

ADF NURSES INFORMATION
NEWSLETTER - JULY 2002

July has been a very busy but exciting month for nursing in the ADF. On the 8th and 9th July, DDFN visited ALTC and met with members to discuss the Career Progression Path. A decision was made to bring RAANC officers into service to coincide with scheduled SSO courses. Along with this development of a health induction course is being investigated.

On the 11 - 12th July we visited Adelaide to meet with the Nurses Board of South Australia to discuss Nurse Practitioners and how the ADF nurses could participate in the program. The Board members were extremely receptive and indicated that they would be willing to examine ADF nursing officers who could be authorised to practice as a Nurse Practitioner. The Board members were also very keen to maintain communication with DDFN on a wide range of initiatives.

The visit to Adelaide also gave us the opportunity to attend a working lunch at Keswick Barracks and meet with permanent and reserve nursing officers from the area. All were enthusiastic about the 'way ahead for ADF nursing'. There is quite a lot of interest in the ADF nurses Forum in November with some of the nursing officers submitting abstracts for presentation at the forum. Issues relating to the ADF Nursing Officer Career Pathway were also discussed.

On the 16th July we attended a meeting with the New South Wales Nurses Registration Board in Sydney to discuss how ADF nurses might be authorised as Nurse Practitioners. The diverse role and functions of the ADF nursing officer was discussed with the members and there is potential for inclusion for the MNP within the NSWNRB guidelines. DDFN holds the view that it is possible to progress the Military Nurse Practitioner within the guidelines of either SA and/or NSW.

Interest in the ADF Nurses Forum is high, however, we still need people to send in abstracts for papers to be presented. If there are questions or queries relating to any aspect of nursing within the ADF we urge you to forward them to us as they arise and not hold them until November. DDFN has an open line of communication and is happy to answer your queries at any time.

Input into this newsletter is also encouraged, if there are any conferences, seminars, news, websites etc that could be shared please forward them to us for inclusion.

Q&A: Legal minefield of IVF 'mistake'

(Original article from http://news.bbc.co.uk/1/hi/english/health/newsid_2116000/2116589.stm).

Adapted by FLGOFF Hyder Gulam
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LLB Barrister and Solicitor of the Supreme Court of the ACT

Recently, a white couple undergoing IVF treatment have had black twins after a blunder at a fertility clinic. Not only did it spark an unprecedented legal debate over how it could happen and who the 'lawful' parents are, but the debate in my house also reflected the popular debate in society. In trying to answer some of spouse's question about the legality of the situation I stumbled upon this article on the web. Although, both Australia and the UK are common law systems, there are subtle differences. I have adapted it to suit Victorian legislation where possible. The author was Penney Lewis, a lecturer in law at King's College London.

How would a court decide who is the legal mother of the twins?

Under the Human Fertilisation and Embryology Act 1990 (UK – no similar legislation in Victoria), the woman who gave birth to the twins is their legal mother.

What if the wrong egg was used?

The woman who gave birth to the twins will still be their legal mother regardless of whether she is their genetic mother. If the sperm used was from her husband or partner, then he will be both the genetic and the legal father of the twins.

If the wrong sperm was used, who is the legal father of the twins?

Here the legal issues become more complicated.

If the woman who gave birth to the twins is married, then under the Human Fertilisation and Embryology Act her husband will be the legal father provided he consented to the IVF procedure. Even if he did consent to the IVF, it could be argued by the other couple that he did not consent to IVF using the wrong embryos and thus his consent was not valid.

Then paternity could be determined genetically.

What if they are not married?

Ironically, it may be easier for the partner of the woman who gave birth to the twins to be their legal father if the couple is not married. This is because he will be considered to be the legal father as long as he and his partner were receiving treatment services together under the HFEA 1990 (UK), which they were, even though arguably they did not receive the treatment services to which they had consented.

What if it turned out that a fertilised egg from the black couple was wrongly implanted in the white mother?

Even if there is no genetic link between the white couple and the twins, the legal issues do not change. The white mother will still be the legal mother, and the issue of legal fatherhood will be determined as discussed above.

Has there ever been such a legal case in Australia?

No. There have been similar cases in the US, the Netherlands and the UK but not in Australia, as yet.

Does either couple have legal redress against the doctors or clinic?

The woman who gave birth to the twins may have an action in battery against the doctors and the clinic as she did not consent to the treatment she eventually received: the embryos placed in her were not the embryos she had consented to.

Both couples may have actions in negligence against both the clinic and the doctors if it is found that they fell below the standard of care to be reasonably expected of them.

Could the doctors be criminally liable ?

The doctors and the clinic have not committed a criminal offence under the Human Fertilisation and Embryology Act 1990 (UK) so it is unlikely that they could be criminally prosecuted.

What level of compensation or damages might either set of parents expect ?

The woman who gave birth to the twins might receive damages for battery compensating her for the nonconsensual invasion of her bodily integrity. All four might receive damages for psychiatric injury based on shock.

Might the clinic or doctors face disciplinary action?

If a complaint of misconduct were filed against the doctors involved then the Medical Board of Victoria would investigate it. There has also been a breach of the clinic's licence conditions.

The licence could be reviewed by the Infertility Treatment Authority (Victoria) and possibly revoked.

CONFERENCES AND NURSING EXPOS

<i>DATE</i>	<i>TITLE</i>	<i>VENUE</i>
24-26 July 2002	RCNA and STTI present the 13th International Research Conference: The adventures of nursing practice through research: How far have we come?	Brisbane Sheraton 249 Turbot Street Brisbane QLD AUSTRALIA
26 & 27 July 2002	Rural Critical Care 2nd Conference This Rural Critical Care Conference has been organised by Clinical Nurse Consultants for Rural Emergency Services NSW for the benefit of hospital and pre-hospital clinicians working in rural and remote areas.	The Commercial Club Dean St Albury NSW AUSTRALIA
Sunday 28 July 2002	Nursing Careers, Education and Employment Expo - Brisbane Open from 10am - 4pm and entry is FREE	Brisbane Sheraton 249 Turbot Street Brisbane QLD AUSTRALIA
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1- 4 September 2002	Title of the conference is "Health Care in Focus - Best Practice, Best Management, Best Measurement (Incorporating the 14th Casemix Conference)" Conference Secretariat: Conference Logistics Tel 02 6281 6624 Fax 02 6285 1336	Hotel Sofitel 25 Collins Street Melbourne Victoria

<i>DATE</i>	<i>TITLE</i>	<i>VENUE</i>
31 October - 2 November 2002	<p>International Nurse Practitioner/Advanced Practice Nursing Network Conference - Making the future: Practice, policy and partnerships</p>	<p>Venue: Hilton Adelaide, Victoria Square, Adelaide Adelaide SA AUSTRALIA</p>
21 - 22 February 2003	<p>5th National Breast Care Nurses Conference: Total Care The Conference Committee invites you to participate in the Conference programming by submitting an abstract that describes innovative practice in the area of Breast Cancer Care.</p>	<p>Exhibition and Convention Centre Melbourne</p>
27 - 29 June 2003	<p>ICN - Building Excellence Through Evidence Conference This event initiates ICN's new series of biannual conferences focusing on the critical priorities in delivering quality health care internationally. Evidence, leadership, quality care and human resource issues will dominate the conference programme, just as they dominate the current health care environment.</p>	<p>Marrakech, Morocco</p>

<i>DATE</i>	<i>TITLE</i>	<i>VENUE</i>
27 - 28 October 2003	<p>6th International Conference on the Regulation of Nursing and Midwifery</p> <p>Australia was successful in the bid to hold the 6th International Conference on Regulation of Nursing and Midwifery in 2003 in Melbourne. Both the Nurses Board of Victoria and the Nursing Board of Tasmania will host the meeting in association with ANCI. This will be the first time that the conference will have been held in the Southern Hemisphere since its establishment in 1993. The theme of the Conference will be "Innovations in Regulation". It will be held on 27-28 October 2003. If you would like to receive information about the Conference in the future email your details to conference@anci.org.au.</p>	Melbourne VIC

Call: 1800 061 660 or email: conf@rcna.org.au for more information on the Conferences and Expos listed above, or visit the Royal College of Nursing Web site at www.rcna.org.au.

On the 26th June 2002 The Senate Community Affairs Committee released:

THE PATIENT PROFESSION: TIME FOR ACTION

Report on the Inquiry into Nursing

This is quite a large document but worth taking the time to look through, it can be found on the Parliament of Australia Senate web site:

www.aph.gov.au/senate/committee/clac_ctte/nursing/

The Commonwealth Department of Education Science and Training's **National Review of Nursing Education** website has some very interesting information included within the submissions and is well worth a visit, the address is:

www.dest.gov.au/highered/programmes/nursing

7TH AND 8TH NOVEMBER 2002

FIRST ANNUAL ADF NURSES FORUM

"LEADERSHIP - NO BARRIERS, NO BOUNDS"

CALL FOR ABSTRACTS, CLOSING DATE 29TH JULY 2002

VENUE: MILITARY THEATRE,

AUSTRALIAN DEFENCE FORCE ACADEMY

CAMPBELL ACT 2600

INQUIRIES TO: SO1 NURS ph(02) 62663085 OR

E-MAIL lyn.burnett@cbr.defence.gov.au

Further details to be published as they become available.