THE PROCEEDINGS OF THE MEDICO-LEGAL SOCIETY OF VICTORIA

The Medico-Legal Society of Victoria

A General Meeting of the Society will be held on Saturday 9th October 1999, at 6.30pm at the Australian Club, 110 William Street, Melbourne,

At this meeting a paper on the subject

"LIABILITY OF ADOLESCENTS FOR CRIMINAL BEHAVIOUR"

will be presented by

Professor Michael Carr-Gregg with commentary by Mr Robert Richter QC

Professor Carr-Gregg is a psychologist specialising in the area of parenting, adolescence and adolescent mental health. In 1985 he founded the world's first national teenage cancer patient support group "CanTeen". He has held a variety of appointments including the Director of the Centre for Social Health at the University of Melbourne, and Head of Education at the Centre for Adolescent Health. He currently teaches part-time in the Department of Paediatrics at the University. He works in private practice as a family therapist, child psychologist and clinical psychologist. He was made a Fellow by Rotary International for his work in the prevention of youth suicide. He is a regular media commentator and guest speaker.

Robert Richter QC is a leader of the criminal bar. He was appointed Queens Counsel in 1985. He has represented defendants at all levels to the High Court in many of the major criminal cases in Australia.

This topical issue ought to be of interest to doctors and lawyers alike, as also to those with parental responsibilities.

Members are reminded that guests may be introduced at any meeting and that their guests need not be members of their profession.

Arrangements have been made for members and their guests to dine at the Club after the meeting. Drinks will be at 6.00 p.m., followed by the Meeting at 6.30 p.m. and the dinner at 8.00p.m.

Will the members wishing to attend kindly fill and return the appended form at their earliest convenience to EVANS BROS. (R & G), P.O. BOX 1247, PEARCEDALE 3912.

Acceptance will be received until the 5th October, 1999. No late acceptances will be considered, nor refunds made for cancellations after this date.

Dress: BLACK TIE

MR. RUSSELL BALL Hon. Legal Secretary and Host Member

Phone enquiries to: DR. GABRIELE MEDLEY Hon. Medical Secretary PH: (03) 9250 0320 AH: (03) 9639 1168

Fax: (03) 9349 1949

The Medico-Legal Society of Victoria

A General Meeting of the Society will be held on Friday 13th August 1999, at 6.30pm at the Athenaeum Club, 87 Collins Street, Melbourne.

At this meeting a paper on the subject

"CRISIS MANAGEMENT OF A SIEGE/HOSTAGE SITUATION"

will be presented by

Senior Sergeant Michael Andrews and Ms. Megan Fulford

Senior Sergeant Andrews has been with the Victoria Police for 25 years and has been the negotiator coordinator for the State for the last 13 years. He is in charge of special operations and is one of the most experienced negotiators with the Police. He is involved in national training of negotiators.

Ms. Fulford is the Senior Police Psychologist. Prior to joining the Police she worked with a mental health CAT team. Ms. Fulford is head of the Police psychology unit, providing psychological services for Police members in addition to her on call duties for Police critical incident responses. She assists in the selection of Police for specialist training including selection of Police negotiators. She has a Masters in Clinical Psychology.

Senior Sergeant Andrews and Ms. Fulford will address the meeting on psychological and other issues involved in Police response to barricades, seizures and suicide threats and executing high risk arrest warrants. They will speak about the Police role in ensuring hostage survival. The speakers will present archival film and audio recording in their presentation.

The speakers will provide a stimulating insight into the Police response to dangerous and stressful situations, with medical and mental health implications and legal considerations.

Will the members wishing to attend kindly fill and return the appended form at their earliest convenience to EVANS BROS. (R & G)

Members are reminded that guests may be introduced at any meeting and that their guests need not be members of their profession.

Arrangements have been made for members and their guests to dine at the Club after the meeting. Drinks will be at 6.00 p.m., followed by the Meeting at 6.30 p.m. and the dinner at 8.00p.m.

Acceptance will be received until the 10th August, 1999. No late acceptances will be considered, nor refunds made for cancellations after this date.

Dress: Lounge Suit

MR. RUSSELL BALL Hon. Legal Secretary DR. J. SILVER Host Member DR. GABRIELE MEDLEY Hon. Medical Secretary

THE PROCEEDINGS OF THE MEDICO-LEGAL SOCIETY OF VICTORIA

During the Years 1980, 1981, 1982, 1983 and 1984

Edited by

DOUGLAS GRAHAM, Q.C.

and

JOHN HUESTON

Vol. XIV

BROWN PRIOR AND ERSON Pty Ltd
MELBOURNE

For circulation among the members of the Medico-Legal Society of Victoria

Impression limited to 500 copies

ALL RIGHTS RESERVED

Wholly set up and printed in Australia by Brown Prior Anderson Pty Ltd 5 Evans Street Burwood Vic. 3125

CONTENTS

•	
Office-Bearers	PAGE vii
Foreword	ix
Anglo-Irish Contributions to the Establishment of the Medical and Legal Professions in Australia. By Professor J. J. Auchmuty, C.B.E.	, ·
Genetic Engineering. By Professor A. J. Pittard	13
Transsexualism, Hermaphroditism and the Law. By Mr. Douglas Graham, Q.C.	21 21
Trends in Correctional Practice. By Mr. Ben Bodna	47
Dangerousness. By Dr. Mark L. Cunningham	65
Artificial Insemination By Donor—And Beyond. By Associate Professor J. F. Leeton and Hon. Mr. Justice Asche	77
Aboriginal Land Rights—The Long Shadow of the Eight- eenth Century. By Dr. Robin L. Sharwood	93
Impairment and Incapacity—A Study in Social Security. By Mr. S. E. K. Hulme, Q.C.	113
Sex and Sudden Death. By Professor Alan Usher	129
The Anatomy of a Litigant. By Mr. H. G. Lander	139
Pharmaceutical Inventions and the Law: A Study in Diseases, Drugs and Law Suits. By Dr. J. McL. Emmerson	149
Stress and Psychiatric Illness. By Dr. I. H. Jones	165
Thrombosis in the Cash Flow: Professional Incomes in a Depressed Economy. By Ian R. Phillips, LL.B., F.C.A.	175
Wine as Medicine. By Dr. Peter Burke	191
Diagnosing Crime with the Silicone Chip. By Mr. D. R. Meagher, Q.c.	207
"Breaker" Morant—Scapegoat or Scoundrel? By Mr. R. K. Todd	231
Scientific Evidence and the Law. By Professor R. C. Nairn	267
List of Members	273

OFFICE BEARERS OF THE MEDICO-LEGAL SOCIETY OF VICTORIA

1980-1981

President: Mr. P. C. Trumble

Vice Presidents: Dr. J. W. Upjohn and Mr. D. W. Rogers

Hon. Treasurer. Mr. W. E. Patterson, Q.C.

Hon. Secretaries: Dr. D. Gale and Mr. D. Graham, Q.C.

Committee: Dr. J. P. Bush, Professor I

Dr. J. P. Bush, Professor H. Attwood, Drs. M. Cunningham, R. L. C. Sutcliffe and A. H. Atkinson; Hon. Mr. Justice Fullagar, Messrs. R. K. Todd, R. H. Searby, Q.C., Dr. J. McL. Emmerson, Hon. Mr. Justice

Tadgell

1981-1982

President: Dr. J. W. Upjohn

Vice Presidents: Mr. D. W. Rogers and Dr. J. P. Bush

Hon. Treasurer: Mr. W. E. Patterson, Q.C.

Hon. Secretaries: Dr. D. Gale and Mr. D. Graham, Q.C.

Committee: Professor H. Attwood, Drs. M. Cunningham, R. L.

C. Sutcliffe, A. H. Atkinson and P. M. Renou; Hon. Mr. Justice Fullagar, Messrs. R. K. Todd, R. H. Sear-

by, q.c., Dr. J. McL. Emmerson, Hon. Mr. Justice

Tadgell

1982-1983

President: Mr. D. W. Rogers

Vice Presidents: Dr. J. P. Bush and Mr. Justice Fullagar Hon. Treasurer: Mr. D. Graham, Q.C.

Hon. Secretaries: Dr. D. Gale and Dr. J. McL. Emmerson

Committee: Professor H. Attwood, Drs. Cunningham, R. L. C. Sutcliffe, A. H. Atkinson, P. M. Renou; Hon. Mr. Justice Tadgell, Hon. Mr Justice Asche and Messrs. R. H. Searby, Q.c., RgeK. Todd, G. Gronow

1983-1984

President: Dr. J. P. Bush

Vice Presidents: Mr. Justice Fullager and Dr. M. Cunningham Hon. Treasurer: Mr. D. Graham, Q.C.

Hon. Secretaries: Dr. D. Gale and Dr. J. McL. Emmerson

Committee: Drs. R. L. C. Sutcliffe, A. H. Atkinson, P. M. Renou, D. Kennedy; Hon. Mr. Justice Tadgell, Hon. Mr. Justice Asche and Messrs. R. H. Searby, Q.C., G. Gronow

1984-1985

President: Mr. Justice Fullagar

Vice Presidents: Dr. M. Cunningham and Mr. R. H. Searby Q.C.

Hon. Treasurer: Mr. D. Graham, Q.C.

Hon. Secretaries. Dr. J. McL. Emmerson and Dr. J. Silver

Committee: Drs. R. L. C. Sutcliffe, A. H. Atkinson, P. M. Renou, D. Kennedy; Hon. Mr. Justice Tadgell, Hon. Mr. Justice Asche and Mr. G. Gronow.

FOREWORD

This Volume brings publication of the Proceedings up-to-date. The decade of delay has been eliminated by this and the previous Volume being produced under the reluctant pressure of the medical editor. He has returned to this role after a gap of nearly twenty years.

Some papers listed in the programmes are missing, due partly to their having been largely visual and partly to the discontinuance of the use by the Society of stenographers at its meetings.

We do not have a page index of subject matter but the references, acute or obtuse, to current or recent political and medical-legal disputes will remain the hunting ground of historians with enough initiative to investigate these illustrious volumes.

Again we are grateful to Rosemary and Peter Balmford for their help in proof-reading.

Douglas Graham John Hueston Honorary Editors