), 49-51
 - expeditious investigation, 47
 - failure to dismiss complaints, 48
 - failure to protect from harm, 48
 - reference to Medical Tribunal, 47-48
 - Psychiatric confinement**
 - book review, 147-148
 - Psychiatric injury**
 - pure
 - liability to third parties, 165-177
 - case law, 169-170
 - causation, 170-173
 - psychiatric illness, normal fortitude & sudden shock, 167-168
 - reform legislation, 174-177
 - sudden shock & direct perception, 168-169
 - Public health** – *see also* **Alcohol dependency; Ethics; Human rights; Pandemic infections**
 - climate change response – *see* **Climate change**
 - infectious disease control – *see* **Avian influenza virus**
 - Public trust**
 - biobanking research – *see* **Human tissue**
-

Pure mental harm – see Psychiatric injury

Queensland

complaints against medical practitioners
University of Queensland graduates, 493-501

Rights of health care consumers – see New Zealand Code of Health and Disability Services Consumers' Rights

Royal Australian College of General Practitioners

disadvantaged children, 113-114

SARS – see Pandemic infections

Science and legal proceedings

causation, 206-215

Scientific proof – see Expert evidence

Semen donors – see Infertility treatment

Siamese twins – see Conjoined twins

Sick leave

police officers – see **Police officers**

Social security entitlements

medico-legal interaction in claims, 833-848

Social workers

medical-legal partnerships, 117

Sovereignty – see Avian influenza virus

Sperm – see Assisted reproductive technology; Infertility treatment

Sugar

legislation & ethics, 784-799
addictiveness, 793-795
advertising & children, 795-796
harm to humans, 789-793
need for reform, 796-799
postscript, 799
regulation of the sale of foods, 786-787
sugar & sucrose, 788-789

Supplements – see Vitamin and mineral supplements

Surrogacy

Australian law, 618-626
Australian Capital Territory, 619-620
emerging themes, 626
New South Wales, 618-619
Northern Territory, 624
Queensland, 617-618, 624
proposed national model, 626-632
court procedures for transfer of
parentage & registration of orders,
630-631
eligible parties, 627-628
legal effect of surrogacy arrangements,
628-630
offences, 631-632
recommendations, 632
requirements for surrogacy arrange-
ments, 627
South Australia, 623-624
Tasmania, 621-622
Victoria, 620-621
Western Australia, 622-623
commercial agreements, 280-286
arguments about social groups, 294-296
arguments about the child, 283-290
arguments about the surrogate, 290-294
legal issues, 281-283

Swine influenza – see Pandemic infections

Telemedicine

Malaysia
medical tourism, 66-67

Terminations of pregnancy – see Abortion

Tort law – see also Damages

reform of
subsidising medical indemnity insurance, 729-735

Torture

doctors' complicity in, 426-438
international humanitarian & human rights
law, 428-429
new initiatives, 433-437
criminal prosecution, 435-436

-
- “good conduct” and human rights, 434-434
 - international medical tribunal, 435
 - professional code of conduct, 433
 - reasons for, 429-432
 - success of prosecutions, 432-433
 - ways of reducing, 437
 - Tourism** – *see* **Medical tourism**
 - Treatment, medical** – *see* **Medical treatment**
 - Trust, public**
 - biobanking research – *see* **Human tissue**
 - Twins, conjoined** – *see* **Conjoined twins**
 - United Kingdom**
 - alcohol dependency – *see* **Alcohol dependency**
 - compensation for adverse events – *see* **Adverse events**
 - coroners, 471-474
 - HL v UK (Bournewood case), 16-18
 - mental health – *see* **Mental health**
 - Misuse of Drugs Act 1971 (UK), 331-332
 - NHS Redress Act 2006, 95-104
 - plagiarism decisions, 652-653
 - United Nations Convention on Biological Diversity** – *see* **Avian influenza virus**
 - United States**
 - biosecurity – *see* **Biosecurity**
 - disadvantaged & isolated children, 107-108
 - medical-legal partnerships – *see* **Children (minors)**
 - medical use of cannabis, 521-525
 - withdrawal of life support, 77-78
 - Vicarious liability**
 - Malaysia
 - medical tourism, 64-65
 - Victims of crime**
 - medico-legal interaction in claims, 833-848
 - Vitamin and mineral supplements**
 - Truehope litigation, 719-728
 - background, 720-722
 - judgment in criminal trial, 722-725
 - abuse of process, 724-725
 - due diligence, 724
 - necessity, 722-724
 - professional conduct complain, 726-727
 - ramifications, 727-728
 - search and seizure dispute, 725-726
 - Withdrawal of life support**
 - criminal responsibility, 849-865
 - avoiding, 857-864
 - adults with impaired capacity, 862-864
 - guardianship legislation, 862-864
 - parens patriae jurisdiction, 864
 - competent adults, 858-862
 - authorised, justified or excused by law, 862
 - breach of duty not cause of death, 861-862
 - no duty owed, 858-861
 - conflicting legal principles, 857
 - duty to provide life-sustaining treatment, 854-857
 - Criminal Code (Qld), Ch 27, 855-857
 - breach of duty, 856
 - causation, 856-857
 - duty, 855-856
 - unlawful killing, 854-855
 - mediation in (NSW), 74-81
 - benefits, 76-77
 - decision-making dynamics & framework, 74-78
 - development of model, 80
 - procedure, 76
 - United States experience and, 77-78
 - downsides, 79-80
 - patients’ requests or in their best interests, 349-354
 - advance directives & common law, 352-353
 - case law, 349-351
 - common law right to refuse medical treatment, 351-352
 - psychotic denial of treatment & normalisation of disability, 353-354
 - permitted by law, 850-854
 - adults with impaired capacity, 851-854
 - guardianship legislation, 852-854
 - advance health directives, 852-853
 - substitute decision-maker, 853-854

Index

parens patriae jurisdiction, 851-852
competent adults, 850-851

Women's health

data from clinical trials, 89-92
medical-legal partnerships, 111-112
national policy, 9-15
men's health needs, 14
role of law, 12-14

Workers' compensation

medico-legal interaction in claims, 833-848
police officers – *see* **Police officers**

World Health Organisation

Material Transfer Agreement – *see* **Avian
influenza virus**

Wrongful birth

defensive medicine, 241