

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

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**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

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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.

