

# LAWHONS722 Medico-Legal Problems

[View Online](#)

[1]

'Carl Elliott "What New Zealand's "Unfortunate Experiment" Can Teach Us About Medical Abuse" The Boston Review (Boston, 6 November 2017)' [Online]. Available: <http://bostonreview.net/science-nature/carl-elliott-what-new-zealands-unfortunate-experiment-can-teach-us-about-medical-abuse>

[2]

L. Bryder, Linda Bryder A history of the 'unfortunate experiment' at National Women's Hospital (Auckland University Press, Auckland, 2009). Auckland, N.Z.: Auckland University Press, 2009 [Online]. Available: [http://ap01.alma.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package\\_service\\_id=10250583840002091&institutionId=2091&customerId=2090](http://ap01.alma.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=10250583840002091&institutionId=2091&customerId=2090)

[3]

Health and Disability Commissioner (Code of Health and Disability Services Consumer' Rights) Regulations 1996. [Online]. Available: <http://www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights/>

[4]

Health and Disability Commissioner Act 1994, vol. 1994 No 88. [Online]. Available: <http://legislation.govt.nz/act/public/1994/0088/46.0/DLM333584.html>

[5]

D. Chisholm, 'Beauty and the Breast Surgeon', North & South, no. 322, pp. 48-54, Jan. 2013 [Online]. Available:

<http://ezproxy.auckland.ac.nz/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=anh&AN=84343830&site=ehost-live&scope=site>

[6]

J. M. New Zealand Law Foundation, 'New Zealand's Code of Patient's Rights', in *The Cartwright papers; essays on the cervical cancer inquiry 1987-88*, Wellington, N.Z.: Bridget Williams Books with the Law Foundation of New Zealand, 2010, pp. 150-169.

[7]

'Health and Disability Commissioner, Case Note 09HDC01315, 22 January 2010 (Inappropriate language and lack of respect for patient)'. [Online]. Available: <http://www.hdc.org.nz/decisions/search-decisions/2010/09hdc01315/>

[8]

'Health and Disability Commissioner, Opinion 08HDC07350, 15 March 2010 (DHB, GP & gynaecologist, and patient with cervical cancer)'. [Online]. Available: <http://www.hdc.org.nz/media/1885/08hdc07350gynaecologist.pdf>

[9]

*Ambros v Accident Compensation Corporation (ACC) & Ors* CIV-2004-404-003261 Mar 21, 2005, Harrison & Heath JJ. [Online]. Available: <https://advance.lexis.com/api/permalink/51908818-9429-4a91-a4dd-4f0a443f309d/?context=1230042&federationidp=TZRTHJ54655>

[10]

*Meek v Health & Disability Commissioner* [2016] NZHC 1205. [Online]. Available: <https://advance.lexis.com/api/permalink/088c5cb4-14f4-4ed9-a4dc-3de5f85614b1/?context=1230042&federationidp=TZRTHJ54655>

[11]

Ombudsmen Act 1975. [Online]. Available: <http://www.legislation.govt.nz/act/public/1975/0009/latest/DLM431166.html>

[12]

'Beverly Wakem Ombudsmen Act Opinion: Complaint about Health and Disability Commissioner assessment process (October 2013)'. [Online]. Available: <http://www.ombudsman.parliament.nz/resources-and-publications/opinions/ombudsman-act-opinions>

[13]

'Health and Disability Commissioner, Opinion 04HDC12081, 21 December 2005 (Emergency Medicine Registrar, Dr. C Otago District Health Board)'. [Online]. Available: <http://www.hdc.org.nz/decisions/search-decisions/2005/04hdc12081/>

[14]

Health and Disability Commissioner, Opinion 04HDC12081, 21 December 2005 (Misdiagnosis of patient suffering from abdominal aortic aneurysm). [Online]. Available: <http://www.hdc.org.nz/decisions/search-decisions/2005/04hdc12081/>

[15]

Health Practitioners Competence Assurance Act 2003. [Online]. Available: <http://www.legislation.govt.nz/act/public/2003/0048/latest/whole.html#DLM204310>

[16]

P. D. G. Skegg et al., Ron Paterson 'Assessment and Investigation of Complaints' in PDG Skegg and Ron Paterson (eds) *Health Law in New Zealand* (Thomson Reuters, Wellington, 2015) 903. Wellington [New Zealand]: Thomson Reuters, 2015.

[17]

Crimes Act 1961, vol. 1961 No 43. [Online]. Available: <http://www.legislation.govt.nz/act/public/1961/0043/137.0/DLM327382.html>

[18]

Great Britain. Court of Appeal, 'R v Sellu [2016] EWCA Crim 1716, [2017] 1 Cr App R 24', *The criminal appeal reports*.

[19]

R v Adomako [1995] 1 AC 171, [1994] 3 All ER 79 (HL). [Online]. Available:  
<https://advance.lexis.com/api/permalink/0df62bf8-e14a-483f-bf11-962eed45687c/?context=1230042&federationidp=TZRTHJ54655>

[20]

R v Misra [2004] EWCA Crim 2375. [Online]. Available:  
<https://advance.lexis.com/api/permalink/a587e517-92be-48cd-813c-3eaa016d26cb/?context=1230042&federationidp=TZRTHJ54655>

[21]

Marks v Director of Health and Disability Proceedings [2009] NZCA 151, [2009] 3 NZLR 108. [Online]. Available:  
<https://advance.lexis.com/api/permalink/60ddc499-8eff-4a21-afc9-5b26e78ae036/?context=1230042&federationidp=TZRTHJ54655>

[22]

Martin v Director of Proceedings [2010] NZAR 333 (HC). [Online]. Available:  
<https://advance.lexis.com/api/permalink/122978f6-2025-49f6-8cc2-8b6fb4909604/?context=1230042&federationidp=TZRTHJ54655>

[23]

'Health and Disability Commissioner "Policy Document - Naming Providers in Public HDC Reports" (1 July 2008) < [www.hdc.org.nz](http://www.hdc.org.nz) >'. [Online]. Available:  
<http://www.hdc.org.nz/decisions/naming-policy/>

[24]

Gravatt v Coroner's Court at Auckland [2013] NZHC 390, [2013] NZAR 345, vol. 390. [Online]. Available:  
<https://advance.lexis.com/api/permalink/7b9c9449-1689-44cb-be22-206ac0035940/?context=1230042&federationidp=TZRTHJ54655>

[25]

Re T (Adult: Refusal of Treatment) [1993] Fam 95 (CA). [Online]. Available: [http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/1991002175/casereport\\_30421/html](http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/1991002175/casereport_30421/html)

[26]

New Zealand Bill of Rights Act 1990. [Online]. Available: <http://www.legislation.govt.nz/act/public/1990/0109/latest/whole.html#DLM225509>

[27]

'HE v A Hospital NHS Trust [2003] EWHC 1017 (Fam), [2003] 2 FLR 408', HE v A Hospital NHS Trust [2003] EWHC 1017 (Fam), [2003] 2 FLR 408, vol. 2.

[28]

Montgomery v Lanarkshire Health Board [2015] 2 WLR 768 (UKSC). [Online]. Available: [http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/2011211830/casereport\\_32773/html](http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/2011211830/casereport_32773/html)

[29]

Stubbs v Health and Disability Commissioner HC Wellington CIV-2009-485-002146 February 8 2010. [Online]. Available: <https://advance.lexis.com/document/?pdmfid=1230042&crd=72731d42-1e4d-4ba1-a6e-d29c962d2dd8&pddocfullpath=%2Fshared%2Fdocument%2Fcases-nz%2Furn%3AcontentItem%3A5D76-P2G1-JYYX-61KJ-00000-00&pddocid=urn%3AcontentItem%3A5D76-P2G1-JYYX-61KJ-00000-00&pdcontentcomponentid=274472&pdteaserkey=sr1&pdicsfeatureid=1517128&pditab=allpods&ecom=dfmhk&earg=sr1&prid=5b3b3910-c9eb-4154-884f-72f2aaece607>

[30]

Health and Disability Commissioner, Opinion 04HDC00031, 24 February 2005 (Orthopaedic Surgeon Dr B Case). [Online]. Available: <http://www.hdc.org.nz/decisions/search-decisions/2005/04hdc00031/>

[31]

'Health and Disability Commissioner, Opinion 07HDC11318, 17 October 2008 (General Surgeon Dr E Case)'. [Online]. Available:  
<http://www.hdc.org.nz/decisions/search-decisions/2008/07hdc11318/>

[32]

'Health and Disability Commissioner, Case Note 14HDC00054, 15 June 2015 (Spinal accessory nerve severed by GP)'. [Online]. Available:  
<http://www.hdc.org.nz/decisions/search-decisions/2015/14hdc00054/>

[33]

'Health and Disability Commissioner, Opinion 00HDC08358, 9 May 2002 (Written consent to hysterectomy)'. [Online]. Available:  
<http://www.hdc.org.nz/decisions/search-decisions/2002/00hdc08358/>

[34]

Chisholm, Donna, 'Donna Chisholm "Good Op, Bad Op?" A top surgeon defends his record' North & South (New Zealand, December 2010) 62', North & South, no. 297, pp. 62-68, 2010 [Online]. Available:  
<http://ezproxy.auckland.ac.nz/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=anh&AN=55770987&site=ehost-live&scope=site>

[35]

In re F (Mental Patient: Sterilisation) [1990] 2 AC 1. [Online]. Available:  
[http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/1981002107/casereport\\_9863/html](http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/1981002107/casereport_9863/html)

[36]

'A Local Authority v E [2012] EWCH 1639 (COP), [2012] Med LR 472', Medical law reports, 2010.

[37]

Protection of Personal and Property Rights Act 1988, vol. 1988 No 4. [Online]. Available:  
<http://www.legislation.govt.nz/act/public/1988/0004/latest/DLM126528.html?src=qs>

[38]

KR v MR [2004] 2 NZLR 847 (HC). [Online]. Available:  
<https://advance.lexis.com/api/permalink/96ac892d-5350-41e3-8403-696800450b97/?context=1230042&federationidp=TZRTHJ54655>

[39]

R. Edwards and Butterworths Asia (Firm), 'R v Cambridge Health Authority, ex parte B (1995) 25 BMLR 5 (QB)', Butterworths Medico-Legal Reports, 1992.

[40]

R v Cambridge Health Authority, Ex parte B [1995] 1 WLR 898 (CA). [Online]. Available:  
[http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/1991003652/casereport\\_19987/html](http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/1991003652/casereport_19987/html)

[41]

Shortland v Northland Health Ltd [1998] 1 NZLR 433 (CA). [Online]. Available:  
<https://advance.lexis.com/api/permalink/a19fe3fa-6992-4caf-8ba3-5a2f106f19d7/?context=1230042&federationidp=TZRTHJ54655>

[42]

Carter v Canada [2015] 1 SCR 331, 384 DLR (4th), no. 2. 2015 [Online]. Available:  
<http://heinonline.org/HOL/P?h=hein.cscreports/canadalr0233&i=342>

[43]

R (Nicklinson) v Ministry of Justice [2014] 3 WLR 200. [Online]. Available:  
[http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/2011202797/casereport\\_21101/html](http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/2011202797/casereport_21101/html)

[44]

Seales v Attorney-General [2015] NZHC 1239, [2015] 3 NZLR 556. [Online]. Available:  
<https://advance.lexis.com/api/permalink/21697a9d-bb80-4b06-b02d-008cd81afb45/?context=1230042&federationidp=TZRTHJ54655>

xt=1230042&federationidp=TZRTHJ54655

[45]

Auckland Area Health Board v Attorney General [1993] 1 NZLR 235 (HC). [Online].

Available:

<https://advance.lexis.com/api/permalink/210bf068-652f-43a7-b967-e1d25970eb70/?context=1230042&federationidp=TZRTHJ54655>

[46]

Great Britain. Parliament. House of Lords, Great Britain. Supreme Court of Judicature, and Great Britain. Privy Council, 'Airedale NHS Trust v Bland [1993] AC 789,[1993] 1 All ER 821 (HL)', The All England law reports: Consolidated tables and index, 1987.

[47]

Aintree University Hospitals NHS Foundation Trust v James [2013] UKSC 67, [2013] 3 WLR 1299. [Online]. Available:

[http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/2011204109/casereport\\_13298/html](http://www.iclr.co.uk.ezproxy.auckland.ac.nz/document/2011204109/casereport_13298/html)