

Committee of Inquiry into Allegations
Concerning the Treatment of
Cervical Cancer at
National Women's Hospital and into
Other Related Matters, 1988

**The Report
of the
Cervical Cancer
Inquiry**

1988

**THE REPORT OF
THE COMMITTEE OF INQUIRY
INTO ALLEGATIONS CONCERNING
THE TREATMENT OF
CERVICAL CANCER AT
NATIONAL WOMEN'S HOSPITAL
AND INTO OTHER
RELATED MATTERS**

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Committee of Inquiry into Allegations
Concerning the Treatment of
Cervical Cancer at National Women's Hospital
and into Other Related Matters

Auckland
New Zealand

July 1988

Government Printing Office, Auckland

ADVISERS AND STAFF

Medical Advisers	Professor E V MacKay Professor of Obstetrics & Gynaecology, University of Queensland Dr Charlotte Paul Epidemiologist, University of Otago Medical School Dr Linda Holloway Pathologist, Department of Academic Pathology, University of Otago, Wellington School of Medicine
Counsel Assisting	Lowell Goddard QC Philippa Cunningham
Secretary to the Commission	Sallyann Thompson
Production Secretary	Nada Harvey
Staff	
Filing & Sound System	Stephen Crawford
Clerk & Counsellor	Alison Henry
Research Assistant	Lorraine Elliott
Clerk & Court Taker	Philippa Sullivan
Clerk	Durelle Marson
Clerk	Bronwyn Mataafa
Typist	Maureen Owen
Clerks (temporary)	Jan Hollister Vivien Koberstein Alofa Sua Sarah Gray

**Appointment of the Committee of Inquiry
into Allegations Concerning the Treatment of
Cervical Cancer at National Women's Hospital
and into Other Related Matters**

On 10 June 1987, a Committee of Inquiry was appointed and terms of reference published by gazette notice.

On 25 June 1987, two further gazette notices were published. The first settled amendments to the original Terms of Reference which (as amended) stated:

Appointment of Committee of Inquiry into Allegations
Concerning the Treatment of Cervical Cancer
at National Women's Hospital and into
Other Related Matters

To all to whom these presents shall come, and to:

SILVIA ROSE CARTWRIGHT of
Auckland, a District Court Judge

Whereas Sandra Coney and Phillida Bunkle have made, in an article published in the issue of "Metro" of June 1987 at pages 46 to 65 (hereinafter referred to as "the Metro article"), allegations concerning the treatment of cervical cancer at the National Women's Hospital: And whereas it is desirable that inquiry should be made into the treatment of cervical cancer at that hospital:

NOW, THEREFORE, PURSUANT to section 13 (3) of the Hospitals Act 1957, I, MICHAEL EDWARD RAINTON BASSETT, Minister of Health, hereby appoint you, the said Silvia Rose Cartwright, to be a Committee of Inquiry to inquire into –

- (1) Whether, as alleged in the Metro article, there was a failure adequately to treat cervical carcinoma insitu (CIS) at the National Women's Hospital, and if so, the reasons for that failure and the period for which that failure existed:
- (2) Whether, as alleged in the Metro article, a research programme into the natural history of CIS of the genital tract was conducted at the National Women's Hospital and, if so, –
 - (a) Whether it was approved by any person or body before it was instituted or while it was underway; and
 - (b) Whether patients examined or treated in the course of the programme were aware that they were participants in a research programme?
 - (c) Whether any expressions of concern about the programme were considered and investigated at the time, and if so, by whom?
- (3) Whether there is a need to contact women who have been referred to or treated for CIS at the National Women's Hospital with a view to providing further advice or treatment or both to them?
- (4) Whether the procedures observed at the National Women's Hospital for the approval of research and/or treatment, and for its surveillance are adequate, and, in particular whether they ensure that the rights of patients, are protected?
- (5) What steps, if any, need to be taken to improve the protection of patients in respect of whom research and/or treatment, is conducted at the National Women's Hospital?
- (6) Whether patients at the National Women's Hospital are properly informed of the treatment and options available to them and, if not, the steps that need to be taken to see that they are?

- (7) (a) What training has been and is being given at the National Women's Hospital to medical students and medical practitioners in relation to the proper detection and treatment of cervical cancer and pre-cancerous conditions of the genital tract?
- (b) Should steps be taken to improve this training, or to inform previous trainees about the proper detection and treatment of cervical cancer and pre-cancerous conditions of the genital tract?
- (8) The nature of the relationships between the academic and clinical units at the National Women's Hospital.
- (9) Any other matter which in your opinion is relevant to the detection and treatment at the National Women's Hospital of cervical cancer and pre-cancerous conditions of the genital tract or to the foregoing Terms of Reference or to both.

And, in accordance with section 13(3) of the Hospitals Act 1957, I direct that you, the Committee, shall have the powers of a Commission under the Commissions of Inquiry Act 1908, and the provisions of that Act, except sections 11 and 12 (which relate to costs), shall apply as if the inquiry were an inquiry under that Act:

And for better enabling you to carry these presents into effect you are hereby authorised and empowered to make and conduct any inquiry under these presents in accordance with the Commissions of Inquiry Act 1908, at such times and places as you consider expedient, with power to adjourn from time to time and from place to place as you think fit, and so that these presents shall continue in force and the inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

And you are hereby strictly charged and directed that you shall not at any time publish or otherwise disclose, save to me in pursuance of these presents or by my direction, the contents or purport of any report so made or to be made by you, or any evidence or information obtained by you in the exercise of the powers hereby conferred upon you, except such evidence or information as is received in the course of a sitting open to the public:

And it is hereby declared that you have liberty to report your proceedings and findings from time to time if you shall judge it expedient to do so:

And, using all due diligence, you are required to report to me in writing under your hand not later than the 31st day of August 1987 your findings and opinions on the matters aforesaid, together with such recommendations as you think fit to make in respect thereof.

Dated at Wellington this 25th day of June 1987

Michael Bassett
MINISTER OF HEALTH

The second gazette notice stated

The Hospitals Medical Information Notice 1987

PURSUANT to section 62(4)(k) of the Hospitals Act 1957, the Minister of Health hereby gives the following notice

NOTICE

1. **Title and commencement** — (1) This notice may be cited as the Hospitals Medical Information Notice 1987.

(2) This notice shall come into force on the day after the date of its publication in the Gazette.

2. **Disclosure of medical information to committee of inquiry** – (1) Any person to whom section 62 of the Hospitals Act 1957 applies may, in accordance with subsection (4)(k) of that section, disclose to any of the persons named in subclause (2) of this clause any information -

- (a) Which concerns the condition or medical history of any person who is or has been a patient at the National Women's Hospital, being a condition or medical history that is relevant to the inquiry being conducted by the Committee of Inquiry described in paragraph (b) of this clause; and
- (b) Which is required by any of the persons named in subclause (2) of this clause for all or any of the purposes of the Committee of Inquiry into Allegations Concerning the Treatment of Cervical Cancer at National Women's Hospital and into Related Matters, which was established, by Warrant dated the 10th day of June 1987.

(2) The persons to whom information may be disclosed in accordance with section 62(4)(k) of the Hospitals Act 1957 pursuant to subclause (1) of this clause are:

SILVIA ROSE CARTWRIGHT, of Auckland, District Court Judge;
LOWELL PATRIA GODDARD, of Auckland, Barrister;
CHARLOTTE ENTRICAN PAUL, of Dunedin, Medical Practitioner.

Dated at Wellington this 25th day of June 1987.

Michael Bassett
MINISTER OF HEALTH

Subsequently on three occasions, time for reporting was extended by gazette notice from the original reporting date of 31 August 1987 to the final date of 29 July 1988.

COUNSEL AND PARTIES APPEARING

Assisting Commission

Lowell Goddard QC
Philippa Cunningham

For the authors of the 'Metro' Article, for 'Ruth', for Fertility Action and for two patients

Dr R E Harrison
Mr M J S Okkerse

For Dr Green and Professor Bonham

Mr D B Collins
Mr C C Nicoll

For Dr McLean, Dr Jones and the Estate of Dr McIndoe

Mr H B Rennie
Mr C J Hodson
Jane Lovell-Smith

For Dr Faris

Mr S B W Grieve

For the Auckland Division of the Cancer Society

Mr T W H Kennedy-Grant
Mr J H Bradbury

For the University of Auckland and for Dr Jamieson

Mr R J Bollard
Hannah Sargisson

For the Auckland Hospital Board

Mr D S Morris
Mr G C Hollister-Jones

For NZ Nurses Association

Mr J Robson

For NZ Medical Association

Mr J W Gendall

For Ministry of Women's Affairs

Linda Kaye

Mr P B Temm QC also appeared

SCHEDULE OF WITNESSES

- I. **APPEARING AT THE INQUIRY** (in the order they appeared)
 1. **Dr Linda Holloway**
Department of Academic Pathology, University of Otago,
Wellington School of Medicine
Wellington
 2. **Professor A V Campbell**
Edinburgh, Great Briatain
Visiting Professor of Biomedical Ethics, University of Otago Medical School
David Nathan Visiting Professor, University of Auckland Medical School
 3. **Professor R J Seddon**
Professor of Obstetrics and Gynaecology, University of Otago Medical School
Dunedin
 4. **Sandra Coney**
Journalist
Co-author of "An 'Unfortunate Experiment' at National Women's", and organiser for
Fertility Action
Auckland
 5. **'Ruth'**
Patient in 'Metro' article. Code 3X
 6. **Patient**
Code 5R1
 7. **Patient**
Code 8K
 8. **Patient**
Code 7V
 9. **Husband of Patient**
Code 7V
 10. **Daughter of Patient**
Code 1H
 11. **Patient**
Code 3L
 12. **Patient**
Code 10L
 13. **Patient**
Code 3W1
 14. **Patient**
Code 1W1
 15. **Patient**
Code 6W1
 16. **Patient**
Code 8S
 17. **Patient**
Code 6Q
 18. **Patient**
Code 6F

19. **Dr G H Green**
Former Associate Professor of Obstetrics and Gynaecology, National Women's Hospital
Auckland
20. **Professor R M Richart**
Professor of Pathology, Columbia University College of Physicians and Surgeons,
New York City
Director of Obstetrical and Gynaecological Pathology Presbyterian Hospital,
New York City
New Jersey, USA
21. **Dr J A Jordan**
Consultant Obstetrician and Gynaecologist and Director of Clinical Services,
Birmingham and Midlands Hospital for Women and Birmingham Maternity Hospital
Birmingham, UK
22. **Dr E C Pixley**
Executive Director of Medical Services, St Anne's Hospital, Perth
Australia
23. **Professor D G Bonham**
Professor of Obstetrics and Gynaecology, National Women's Hospital
Head of Postgraduate School, Department of Obstetrics and Gynaecology,
University of Auckland Medical School
Auckland
24. **Dr S Noda**
Director of Cytopathology and Gynaecology, Osaka Cancer Prevention and Detection Centre
Assistant Professor of Obstetrics and Gynaecology, Osaka City and Kansai Medical University
Osaka, Japan
25. **Dr M Ueki**
Assistant Professor of Obstetrics and Gynaecology, Chief Surgeon, Osaka Medical School
Chief of Cancer Detection Clinic, Osaka Medical Association
Osaka, Japan
26. **Dr C Laverty**
Specialist Gynaecological Histopathologist and Cytologist
Sydney, Australia
27. **Dr G R Duncan**
Consultant Gynaecologist to the Wellington Hospital Board
President of the Royal New Zealand College of Obstetrics and Gynaecology
Wellington
28. **Dr M A H Baird**
Part-time Visiting Specialist to National Women's Hospital
Chairman of New Zealand Medical Association
Auckland
29. **Dr I B Faris**
Part-time Visiting Specialist to National Women's Hospital
Auckland

30. **Dr B V Kyle**
Part-time Visiting Specialist to National Women's Hospital
Auckland
31. **Dr R F Moody**
Former Medical Superintendent-in-Chief of the Auckland Hospital Board
Auckland
32. **Miss K A Owen**
Clerical Assistant and Secretary in charge of the Consultation Clinic,
National Women's Hospital
Auckland
33. **Dr R A Warren**
Former Medical Superintendent, National Women's Hospital
Auckland
34. **Professor C D Mantell**
Professor of Obstetrics and Gynaecology, Postgraduate School, University of
Auckland Medical School
Specialist Obstetrician and Gynaecologist, National Women's Hospital and
Middlemore Hospital
Auckland
35. **Dr B W Grieve**
Honorary Consultant Gynaecologist to National Women's Hospital
Auckland
36. **Professor D S Cole**
Dean of the University of Auckland Medical School
Deputy-Chairman, New Zealand Medical Council
Auckland
37. **Dr V Pasupati**
Specialist Radiotherapist, Auckland Hospital
Auckland
38. **Associate-Professor J C Probert**
Associate-Professor of Oncology, University of Auckland Medical School
Head of Department of Clinical Oncology, Auckland Hospital
Auckland
39. **Professor D G Skegg**
Professor of Preventive and Social Medicine and Director of Hugh Adam Cancer
Epidemiology Unit, University of Otago Medical School
Dunedin
40. **Dr A J Gray**
Consultant Radiation Oncologist to the Wellington Hospital Board
Medical Director of the Cancer Society of New Zealand
Wellington
41. **Mrs M Vennell**
Senior Lecturer in Law, University of Auckland
Auckland
42. **Mrs E M Barnes**
Registered General and Maternity Nurse
Auckland

43. **Dr J V Hodge**
Director of the Medical Research Council of New Zealand
Auckland
44. **Mr M Churchouse**
Charge Technologist, Cytology Laboratory,
National Women's Hospital
Auckland
45. **Dr P Davis**
Senior Lecturer in Medical Sociology,
Department of Community Health, University of Auckland Medical School
Auckland
46. **Dr L H Wright**
Part-time Visiting Specialist to National Women's Hospital
Auckland
47. **Dr G B Collison**
Medical Superintendent of National Women's Hospital
Auckland
48. **Dr A L Honeyman**
Medical Superintendent-in-Chief of the Auckland Hospital Board
Auckland
49. **Dr M R McLean**
Pathologist in Charge, National Women's Hospital
Auckland
50. **New Zealand Nurses Association (Inc)**
Auckland Branch,
Northern Regional Office
51. **Mrs M E Whaley**
Daughter of the late Dr W A McIndoe
Auckland
52. **Dr M G Jamieson**
Senior Lecturer in Obstetrics and Gynaecology, Postgraduate School of Obstetrics
and Gynaecology, University of Auckland Medical School
Specialist Gynaecologist, National Women's Hospital
Auckland
53. **Dr A R McIntosh**
Part-time Visiting Specialist to National Women's Hospital
Auckland
54. **Dr R W Jones**
Part-time Visiting Specialist to National Women's Hospital
Auckland
55. **Dr P M Barham**
Sir William Goodfellow Director of Continuing Medical Education in General Prac-
tice, Department of Postgraduate Affairs, University of Auckland Medical School
Auckland
56. **The Health Alternatives for Women**
57. **The Auckland Y.W.C.A.**
58. **The Glenfield Women's Community Health Co-operative**

- 59. **Mrs E Davis**
Principal Nurse, National Women's Hospital
Auckland
- 60. **Ministry of Women's Affairs**
- 61. **New Zealand Nurses Industrial Union of Workers**
- 62. **Professor P Kolstad**
Research Chief, Norwegian Hydros Institute for Cancer Research
Oslo, Norway
- 63. **The Nurses Society of New Zealand**
- 64. **Fertility Action**

II ADMITTED BY CONSENT

- 65. **Professor D E Richmond**
Professor of Geriatric Medicine, North Shore Hospital
Auckland

III INTERVIEWED BEFORE JUDGE CARTWRIGHT IN SYDNEY, AUSTRALIA

- 66. **Dr J W Donovan**
First Assistant Secretary, Australian Department of Health
Canberra, Australia
- 67. **Dr M Coppleson**
Head of Gynaecological Oncology Department, King George V Memorial
Hospital, Royal Prince Alfred Hospital
Sydney, Australia

IV INTERVIEWED PRIVATELY BY JUDGE CARTWRIGHT

- 68. **81 Patients or Relatives of Patients**
Of this group, 11 gave evidence and were available for cross examination by counsel or parties. Three patients separate to the 81 interviewed privately also gave evidence in this manner. The general public and media were excluded from this part of the hearings.
- 69. **Four nurses** who preferred to be interviewed in private.
- 70. **Two General Practitioners**

V MEETINGS WITH JUDGE CARTWRIGHT

- 71. **Nurses from National Women's Hospital**
- 72. **Social Workers from National Women's Hospital**
- 73. **A Group of Samoan Women**
- 74. **Te Whare Tangata**
A group of Maori women interested in the Inquiry

CONTENTS

	<i>Page</i>
Letter of Transmittal	19
Acknowledgements	20
1. THE 1966 PROPOSAL	21
KNOWLEDGE OF THE INVASIVE POTENTIAL OF CERVICAL CARCINOMA IN SITU BEFORE 1966	23
MANAGEMENT OF CIS BEFORE 1966 –	24
Outside New Zealand	
At National Women's Hospital	25
Management of CIS by Dr Green prior to 1966	26
DIAGNOSTIC TECHNIQUES IN 1966	27
Cytology and the Papanicolaou smear test	28
Colposcopy	29
Histopathology	30
Co-operation in diagnosis	32
DISCUSSION OF THE 1966 PROPOSAL BY THE SMS AND HMC	32
Was the word 'invariably' part of the stated aim?	32
Other comments on the SMS discussion	34
SAFEGUARDS IN THE 1966 PROPOSAL	36
CONCLUSIONS	38
2. THE 1966 PROPOSAL IN OPERATION	39
THE PUNCH BIOPSY SERIES	39
Management by punch biopsy	39
The use of colposcopically-directed punch or wedge biopsy alone	39
Confusion over terminology	40
Summary and conclusions	41
MULTIPLE CONE BIOPSIES	42
The experiences of patients	43
Summary and conclusions	46
CONSERVATION OF THE UTERUS	46
Summary and conclusions	48
THE SAFEGUARDS	49
Were the safeguards observed?	49
Follow-up of patients	49
Diagnosis of invasive cancer	51
Summary and conclusions	53
THE COST OF THE 1966 PROPOSAL	53

	<i>Page</i>
2. PUBLISHED PAPERS BY DR G.H. GREEN	53
Effects of Dr Green's papers	56
Publications after 1974	57
PAPERS BY DR W.A. McINDOE, DR M.R. McLEAN, DR R.W. JONES AND P.R. MULLINS	57
Summary and conclusions	60
3. WAS IT A RESEARCH PROPOSAL?	61
DEFINITIONS OF RESEARCH	61
Research programme	62
Observational research	62
Experimental research	62
WAS THE 1966 PROPOSAL RESEARCH?	63
The aim of the Proposal	64
Other indications that it was a research proposal	64
RESEARCH PROJECT OR NEW TREATMENT PROTOCOL – Significance for the patient?	66
DESIGN OF THE 1966 RESEARCH PROPOSAL	66
THE ETHICAL PERSPECTIVE	67
CONCLUSIONS	68
4. EXPRESSIONS OF CONCERN	70
DR McINDOE'S INTERVENTIONS	70
June 20, 1966	70
Action after 1966	72
Summary and conclusions	74
THE 1975 WORKING PARTY	75
Comment on Dr Green's memorandum	81
The Working Party's Report	84
Conclusions	88
COLPOSCOPIC SERVICES	88
THE INTERNATIONAL DEBATE	88
THE 1984 AND 1986 PAPERS	91
THE ARTICLE IN 'METRO' MAGAZINE	94
Was the magazine article accurate?	95
Conclusions	99
THE MEDICAL PROFESSION'S RESPONSE FROM 1966 TO 1986	99
CONCLUSIONS	101

	<i>Page</i>
5. ADEQUATE MANAGEMENT OF CIS	103
Arguments and submissions on Term of Reference One	103
EXPERT OPINION	105
METHODS OF DIAGNOSIS AND TREATMENT	106
The aim of treatment	107
Other aspects of adequate diagnosis and management	107
Cytology	108
Pathology	108
The dangers of lack of collaboration	109
MICROINVASION	111
Case history	113
FURTHER DIMENSIONS OF PREINVASIVE DISEASE OF THE GENITAL TRACT	114
The sacredness of the genital tract	115
The emotional and social impact of disease of the genital tract	117
SUMMARY AND CONCLUSIONS	119
6. TERM OF REFERENCE THREE	121
REVIEW OF FILES FROM 1977 ON	122
WHAT ACTION IS NOW NEEDED?	123
Locating the patient	123
Treatment	123
Independent assessment	124
Contacting the patient	125
Cases reviewed during the Inquiry	125
All other patients who have been treated for CIS of the cervix	125
Women who had CIS with microinvasion	126
Displasia	126
7. ETHICS AND PATIENT RIGHTS	127
Historical background	127
CLINICAL FREEDOM	127
PEER REVIEW	129
INFORMED CONSENT	132
Legal comment on informed consent	134
Informed consent and the 1966 trial	136
Modern concepts	137

	<i>Page</i>
7. RESEARCH PROTOCOLS	139
Scientific validity	139
Ethical validity	140
Summary of criteria for research projects	142
THE ROLE OF THE ETHICAL COMMITTEE	142
National Women's Hospital Ethical Committee	144
Obligations to the public	148
Summary and conclusions	151
PROCEDURES FOR APPROVING TREATMENT AND ITS SURVEILLANCE	151
The case for treatment protocols	152
PATIENTS' RIGHTS – What did they know?	153
RIGHTS IN TREATMENT	157
Written consent	157
Verbal consent	158
Code of Rights	159
Interpreters	159
TREATING THE PATIENT WITH DIGNITY	159
Privacy and modesty	159
Colposcopy	160
Out-patient clinics	160
Case history forms	161
The patient with invasive cancer	162
CONSENT TO INCLUSION IN CLINICAL TRIALS	167
Inclusion in more than one trial	168
Summary	170
HOW FAR SHOULD ETHICAL MATTERS AND PATIENTS' RIGHTS BE REGULATED?	171
In National Women's Hospital	173
Outside National Women's Hospital	174
8. THE RELATIONSHIP BETWEEN THE ACADEMIC AND CLINICAL UNITS AT NATIONAL WOMEN'S HOSPITAL	177
ADMINISTRATION	177
THE NATURE OF THE RELATIONSHIPS	178
The Hospital Medical Committee	178
The Medical Superintendent	179
THE EFFECT OF THE DISPUTES	181
Summary and conclusions	181
9. TEACHING	183
TEACHING NOTES	183
TEXTBOOK MATERIAL	184

	<i>Page</i>	
9.	THE NWH MESSAGE TO OTHER PRACTITIONERS	184
	THE VALUE OF CYTOLOGY	186
	SEXUAL TRANSMISSION OF CIS	188
	TEACHING STANDARDS AND TECHNIQUES	190
	Recertification	190
	Clinical teaching	190
	Clinical teaching in the future	191
	ARCHIVAL MATERIAL HELD AT NWH	192
	Cytology	192
	Histology	193
	Teaching	193
	CONCLUSIONS	193
	Teaching standards	193
	Disseminating information to previous trainees	194
	Students	194
	Research	194
	Patients	194
10.	CERVICAL SCREENING	196
	THE ETHICAL PROBLEMS OF SCREENING	197
	IS CERVICAL SCREENING EFFECTIVE?	197
	PRESENT SCREENING PROCEDURES IN NEW ZEALAND	200
	PROBLEMS IN IMPLEMENTING SCREENING	202
	Universal coverage of the population	202
	False negative smear reports	203
	Laboratory workloads and standards	204
	Colposcopic facilities	205
	Leadership	205
	Combating NWH influence	206
	INTRODUCING AN EFFECTIVE PROGRAMME	206
	What action is already underway?	207
	RECOMMENDATIONS	208
11.	A SUMMARY OF FINDINGS AND RECOMMENDATIONS	210
	TERM OF REFERENCE ONE	210
	TERM OF REFERENCE TWO	211
	TERM OF REFERENCE THREE	211
	TERM OF REFERENCE FOUR	212
	TERM OF REFERENCE FIVE	212
	TERM OF REFERENCE SIX	215

TERM OF REFERENCE SEVEN	215
TERM OF REFERENCE EIGHT	216
TERM OF REFERENCE NINE	216

APPENDICES

1.	Glossary of Medical Definitions	219
2.	Procedure for the Inquiry	224
3.	Medical Review	228
4.	List of Associate Professor Green's relevant papers	238
5.	Dr W A McIndoe's memorandum of 14 December 1973	239
6.	Dr M R McLean's memorandum of 10 May 1974	244
7.	'The Invasive Potential of Carcinoma in Situ of the Cervix' (1984 paper)	247
8.	'Carcinoma in Situ of the Vulva: A review of 31 treated and five untreated cases' (1986 paper)	258
9.	'Declaration of Helsinki 1964'	265
10.	Case notes of Patient Code 10G	268
11.	Case notes of Patient Code 3X	275
12.	Some deaths in patients with positive cytology	287
13.	Schedule of Submissions received	288

LETTER OF TRANSMITTAL

The Honourable David Caygill
Minister of Health
WELLINGTON

Dear Minister,

By Warrant dated 10 June 1987, I was appointed a Committee of Inquiry pursuant to Section 13 (3) of the Hospitals Act 1957 to inquire into certain matters concerning the treatment of cervical cancer at National Women's Hospital. On 25 June 1987, the terms of the inquiry were amended and notice given pursuant to section 62 (4) (k) of the Hospitals Act 1957, empowering me to obtain for the purposes of the Inquiry, details of the condition or medical history of any person who is or has been a patient at the National Women's Hospital.

My original date for reporting was 31 August 1987. Time for reporting was extended on three occasions, first to 31 March 1988, then to 20 June 1988 and finally to 29 July 1988.

My report draws heavily on patients' statements or records. In order to preserve confidentiality, I have coded their names and hospital record numbers where they appear in the report.

In addition to my formal report, I have given you three separate, confidential lists.

1. The names and brief details of 123 women who need further treatment or advice pursuant to Term of Reference Three.
2. A list of the coded patients' names, and hospital record numbers.
3. A list containing the names and brief details of all patients who gave evidence, whose records were mentioned in the report or whose treatment or condition has been discussed by a witness, or by my medical advisers during the Inquiry. The purpose of this list is to allow patients or their relatives as appropriate to have access to this information.

I submit my report for your consideration.



SILVIA CARTWRIGHT
DISTRICT COURT JUDGE

Dated 29 July 1988

ACKNOWLEDGEMENTS

Above all, my thanks are due to the 84 patients and their relatives who were willing to meet me privately or in the hearing room. They discussed with me their health, their most personal experiences and their feelings. Most wanted to express their gratitude for the care they had received at National Women's Hospital. Some, however, were distressed or angry and confused. Some were themselves seriously ill or had relatives who had died. They were all motivated by a wish to help other people: their doctors, other women, or me. It has been an honour to meet these people.

My thanks are also due to those who have worked with me during the past year. In particular, Dr Charlotte Paul, Professor Eric MacKay, Nada Harvey, Lowell Goddard, Sallyann Thompson and Stephen Crawford have all made personal and professional sacrifices. On behalf of the patients, I thank them for the support and encouragement shown to me and to each other.

Many witnesses who gave evidence at the Inquiry were generous with their time and their expertise. Many travelled long distances to do this. I am grateful to all of them for their invaluable assistance.

I also wish to acknowledge the work of Louise Callan, editor, Dr Karen Poutasi, Chief Health Officer, Department of Health, Lyell Fitchett and the Auckland Department of Health.

