

**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**

**1988**

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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 RE Harrison  
Mr MJS Okkerse

### **For Dr Green and Professor Bonham**

Mr DB Collins  
Mr CC Nicoll

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

Mr HB Rennie  
Mr CJ Hodson  
Jane Lovell-Smith

### **For Dr Faris**

Mr SBW Grieve

### **For the Auckland Division of the Cancer Society**

Mr TWH Kennedy-Grant  
Mr JH Bradbury

### **For the University of Auckland and for Dr Jamieson**

Mr RJ Bollard  
Hannah Sargisson

### **For the Auckland Hospital Board**

Mr DS Morris  
Mr GC Hollister-Jones

### **For NZ Nurses Association**

Mr J Robson

### **For NZ Medical Association**

Mr JW Gendall

### **For Ministry of Women's Affairs**

Linda Kaye

Mr PB 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.