Index

A	antecedents, 26.773 –774
Aborisinal & Tamas Charit Islandar manula	case study, 26. 772–780
Aboriginal & Torres Strait Islander people prisoners – see Prisoners	Coalition government (from 2011), 26. 774–775
remains	conclusion & recommendations, 26. 781–782 introduction of new regulatory order (2015),
book review, 26. 711–712	26.775
	key changes, 26. 776
Advance care directives	legislative capture, 26. 764–772, 26. 776–785
respecting, after attempted suicide, 26. 557–570	Parliament, 26. 775–776
algorithm to guide health care staff,	regulation (NSW)
26. 567–568	social impact assessment of outlets, 26. 786–799
autonomy, beneficence, non-maleficence & justice, 26. 559–565	case study, 26. 786–795
case presentation, 26. 557, 26. 569–570	conclusion, 26. 798–799
conclusion, 26. 568–569	consequences for public health, 26. 795–798
ethical arguments against respecting, 26. 565–568	
ethical considerations, 26. 559	Alternative medicine – see Complementary medicine
Medical Treatment Planning and Decisions Act	Arson
2016 (Vic), 26. 558–559	book review, 26. 510–512
Singapore, 26. 896–921	500K Teview, 20.510-512
conclusion, 26. 916–917	Assisted death – see Euthanasia
disease specific advance care plan, 26. 917–919	
legal framework, 26. 903–916	Asylum seekers
Living Matters Program, 26. 897–903 preferred plan of care, 26. 919–921	administrative offshore punishment, 26.742–749
preferred plan of care, 20.919–921	amendments to Australian Border Force Act,
Advance care planning – see Advance care	26. 742–747
directives	concluding remarks & reflections, 26.7 49
	medical evacuation legislation, 26. 747–749
Advance directives (Living wills)	Australian Capital Territory
Italian Law No 219 of Dec 2017, 26. 702–710	illicit pill testing at Canberra music festival – see
conclusions, 26.7 09–710	Drug testing
living will, 26. 704–706	
nomination of surrogate, 26. 706–709	В
Advertising	
false & misleading health advertising	Beaney, James
protection of disciplinary law, 26.89–102 – see	book review, 26. 274–275
also Health practitioners	Best interests – see also under Trial
conclusion, 26. 102	patients in permanent vegetative state (UK),
evidence required, 26. 98–102	26. 539–540
alternative approaches, 26. 100–102	MG (33) 310
approach of courts, 26. 99–100	Big data
Aged care – see Geriatric forensic medicine	transfer within European legal framework,
Ageu care – see Gerratric forensic medicine	26. 488–493
Agency	big data in health care, 26. 490–491
speech – see Speech	conclusions, 26. 493
	perspective & aim of article, 26. 488–490
Alcohol	role for national healthcare services, 26. 492–493
"fit for purpose" law reform (NSW), 26.772-785	transfer & re-use of data, 26. 491–492
alcohol supply regulatory system 26 773	privacy – see Privacy

Biologics (biotechnological drugs) – see also Biosimilars; Patents public health and, 26.170–187 access challenge in Africa, 26.185–187 conclusions, 26.187 drug shortages, 26.178–179 importance of biosimilars, 26.179–185 patents & data exclusivity, 26.183–185 regulatory challenges, 26.182–183 secrecy, 26.181–182 patents & genetic research, 26.176–178 patents & pharmaceuticals, 26.172–176	definitions of harm, & mandatory reporting laws in Australia, 26.335–336 conclusions, 26.339–340 cons of mandatory reporting, 26.337–339 Hansen & Ainsworth (2013), 26.338 Melton's commentary (2005), 26.337–338 other potential cons, 26.338–339 historical context of childhood, 26.334–335 responses to criticisms, 26.339 pros of mandatory reporting, 26.336–337 Child neglect – see Child abuse
Biosecurity	Child protection law – see Child abuse
RNA research – see Ribonucleic acid (RNA)	protection and see clima assuse
	Childbirth – see Birth
Biosimilars – see also Biologics	
P'-4L	Children
Birth intolerable unrelieved pain in labour, 26. 549–556	growth attenuation treatment – see Profound
concluding remarks, 26. 556	disabilities infertility treatment – see Infertility treatment
deleterious maternal effects of pain in labour,	informity treatment – see informity treatment
26. 551–552	Choice – see National competition policy
disciplinary actions for inadequate pain relief, 26. 555–556	Citizens' juries – see Third party insurance
failure to treat pain in labour as medical	Clinical governance
negligence, 26. 553–555	geriatric forensic medicine – see Geriatric
fetal effects of uncontrolled maternal pain in	forensic medicine
labour, 26. 552–555	Clinical negligence – see Medical negligence
British Medical Association	
refugee doctors – see Refugee doctors	Coal-fired power plants - see Mercury pollution
2	
Bushfires	Community services – see Geriatric forensic
book review, 26. 510–512	medicine
C	Compensation – see Third party insurance
Cancer	Competition – see National competition policy
children with	result of the second of the se
infertility treatment – see Infertility treatment	Complementary medicine
health professionals' attitudes to medical cannabis	advertising – see Advertising
use – see under Cannabis	
Cannabis	Compulsory detention – see Detention
medical use	Consent
health professionals' attitudes (Vic),	data processing provisions – see Electronic
26. 815–824	health records
conclusion, 26. 822–823	electro-convulsive therapy – see under Electro-
discussion, 26. 821–822	convulsive therapy
study methods, 26. 816–817	privacy and – see Privacy
study results, 26. 817–820 survey questions, 26. 823–824	
survey questions, 20. 023-024	Consumption tax
Child abuse	sugar – see Sugar
mandatory reporting of child abuse & neglect,	Convicted offenders – see Sentencing
26 224 240	Convicted diffiducts of bentthening

Coroners	Data linkage
death investigation	research
Gosport War Memorial Hospital (England),	authorising release of data, 26. 655–680
26. 306–310	comparison of case studies, 26. 680
conclusion, 26. 309–310	conclusion & recommendations, 26. 672–673
coroner's investigations, 26.307–309	decision-making criteria, 26.674–680
inquests, 26. 309	discussion, 26. 665–672
role of patient-reported outcome measures	methods of study, 26. 657–659
(PROMs) in post-operative death	results of study, 26. 659–665
investigations, 26. 737–741	data custodians & decision-making process,
Vasa inquest (Sweden, 1628), 26.285–299	26. 433–453
conclusions, 26. 298–299	application, approval & rejection processes,
design & building of Vasa, 26.286–288	26. 437–445
discussion, 26. 294–298	conclusion, 26. -453
evidence at inquest, 26.289–293	methodology of interviews, 26. 434
fateful voyage of Vasa, 26.288	other issues & problems, 26. 445–452
inquest convened, 26. 288–289	purpose & use of data collections,
findings	26. 434–437
procedural fairness, 26. 7–22	recommendations, 26. 452–453
information for health professionals (Vic), 26.741	
interstate & overseas deaths, 26. 519–534	Data processing
case law on inquests about extra-jurisdictional	consent to – see Electronic health records
deaths, 26. 526–532	
conclusions, 26. 534	Data subjects
decision-making considerations, 26.532–534	consent to data processing – see Electronic
jurisdictional requirements, 26. 524–526	health records
statutory provisions in Australia, NZ & other	
countries, 26. 519–524	Data transfer – see Big data
procedural fairness, 26.7 –22	
common law decisions in inquisitorial context,	Death
26. 10–13	investigation – see also Coroners
common law jurisdictions (Australia & NZ), 26.8-9	post-operative deaths
Danne decision, 26. 15–16	patient-reported outcome measures (Vic),
evolving obligations, 26. 20–22	26. 737–741
Hecht decision, 26. 16–18	reportable – see Reportable deaths
Mortimer v West, 26. 18–19	December a desemble of a second desemble of
natural justice decisions (Aust), 26.13–15	Deceptive advertising – see Advertising
Onuma qualification, 26. 19–20	Decisional competence – see under Trial
Somerville decision, 26. 16	Decisional competence – see unuer 111ai
statutory provisions (Australia & NZ), 26.8-10	Delegation
role in prevention of elder abuse – see Elder	speech – see Speech
abuse and neglect	special see special
<u> </u>	Dentists
Criminal law	dental health workforce regulation, 26.128–129
sentencing – see Sentencing	changes to Board & dental workforce reform,
	26. 136
CRISPR	conclusion, 26. 139
gene drives – see Ribonucleic acid (RNA)	governance of Dental Board of Australia,
patents – see Patenting genetic material	26. 134–136
	community members, 26.135–136
"Crystal meth" – see Drugs, illicit	proportional representation, 26. 135
- ·	chairperson, 26. 134–135
	historic Dental Boards, 26.130–131
D	National Law, 26. 132–134
	outcomes of workforce reform, 26.136-139
Data custodians – see Data linkage	reform, 26. 131–132

(2019) 26 JLM 1007 1009

Index **Detention Elderly population** forensic medicine - see Geriatric forensic compulsory in mental health settings, 26.300-305 medicine conclusion, 26.304-305 hospital-based approaches, **26.**304 **Electro-convulsive therapy (ECT)** treatment & coercive practices, without consent **26.**301–302 human rights, **26.**732–736 case of PBU & NJE, 26.734-736 Disciplinary law – see Health practitioners conclusion, 26.736 regulation of ECT (Aust), 26.733-734 Domestic needs assessment - see Occupational therapy Electronic health records (EHR) Domestic violence - see Violence consent to data processing comparison of provisions in EU GDPR & Australian "My Health Record" scheme **Drug criminalisation** – see **Drug testing** (MHR), 26.23-38 applicability of GDPR or NEHR system & **Drug testing** requirement of patient's valid consent, Canberra music festival, 26.54-60 background, 26.54-56 **26.**28-33 conclusions, **26.**59–60 elements of valid consent, 26.29–32 transfers of personal data to third future of pill testing in Australia, 26.59 countries, 26.32-33 legal protection for patrons, **26.5**8–59 legal protections of facilitators, 26.56-58 extra-territorial reach of GDPR, 26.25-26 GDPR & National Electronic Health Records (NEHR) systems, 26.27-28 Drugs, illicit – see also Drug testing methamphetamine (methylamphetamine, "ice", interface between GDPR & MHR, 26.26-27 "speed", "crystal meth", "glass") MHR legislative framework & patients' consent, 26.33-38 expert evidence on effects, 26.464-479 "standing" or "ongoing" consent, 26.36-38 admissibility, **26.**474–478 case examples, 26.471-474 conclusion, 26.478-479 Embryos – see also Human embryo research donation for reproductive use of others relationship with crime, 26.465–468 New Zealand, 26.691-701 scientific knowledge of use & behaviour, **26.**468-471 conclusion, 26.700-701 HART Act, 26.693-695 health & wellbeing of children, 26.695-700 E limitations of ECART's considerations, **26.**700 ECT - see Electro-convulsive therapy overview, 26.692-693 Education End-of-life decisions – see Euthanasia; Palliative doctors - see Medical education care; Suicide, assisted legal - see Legal education **Epidemics** Elder abuse and neglect lessons for lawyers & policymakers, 26.583–594 coroner's role in prevention, 26.494-509 action & follow up, 26.593-594 Australian coronial jurisdiction, **26.**498–500 context of HIV/AIDS & Hepatitis C epidemics, conclusion, 26.509 26.583 definitions, 26.496-498 lessons, 26.584-592 discussion, 26.507-508 courage & rationality, 26.592 methods of study, **26.**501–503 engaging donor countries, 26.587 regulation of providers of aged care, engaging with advocates, 26.589 **26.**500-501 engaging with opponents, 26.586 results of coroner's court cases, 26.503-507

1010 (2019) 26 JLM 1007

strengths & limitations of study, 26.508-509

engaging with police, 26.591-592

game changers, 26.589-591

human rights, 26.584	Expert evidence	
international organisations, 26. 585–586	collaborative – see subheading below	
overreach of criminal law, 26. 587–588	concurrent	
working with the affected, 26.5 84–585	concurrent, in medical litigation, 26.621-637	
	advocate & expert witness immunity,	
Ethics	26. 630–631	
pharmaceutical industry - see Pharmaceutical	Attwells case, 26. 631–632	
industry	Australian experience, 26. 624	
privacy – see Privacy	conclusion, 26. 637	
I was a same	cost, 26. 636	
Ethics of care approach – see Surrogacy	danger for collaborative evidence, 26. 633–634	
Europe	differentiating civil, criminal & disciplinary	
big data – see Big data	immunity, 26. 626–627	
General Data Protection Regulation (EU	duties & code of conduct, 26. 629–630	
2016/679)	history of expert witness immunity,	
consent to data processing provision – see	26. 622–624	
Electronic Health Records	Kendirjian case, 26. 632–633	
Electronic Health Records	reasons for immunity, 26. 624–626	
Euthanasia	scope of immunity, 26. 627–629	
assisted dying (Vic)	trends, 26. 634–636	
role of medical profession in law reform,		
26.246–264	effects of methamphetamine – see Drugs , illicit	
conclusion, 26. 264		
doctors in Victorian assisted dying law	immunity from suit – see subheading above	
	concurrent	
reform process, 26. 253–257	medical negligence – see under Medical	
doctors' visibility, 26. 257	negligence	
role of AMA, 26. 254–255	${f F}$	
themes of legislator submissions,		
26. 256–257	Fake health practitioners - see Health	
doctors' participation in international	practitioners	
assisted dying law reform, 26. 257–262	•	
Belgium, 26. 260–261	False and misleading advertising – see	
doctors' orientation to law reform, 26. 262	Advertising	
Luxembourg, 26. 261	Ü	
Netherlands, 26. 258–259	Family Court	
Quebec, 26. 259–260	welfare jurisdiction	
doctors' role, 26. 262–264	growth attenuation treatment for children,	
participation of Australian doctors in law	26. 881–886	
reform, 26. 249–253		
AMA & assisted dying law reform, 26. 251–253	Family violence – see Violence	
voluntary requirement, 26. 455–463		
application of VAD s 8 in practice,	Fertility treatment – see Infertility treatment	
26. 456–460		
	"Fit for purpose" law reform – see under	
comparable legislation in other jurisdictions,	Alcohol	
26. 456		
conclusion, 26. 462–463	Fitness to stand trial – see Trial	
consent to other treatments, 26. 460–462		
prohibition on health practitioner initiating	Forensic medicine	
discussion, 26. 455–456	geriatric – see Geriatric forensic medicine	
E. H	sexual assault – see Sexual offences	
Evidence		
advertising – see Advertising expert – see Expert evidence	Funding – see National competition policy	

(2019) 26 JLM 1007 1011

G

disciplinary law GDPR (EU) see Electronic health records protection from false & misleading health advertising, **26.**89–102 – see also Gene technology - see also Patenting genetic Advertising material registered health practitioners, 26.90–94 embryonic gene editing Chiropractic Board v Marin, 26.91-94 unregistered health practitioners, 26.94–98 legality of (Aust), 26.356-373 conclusion, 26.372-373 Kirsten case, **26.**96 recent research on genetic manipulation of Milka case, 26.96-97 human embryos, 26.357-358 negative licensing, 26.97–98 impostors & impersonators, 26.407-432 regulation internationally, 26.358–361 regulation of genome editing technologies in discussion, **26.**429–432 Australia, **26.**361–372 English study, 26.417 public attitudes to, 26.204-207 fraudulent health practitioners in Australia & splicing – see Ribonucleic acid (RNA) NZ, 26.418-429 high profile spurious health practitioners, General Data Protection Regulation (EU) - see **26.**410-415 Electronic health records pathology, 26.415-417 Genetic technology - see Gene technology **Health records** – *see* Electronic health records privacy - see Privacy Genomics - see Gene technology Health research - see Research, medical Geriatric forensic medicine as specialty, 26.39-43 **Health services** conclusion, 26.43 competition - see National competition policy criteria for sub-specialty certification, 26.41-43 clinical applicability, 26.41 Healthcare recipients complex technology & site-of-care skills, consent to data processing – see Electronic **26.**42-43 health records patient care improvement, **26.**42 positive value & negative impact, 26.43 Hearing rule -see Procedural fairness research base, 26.42 supervision & observation in formal training, **Hepatitis** – see Epidemics 42'unique body of knowledge, 26.41 HIV/AIDS - see Epidemics Germany refugee doctors from - see Refugee doctors Human embryo research public attitudes to gene editing, 26.204-207 Gerontology - see Geriatric forensic medicine "Glass" - see Drugs, illicit I Gonadatoxic therapies - see under Infertility "Ice" - see Drugs, illicit treatment Identifiers - see Healthcare identifiers Growth attenuation treatment - see Profound disabilities Illegal pill testing – see Drug testing H Indigenous Australians - see Aboriginal & **Torres Strait Islander people Health advertising** – see Advertising **Infertility treatment** Health care children with cancer facing gonadatoxic therapies, competition - see National Competition policy **26.**311–333 reform - see National Competition policy

Health practitioners

changes needed to support fertility preservation in children, 26.332-323 conclusion, 26.333 cryopreservation technology for cancer patients, **26.**324-326 laws & guidelines on collection, storage & use of gametes & tissue from minors with cancer, 26.326-330 NSW & Vic law helping or hindering fertility preservation for children with cancer, **26.**331–332 preserving gonadal tissue, gametes & embryos, **26.**323-324 compensation – see Third party insurance

Injuries

Inquests - see Coroners

Insurance – see Third party insurance

International Convention on the Elimination of All Forms of Racial Discrimination (ICEAFRD)

prisoners – see **Prisoners**

International Covenant on Civil and Political Rights (ICCPR)

prisoners - see Prisoners

living wills – see under Advance directives

J

Jews - see Refugee doctors

Jurisdiction shopping

RNA research, 26.212-213

L

Labour pain – see Birth

Language – see Speech

Law reform - see Euthanasia

Legal education

Australia, 26.612-620 assessment, **26.**616–617 conclusion, 26.619-620 feedback, 26.617-619 learning, **26.**614–616

Legal practitioners

discipline

vulnerable populations – see Vulnerable populations

Legislative capture – see under Alcohol; Public health

Letters to the Editor

false & misleading health advertising, **26.**535–537

Liquid democracy - see Third party insurance

 \mathbf{M}

Malaria

RNA research - see Ribonucleic acid (RNA)

Mandatory notification

child abuse & neglect - see under Child abuse

Medical Board of Victoria

Moritz Meyer case, 26.61–88

Medical cannabis - see Cannabis

Medical education

Australia, 26.612-620 assessment, 26.616-617 conclusion, **26.**619–620 feedback, 26.617-619 learning, **26.**614–616

Medical marijuana – see Cannabis

Medical negligence

failure to treat labour pain, 26.553-555 outcome bias in expert opinion case example, **26.**829–830 conclusion, 26,829 contents of cases, 26.829 discussion, 26.828 further work, 26.828-829 retained surgical items - see Retained surgical items therapeutic privilege - see Therapeutic privilege

Medical practitioners

assisted dying - see Euthanasia book review (Beaney), **26.**274–277 entitlement to practise – *see* **Refugee doctors** geriatric forensic medicine – see Geriatric forensic medicine

refugee - see Refugee doctors

Index **Medical practitioners** – *continued* Motor accidents third party insurance – see Third party insurance registration refugee doctors - see Refugee doctors regulation (Vic) Music festivals history – see Refugee doctors illegal pill testing - see Drug testing "My Health Record" system - see Electronic Medical research - see Research, medical health records Medicare prisoners - see Prisoners Medico-legal death investigations – see under National competition policy Death health care system and, 26.103-127 competition in NHS (UK), 26.118-121 Mental disorders - see Mental health competition policy in Australia, 26.105-106 conclusion, 26.127 Mental health creation of sector-specific regulator, compulsory detention - see Detention 26,122-124 criminalising health care (ACT), 26.638-654 health care, 26.106-114 conclusion, 26.652-654 pathway for competition policy, 26.124-127 limits on communication, 26.646-647 room for greater competition, 26.114-116 offences, 26.640-642 themes around competition, 26.117-188 issues with, **26.**649–652 penalties for conduct, 26.639-640 National Electronic Health Records (NEHR) private psychiatric facilities. 26.647–648 systems - see Electronic health procedure for involuntary detention & records treatment, 26.642-645 special procedures, 26.648-649 National Health Service (UK) seclusion - see Restraints & seclusion competition in, **26.**118–121 sentencing - see Sentencing **National security** Mental illness - see also Mental health asylum seekers and, 26.742-749 - see also offenders with – see Sentencing Asylum seekers Mercury pollution Natural justice from coal-fired power plants, 26.480–487 coroners' decision-making, 26.7-22 Australian national strategy for phase-down of most relevant decisions, 26.13-15 mercury, 26.481-482 conclusion, 26.487 **Negative licensing** – *see* **Health practitioners** international regulation, 26.484-486 Mercury Regulation Impact Statement & Neglect - see Elder abuse and neglect standards, 26.483–484 public health risks from mercury, Negligence 26.480-481 clinical - see Medical negligence Methamphetamine – see Drugs, illicit NEHR - see Electronic health records Methylamphetamine - see Drugs, illicit Neuroprosthetic speech technologies - see Speech **New South Wales** Meyer, Moritz, 26.61–88 vulnerable populations – see Vulnerable populations Misconduct

1014 (2019) 26 JLM 1007

New Zealand

coronial jurisdiction - see Coroners decisional competence - see under Trial

workers' compensation - see Workers'

compensation

0 coronial investigations, 26.223-224 criminal proceedings, 26.221–223 **Obituaries** internal reporting & investigations, 26.224 Faunce, Thomas Alured (1958–2019), 26.949–950 performance & conduct proceedings, **26.**223 implications of case law for clinicians, Occupational therapy **26.**237-240 domestic needs assessment, 26.831-840 expert clinical evidence & therapeutic conclusions, 26.840 guidelines, 26.239-240 discussion, 26.838-840 infrequency of regulatory scrutiny, 26.237 study methodology, 26.832-833 "intention" and "good practice standards", study results, 26.833-838 **26.**240 regulatory bodies not seeking to blame, **Offenders 26.**237–239 convicted - see Sentencing summary of cases, 26.242-245 Official illegal pill testing – see Drug testing Patenting genetic material patent pools, **26.**866–873 Operations - see Surgery collective solution to management of CRISPR patent rights, 26.869-870 conclusion, 26.873 P CRISPR & patent landscape, 26.866-867 patent policy for CRISPR technology, Pain **26.**871–873 labour - see Birth surrogate companies & licensing policies, 26.867-869 Pain relief - see Palliative care **Patents** – *see also* **Biologics** Palliative care genetic inventions – see Patenting genetic advance directives – see Advance directives material end of life case law (Australia), 26.224-237 Patient-reported outcome measures (PROMs) civil negligence claim, 26.234 role in investigations of post-operative deaths, coronial investigations, 26.226-233 **26.**737–741 error occurred & further action recommended, 26.231-233 **Patients** errors occurred, but no further action consent to data processing provisions – see recommended, 26.228-231 Electronic health records no legal or professional standards issues, **26.**226–228 Permanent vegetative state (PVS) – see criminal law & double effect defence. Withdrawal of life support **26.**234-237 Pharmaceutical industry disciplinary proceedings, 26.233-234 social responsibilities, 26.750–763 conclusion, 26.241 conclusion, **26.**763 health professionals regulation, 26.214-245 corporate social responsibility models, **26.759**–763 prescribing & administering medication, ethical health care, 26.752-753 **26.**217–221 ethical-historical critique, 26.753–754 legislation governing Schedule 8 drugs, life span of drugs & alternatives to ethical **26.**217-218 distribution, 26.755-757 policies & guidelines for pain & symptom options for instituting ethical health care, relief, 26.220-221 **26.**757–758 therapeutic & other guidance on Schedule patients, 26.754-755 8 drugs, **26.**218–219 sources of legal & professional challenge, **Phrenology** 26,221-224 book review, 26.711-712 civil negligence, 26.223 Pill testing - see Drug testing

Plastics	regulatory regimes governing secondary uses
regulation of single-use non-biodegradable	of health data for research purposes,
plastics, 26. 311–321	26. 190–202
Australian waste management, 26. 315–316	data protection laws, 26.190–193
conclusion, 26. 321	regulatory regimes for human research,
corporate marriage & additional measures,	26. 193
26. 318–321	Australian Code, 26. 193–194
earth's plastic problem, 26.312–315	interaction between instruments,
tax on single-use plastics, 26. 316–318	26. 185–186
	National Statement, 26.194–195
Pollution	s 95 Guidelines, 26. 195
mercury – see Mercury pollution	s 95A Guidelines, 26. 195
Power plants – see Mercury pollution	Procedural fairness
	coroner's investigations of findings – see Coroners
Precautionary principle	coroner's investigations of findings—see Coroners
RNA research, 26. 212–213	Productivity – see National competition policy
Prisoners	Professional regulation – see Medical
Medicare exclusion, 26. 140–158	practitioners
Australia's human rights obligations, 26. 156–158	Profound disabilities
Indigenous policies, 26. 157	growth attenuation treatment for children,
s 19(2) considerations, 26. 157–158	26. 874–895
WA policy, 26. 157	application of legal framework (Aust), 26. 887–891
conclusions & recommendations, 26. 158	conclusion, 26. 894–895
Health Insurance Act 1973 (Cth), 26. 147–149	law & Family Court welfare jurisdiction,
COAG exemptions, 26. 148	26. 881–886
exemptions under s 19(2), 26. 147	reasons for & against, 26. 876–881
prisoner exclusion, 26. 148–149	reform suggestions, 26. 891–894
human rights regulation & protection, 26. 143–146	reform suggestions, 20.001 001
ICCPR, 26. 143–144	PROMs – see Patient-reported outcome measures
ICCPR as part of Australian law, 26.144	Public attitudes
ICEFRD, 26. 145	gene editing – see Gene technology
Mandela Rules, 26. 144–145	gene editing – see Gene technology
standards of health care (international case	Public health – see also Alcohol
law), 26. 145–146	biologics and – see Biologics
Indigenous policy, 26. 149–153	commercial determinants & legislative capture,
community controlled health, 26. 151–152	26. 764–765
Holman Review, 26. 152	alcohol law reform (case study), 26.772–780
policies & programs, 26. 150	conclusion & recommendations, 26.7 80–782
requirements for equivalence, 26. 153	multi-spectrum legislative capture test,
WA policies, 26. 150–151	26. 770–772, 26. 782–785
Indigenous prisoners & health disparities,	nature of legislative capture, 26. 766–769
26. 141–142	research methodology, 26. 769–770
inequity, 26. 140–141	
WA prison health services, 26. 153–156	
Indigenous health services, 26. 156	Q
programs, 26. 154–155	
recent performance, 26.155	Qui tam actions – see under Research
structure, 26. 154	
summary, 26. 156	
Privacy	R
big data analytics, 26. 188–203	Refugee doctors
challenges posed, 26. 189–190	entitlement to practise medicine in Victoria
	(1937–58), 26. 61–88

conclusion. **26.**87–88 product- based gene drive regulation, impact of Meyer's case, 26.68–73 **26.**211–212 Meyer v Medical Board of Victoria, proposed reform, 26.213 **26.**62–67 High Court decision, 26.66-67 RNA - see Ribonucleic acid MBV's decision, 26.62-65 Supreme Court decision, 26.65-66 S Moritz Meyer case, 26.61-88 reaction to Meyer's case, **26.7**3–87 "fairness" for Victorian doctors, School teachers **26.**81–82 professional misconduct and health & wellbeing protectionism, 26.73-80 (NZ), 26.922-942 training of refugee doctors, 26.80-81 disciplinary proceedings & spectrum of xenophobia, **26.**82–87 conduct, 26.923-924 legislative background, **26.**924–925 Refugees – see Asylum seekers study limitations, 26.933 study method, 26.925-926 Reportable deaths study results, **26.**926–930 Victoria, 26.738-741 summary & discussion, **26.**930–932 summary of disciplinary cases, 26.934-942 Reproductive coercion – see Violence Scotland Research postgraduate qualifications – see Refugee doctors misconduct encouraging & rewarding whistleblowers, Self-inflicted injury - see Workers' compensation **26.**719–731 history of qui tam actions, 26.720-722 Sentencing requirement for qui tam actions under "mental disorder", 26.159-169 False Claims Act (US), conclusion, 26.169 **26.**722-724 integrated sentencing process, **26.**167–169 research misconduct qui tam actions, Verdins/O'Neill approach, 26.165–167 26.725-731 Verwindt approach, 26.162–164 Albert case, 26.724-726 challenges to actions, 26.729-731 Sexual assault – see Sexual offences Duke University claim, 26.727-729 Sexual offences Poehlman case, **26.**726–727 examination of unconscious sexual assault patient, **26.**265-273 Research, medical case, **26.**266 privacy - see Privacy concluding discussion, 26.272-273 ethical models, **26.**268–271 **Retained surgical items** consent, 26,270-271 case law (Aust), **26.**841–848 no consent, **26.**268–270 conclusion, 26.848 existing guidelines, 26.266–268 implications, 26.847-848 treatments without consent, **26.**271–272 liability & causation, **26.**843–845 recordkeeping, **26.**845–847 Speech predictive assistive technologies Ribonucleic acid (RNA) ascribing speech acts to users, 26.44-53 regulating research, 26.208–213 cases, 26.46-47 gene drives to combat malaria, 26.209-210 discussion, 26.52-53 importance to human health, 26.208-209 employers & employees, 26.48-49 jurisdiction shopping & precautionary respondeat superior, **26.**49–52 principle, **26.**212–213 technology, **26.**47–48 process-based gene drive regulation,

(2019) 26 JLM 1007

"Speed" - see Drugs, illicit

26.210-211

Sugar	Third party insurance
consumption tax, 26. 681–690	citizens' juries, liquid democracy & legislative
conclusion, 26. 690	reform, 26. 571–583
ethical considerations, 26.685–688	citizens' jury, 26. 574–578
federal policy, 26. 682	conclusion, 26.582
legal implications, 26. 688–689	Motor Accident Injuries Bill 2018 (ACT),
tax on SSBs, 26. 682–685	26. 578–582
way forward, 26. 689–690	
,	Trial
Suicide	fitness to stand
attempted	decisional competence (NZ), 26. 943–948
respecting advance care directives after – <i>see</i>	concept of decisional competence,
Advance care directives	26. 944–946
workers' compensation – see Workers'	distinguishing best interests, 26. 946
compensation	Dougherty case, 26. 944
compensation	misunderstanding in Dougherty decision,
Surgery – see also Retained surgical items	26.946–948
post-operative deaths	
role of patient-reported outcome measures	need for clarity, 26. 948
(PROMs) in investigations, 26. 737–741	
, , , , , , , , , , , , , , , , , , , ,	
Surrogacy	\mathbf{U}
Victoria	
ethics of care approach to regulation,	Unintentional retained surgical items – see
26. 374–388	Retained surgical items
conclusion, 26. 388	
ethics of care approach, 26. 380–386	United Kingdom
harm-based regulation, 26. 375–380	National Health Service – see National Health
	Service (UK)
limitations of ethics of care approach,	patients in permanent vegetative state – see
26. 386–387	Withdrawal of life support
Synthetical speech see Speech	
Synthetised speech – see Speech	United Nations Mental Health Principles
	prisoners – see Prisoners
T	
1	
Taxation	\mathbf{V}
sugar – see Sugar	
sugai – see Sugai	Vaccination
The draw Calculation	history
Teachers – see School teachers	book review, 26. 951–953
The area and a mainife as	
Therapeutic privilege	Vicarious liability
defence to negligence claims, 26. 595–611	speech – see Speech
breach, 26 .601–603	
causation, 26. 609	Victoria
circumstances of particular patient,	assisted dying – see Euthanasia
26. 604–606	
26. 604–606 conclusion, 26. 610–611	assisted dying – see Euthanasia Medical Board – see Medical Board of Victoria
26. 604–606 conclusion, 26. 610–611 duty, 26. 600–601	assisted dying – see Euthanasia
26. 604–606 conclusion, 26. 610–611 duty, 26. 600–601 especially vulnerable patients, 26. 606–608	assisted dying – see Euthanasia Medical Board – see Medical Board of Victoria refugee doctors – see Refugee doctors
26. 604–606 conclusion, 26. 610–611 duty, 26. 600–601 especially vulnerable patients, 26. 606–608 irrational vulnerable patients, 26. 609–610	assisted dying – see Euthanasia Medical Board – see Medical Board of Victoria refugee doctors – see Refugee doctors
26.604–606 conclusion, 26.610–611 duty, 26.600–601 especially vulnerable patients, 26.606–608 irrational vulnerable patients, 26.609–610 juristic development, 26.596–598	assisted dying – see Euthanasia Medical Board – see Medical Board of Victoria refugee doctors – see Refugee doctors surrogacy – see Surrogacy Violence
26.604–606 conclusion, 26.610–611 duty, 26.600–601 especially vulnerable patients, 26.606–608 irrational vulnerable patients, 26.609–610 juristic development, 26.596–598 magnitude of risk & its likelihood, 26.603–604	assisted dying – see Euthanasia Medical Board – see Medical Board of Victoria refugee doctors – see Refugee doctors surrogacy – see Surrogacy Violence domestic & family
26.604–606 conclusion, 26.610–611 duty, 26.600–601 especially vulnerable patients, 26.606–608 irrational vulnerable patients, 26.609–610 juristic development, 26.596–598 magnitude of risk & its likelihood, 26.603–604 occasions when no work to do, 26.599–600	assisted dying – see Euthanasia Medical Board – see Medical Board of Victoria refugee doctors – see Refugee doctors surrogacy – see Surrogacy Violence domestic & family reproductive coercion, 26.341–355
26.604–606 conclusion, 26.610–611 duty, 26.600–601 especially vulnerable patients, 26.606–608 irrational vulnerable patients, 26.609–610 juristic development, 26.596–598 magnitude of risk & its likelihood, 26.603–604	assisted dying – see Euthanasia Medical Board – see Medical Board of Victoria refugee doctors – see Refugee doctors surrogacy – see Surrogacy Violence domestic & family reproductive coercion, 26.341–355 discussion, 26.353–354
26.604–606 conclusion, 26.610–611 duty, 26.600–601 especially vulnerable patients, 26.606–608 irrational vulnerable patients, 26.609–610 juristic development, 26.596–598 magnitude of risk & its likelihood, 26.603–604 occasions when no work to do, 26.599–600	assisted dying – see Euthanasia Medical Board – see Medical Board of Victoria refugee doctors – see Refugee doctors surrogacy – see Surrogacy Violence domestic & family reproductive coercion, 26.341–355

Leaving Domestic Violence study, 26.348–353 ways forward, 26.354–355

Voluntary assisted dying – see Euthanasia

Vulnerable populations

clients' perspectives & legal discipline (NSW), 26.849–865
conclusion, 26.864–865
legal profession discipline, 26.854–856
study findings, 26.858–864
study methodology, 26.856–858
theories of vulnerability, 26.851–854

W

Whistleblowing

research misconduct - see under Research

Withdrawal of life support

patients in permanent vegetative state (PVS) (UK), 26.538–548

A NHS Trust v Y, 26.540–545
best interests decision-making,
26.539–540
implications for Australia & NZ,
26.545–548

Word prediction - see Speech

Workers' compensation

misconduct, self-inflicted injury & suicide (Aust), 26.389–406 conclusions, 26.405–406 self-inflicted injury & suicide, 26.403–405 serious & wilful misconduct, 26.391–403