

THE PROCEEDINGS OF THE
MEDICO-LEGAL SOCIETY
OF VICTORIA

THE PROCEEDINGS OF THE
MEDICO-LEGAL SOCIETY
OF VICTORIA

During the Years

1975, 1976, 1977, 1978 and 1979

Edited by

DOUGLAS GRAHAM, Q.C.

and

JOHN HUESTON

Vol. XIII

BROWN PRIOR ANDERSON 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

	PAGE
Office-Bearers	
Foreword	
Trial by Doctor: Aspects of the National Compensation Scheme. By Mr. K. H. Marks, q.c.	
The Law is the Killer: A Re-Assessment of the Mental State Defences in Homicide. By Mr. Frank Galbally	
The Use and Abuse of Children. By Dr. Peter Jones	
The Anatomy of a Judge. By Mr. D. W. Rogers	
The Arts and the Professional Man. By Professor Peter Dennison	
An Examination of Stupidity. By Dr. Edward Ryan and Mr. R. K. Todd	
Discipline within the Legal Profession. By Mr. S. P. Charles, q.c.	
Secondary Punishment in the Penal Period in Australia: 1788-c. 1850. By Professor Bryan Gandevia	
How Liable is a Drunk? By His Honour Judge L. S. Lazarus	
Professional Senility. By Professor Eric F. Glasgow	
Carbon Monoxide and the Impaired Driver. By Dr. R. A. Westerman and Mr. A. Benjamin	
The Voluntary Mental Patient. By Mr. W. M. R. Kelly, q.c.	
Royal Commissions and Boards of Inquiry. By Mr. R. C. Tadgell, q.c.	
Patients' Problems: Doctors and their Families. By Dr. Norman Gold	
Reform and Reaction. By Dr. Anthony R. Moore	
Transsexualism. By Dr. W. A. W. Walters	

OFFICE-BEARERS
OF THE
MEDICO-LEGAL SOCIETY OF VICTORIA

1975-1976

President: Dr. Ainslie Meares

Vice Presidents: Hon. Mr. Justice Connor and Dr. J. J. Billings

Hon. Treasurer: Mr. P. C. Trumble

Hon. Secretaries: Mr. Douglas Graham and Dr. David Gale

Committee: Drs. F. M. C. Forster, J. W. Upjohn, J. P. Bush,
Professor H. Attwood and Dr. M. Cunningham;
Messrs. S. E. K. Hulme, q.c., Hon. Mr. Justice
Fullagar, Mr. R. K. Todd and Professor L. Waller

1976-1977

President: Hon. Mr. Justice Connor

Vice Presidents: Dr. J. J. Billings and Mr. S. E. K. Hulme, q.c.

Hon. Treasurer: Mr. P. C. Trumble

Hon. Secretaries: Mr. Douglas Graham and Dr. David Gale

Committee: Drs. F. M. C. Forster, J. W. Upjohn, J. P. Bush,
Professor H. Attwood and Dr. M. Cunningham;
Mr. D. W. Rogers, Hon. Mr. Justice Fullagar, Mr.
R. K. Todd, Professor L. Waller and Mr. R. H.
Searby, q.c.

1977-1978

President: Dr. J. J. Billings

Vice Presidents: Mr S. E. K. Hulme, q.c. and Dr. F. M. Forster

Hon. Treasurer: Mr. P. C. Trumble

Hon. Secretaries: Mr. Douglas Graham and Dr. David Gale

Committee: Drs. J. W. Upjohn, J. P. Bush, Professor H.
Attwood, Drs. L. M. Cunningham and R. L. C.
Sutcliffe; Mr. D. W. Rogers, Hon. Mr. Justice
Fullagar, Mr. R. K. Todd, Professor L. Waller and
Mr. R. H. Searby, q.c.

1978-1979

President: Mr. S. E. K. Hulme, q.c.

Vice Presidents: Dr. F. M. C. Forster and Mr. P. C. Trumble

Hon. Treasurer: Mr. W. E. Paterson, q.c.

Hon. Secretaries: Mr. Douglas Graham, q.c. and Dr. David Gale

Committee: Drs. J. W. Upjohn, J. P. Bush, Professor H. Attwood, Drs. M. Cunningham and R. L. C. Sutcliffe; Mr. D. W. Rogers, Hon. Mr. Justice Fullagar, Mr. R. K. Todd, Professor L. Waller and Mr. R. H. Searby, q.c.

1979-1980

President: Dr. F. M. C. Forster

Vice Presidents: Mr P. C. Trumble and Dr. J. W. Upjohn

Hon. Treasurer: Mr. W. E. Paterson, q.c.

Hon. Secretaries: Mr. Douglas Graham, q.c. and Dr. David Gale

Committee: Dr. J. P. Bush, Professor H. Attwood, Drs. M. Cunningham, R. L. C. Sutcliffe and A. H. Atkinson; Mr. D. W. Rogers, Hon. Mr. Justice Fullagar, Messrs. R. K. Todd, R. H. Searby, q.c. and Dr. J. McL. Emmerson.

FOREWORD

This Volume covers a five-year period and its publication is long overdue. The papers published however stand as responsible contributions to their subjects. In the tradition of this Society these subjects have frequently been contentious at the time of presentation. It is regretted that the frequently lively discussion can no longer be recorded in these proceedings.

This Volume does not include transcripts of addresses delivered to meetings of the Society in the relevant period which were not presented formally as papers and does not include transcripts of addresses and papers which have been fully or substantially published elsewhere whilst this Volume has been in preparation. The Society acknowledges its indebtedness to all those who have addressed it and presented papers to it during the period covered by this Volume.

The assistance in manuscript reading by Rosemary and Peter Balmford is gratefully acknowledged.

DOUGLAS GRAHAM

JOHN HUESTON

Honorary Editors