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JUDGMENTS

New South Wales

12 June 2014 - [Rosten v Mid North Coast Local Health District \[2014\] NSWIRComm 29](#)

This was an unfair dismissal claim made by a nurse against a hospital heard by the New South Wales (NSW) Industrial Relations Commission. The nurse was summarily terminated from her employment at the hospital on the basis of misconduct.

The hospital had formed the view that the nurse had abused a patient by slapping her across the face twice, manually handling the patient in a rough and uncaring manner and referred to her in a derogatory manner during a night shift. The nurse denies that these events occurred and asserted the patient was mistaken in her complaint. The decision maker of the hospital acknowledged he had accepted the information made in the complaint without an independent inquiry and had not seen the complete medical records.

The Commission found on the balance of probabilities that the nurse did not abuse the patient because of the absence of any sign of injury to the patient, the lack of complaint by her to the examining doctor, the continual calling for her daughter through the night, the propensity to delusional experience, the absence of any reaction by the patient to the alleged slap, the inherent unlikelihood that if a nurse lost her temper she would slap an aged patient twice in the same manner and the uncertainty of time and location of the alleged offence.

Therefore, the Commission determined the termination of the nurse's employment was harsh, unreasonable and unjust and ordered she be reinstated with no loss of wages or continuity of service.

12 June 2014 - [Health Care Complaints Commission v Piper \[2014\] NSWCATOD 62](#)

Unsatisfactory professional conduct and professional misconduct, supply and administration of S4 drugs without prescription or supervision of a medical practitioner; suspension of registration.

6 June 2014 - [Dr A v Health District \[2014\] NSWIRComm 28](#)

Appeal - Application for leave to appeal and appeal by medical practitioner from a decision to revoke a non-disclosure order applying to the medical practitioner and others - Threatened dismissal of medical practitioner for alleged misconduct - Non disclosure orders made to protect identity of medical practitioner pending outcome in substantive proceedings - Application to revoke non-disclosure orders prior to substantive hearing - Application granted - Adequacy of reasons of tribunal in revoking non-disclosure orders - Test to be applied under s 164A(3) of Industrial Relations Act 1996 - Whether any change in circumstances warranting revocation - Appeal upheld - Decision and orders at first instance set aside.

Western Australia

10 June 2014 - [PW v MS \[No 3\] \[2014\] WASC 202](#)

The plaintiff is the former de facto partner of the defendant. He claims that the defendant maliciously made false statements about him to a General Practitioner and staff at a medical clinic to the effect that he was sexually and physically abusing and neglecting their child. The plaintiff claims that these statements were republished by the Child Protection Unit by way of referral. The defendant denied she made the alleged statements or she did so maliciously and does not agree that the GP republished the statements.

The Supreme Court of Western Australia dismissed the plaintiff's action because he could not show that he suffered any injury from the statements. However, the Court agreed that the statements were false as there were no reasonable grounds to suspect or believe that the plaintiff had sexually or physically abused or neglected the child. The Court inferred that the statements were malicious as the defendant did not say under oath, despite opportunity, that she was worried for the welfare of the child.

The Court was of the opinion that there was no evidence to establish that the statements were republished by the GP or any other staff at the medical clinic. The decision did not address the issue of whether statements made to a medical practitioner reproduced in a referral to a child protection organisation could be considered "published" to satisfy the element of the tort of malicious falsehood.

9 June 2014 - [Elobadi v Royal Australasian College of Surgeons \[2014\] WASCA 117](#)

Contract - Failure to challenge essential findings of fact by primary judge - Failure to show any breach of contract - Failure to prove lost chance.

Victoria

6 June 2014 - [Christian Youth Camps Limited & Ors v Cobaw Community Health Services & Ors \[2014\] VSCA 112](#)

Costs – Appeal – Appellants failed on all grounds raised in notice of appeal – Second appellant succeeded on point raised by Court – Whether second appellant entitled to costs – Written agreement between parties to limit costs exposure – Whether agreement should be enforced – First appellant ordered to pay first respondent’s costs up to agreed limit.

5 June 2014 - [Inquest into the death of Constandia Petzierides COR 2010 001571](#)

Death from haemothorax and dissecting thoracic aorta after discharge from emergency department.

28 May 2014 - [Finding into death without Inquest of Susan Ingrid Robb COR 2011 3133](#)

Death from mixed drug toxicity (Methadone, diazepam, clonazepam, amisulpride, olanzapine, haloperidol, chlorpromazine and valproic acid).

28 May 2014 - [Finding into death without Inquest of Margaret Webber 03813 / 2009](#)

Death from aspiration of stomach contents and pneumonia while in care at a residential care facility.

30 May 2014 - [Nursing and Midwifery Board of Australia v Scott \(Review and Regulation\) \[2014\] VCAT 642](#)

Health Practitioner Regulation National Law Act 2009 (Vic), findings of unprofessional conduct.

30 May 2014 - [Dental Board of Australia v Hussain \(Review and Regulation\) \[2014\] VCAT 643](#)

Review & regulation list – Dentists – Failure to gain required consents from persons living in aged care and to keep proper clinical files – *Health Professions Registration Act 2005*.

LEGISLATION

Commonwealth

23 May 2014 - [Medicines advisory statements specification 2014](#) F2014L00693.

23 May 2014 - [Therapeutic Goods Order No. 69D - Amendment to Therapeutic Goods Order No. 69 - General requirements for labels for medicines \(23/05/2014\)](#) F2014L00695.

29 May 2014 - [Private Health Insurance \(Registration\) Amendment Rules 2014 \(No. 1\)](#) F2014L00685.

16 May 2014 - [Therapeutic Goods Order No. 70C - Standards for Export Only Medicine](#) F2014L00683
• TGO 70C.

South Australia

[Sexual Reassignment \(Recognition Certificates\) Amendment Bill 2014](#) - introduced by Hon Tammy Franks MLC.

REPORTS

Australia. Department of Health & Ageing

11 June 2014 - [\\$700,000 Investment to support more medical trainees in Griffith.](#)

Australia. Health Practitioner Regulation Agency (AHPRA) and the boards

5 June 2014 - Community and health practitioner feedback is sought on the draft supervision guidelines for Chinese medicine practitioners. Consultation is open until 31 July 2014. [Read Article](#)

6 June 2014 - National Board invites participants to focus groups to explore potential models of supervision for privately practising midwives. [Read Article](#)

10 June 2014 - The chiropractic Board releases its latest communiqué. [Read Article](#)

10 June 2014 - Nursing & midwifery national Board seeks suitably qualified and experienced parties to carry out a comprehensive review of its brand identity. [Read Article](#)

10 June 2014 -The podiatry Board of Australia releases its latest communiqué. [Read Article](#)

11 June 2014 - The physiotherapy Board of Australia releases its latest communiqué. [Read Article](#)

Australia. National Health & Medical Research Council (NHMRC)

11 June 2014 - [Top researchers recognised with NHMRC Excellence Awards](#). The NHMRC's top prizes for excellence in health and medical research will be announced tonight at NHMRC's 200th Council Dinner. Federal Minister for Health Peter Dutton will be in attendance to present awards. NHMRC CEO Professor Warwick Anderson praised the quality of the research being undertaken by the awardees. 'Among this year's twenty recipients are researchers whose work aims to deliver breakthroughs in areas such as Alzheimer's disease, cancer and immune disease,' Professor Anderson said. [Read Article](#)

12 June 2014 - [NHMRC celebrates 200th session](#). The 77 year old NHMRC will today hold its 200th meeting, following a special Awards dinner attended by the Federal Minister for Health Peter Dutton yesterday. In his address last night, NHMRC CEO Professor Warwick Anderson said that NHMRC has provided the leadership and the vision necessary for the achievement of a range of important and historic initiatives to improve the overall health and wellbeing of all Australians. [Read Article](#)

Australia. Therapeutic Goods Administration (TGA)

13 June 2014 - [Australian statistics on medicines and vaccines 2013](#). A report for 2013 has been prepared for incorporation into the Department of Health publication Australian statistics on Medicines.

13 June 2014 - [Medical device adverse event reports - statistics for 2013](#). Report for 2013 providing statistics on adverse event reports relating to the use of medical devices in Australia.

12 June 2014 - [Australian Public Assessment Reports for prescription medicines \(AusPARs\)](#). Added catridecacog (rys), etanercept (rch) and nonacog gamma.

12 June 2014 - [BioCSL Fluvax - investigations into the cause of fevers in children under five years](#). BioCSL has published its research into the cause of fevers in children under five years.

12 June 2014 - [Therapeutic goods orders](#). Added links to TGO No. 70C - Standards for Export Only Medicine and 69D - Amendment to TGO No. 69.

12 June 2014 - [Public submissions on scheduling matters referred to Advisory Committee on Medicines Scheduling \(ACMS\) #11 \(March 2014\)](#) Further public submissions made in response to the invitation for public submission on the proposed amendments to the Poisons Standard.

12 June 2014 - [Documents released under Section 11C of the Freedom of Information Act 1982](#) Added FOI 247-1314 document.

11 June 2014 - [Advisory committees on medicines & chemicals scheduling \(ACMS & Advisory Committee on Chemicals Scheduling\)](#). Updated ACMS and ACCS meeting dates & decisions timeframes.

11 June 2014 - [Therapeutic goods information specifications](#). Added link to Medicines Advisory Statements Specification 2014.

10 June 2014 - [Target evaluation times for over the counter \(OTC\) medicine applications](#) Updated target total evaluation and standard request for information response times.

10 June 2014 - [Submissions and TGA response: Draft OTC medicine monographs for topical imidazole antifungals, topical nasal decongestants and pholcodine](#). TGA response and submissions received in response to the consultation.

10 June 2014 - [Consultations on adoption of European Union guidelines in Australia: Outcome of previous consultation](#). EU/ICH guidelines adopted by the TGA, effective 1 June 2014.

10 June 2014 - [OTC medicine monograph: Topical nasal decongestants](#) OTC medicine monograph on topical nasal decongestants.

10 June 2014 - [OTC medicine monograph: Pholcodine](#). OTC medicine monograph on pholcodine.

10 June 2014 - [OTC medicine monograph: Topical imidazole antifungals for dermal use - clotrimazole and miconazole nitrate](#). OTC medicine monograph on topical imidazole antifungal medicines.

6 June 2014 - [Accu-Chek Spirit Combo insulin pump - serial numbers 10171897 to 10281629](#). Users of Accu-Chek Spirit Combo insulin pumps with serial numbers between 10171897 and 10281629 are being notified of a potential fault that may prevent treatment.

6 June 2014 - [Accu-Chek Mobile blood glucose meter](#). There is a potential for incorrect blood glucose readings as a result of users not following the device instructions.

6 June 2014 - [Advisory Committee on the Safety of Vaccines \(ACSOV\)](#). Meeting No. 5 scheduled 13 June, has been deferred.

Australian Institute of Health & Welfare

6 June 2014 - [Projections of the prevalence of treated end-stage kidney disease in Australia: 2012-2020 | media release](#).

11 June 2014 - [Head and neck cancers in Australia | media release](#).

12 June 2014 - [Children's headline indicators | media release](#).

13 June 2014 - [National Opioid Pharmacotherapy Statistics 2013 | media release](#).

Australian Commission on Safety and Quality in Health Care

10 June 2014 – On the Radar – Issue 177 ([PDF 129KB](#)) ([Word 122KB](#)).

Australia. National Mental Health Commission

10 June 2014 - [Mental Health in Multicultural Australia's \(MHiMA\) framework for mental health in multicultural Australia](#).

10 June 2014 - [MHiMA's draft multicultural mental health workforce strategy](#).

Australian Capital Territory. (ACT) Health Directorate

2 June 2014 - [Smoke free future for ACT Health](#).

New South Wales. Ministry of Health

Media Releases

6 June 2014 - [Green light for \\$300 million redevelopment of St George and Sutherland hospitals](#).

Policy Directives & Guidelines

11 June 2014 - [Organ donation after circulatory death: New South Wales \(NSW\) guidelines GL2014_008](#).

Queensland. Department of Health

6 June 2014 - [Better health for the bush](#). A [better health for the bush plan](#) has been launched to confront the challenges of delivering rural and remote healthcare in Queensland.

6 June 2014 - [New allied health generalist graduate program aids rural needs](#). Rural and remote health facilities are benefitting from a new Department of Health program designed to increase the number of Allied Health graduates working in regional areas.

6 June 2014 - [Queensland Mums given a head start](#). More than 60,000 Queensland mums have benefited from the extra support and advice provided through the Queensland Government's \$28.9 million mums and bubs initiative.

8 June 2014 - [New defibrillators will help paramedics save more lives](#). Queensland's paramedics will soon be equipped with new life-saving defibrillators to help give them the edge when treating heart attack patients.

8 June 2014 - [New active limbs to help kids](#). More than 130 Queensland children born with a limb deficiency, or who have had limbs amputated, will be able to live more active and fulfilling lives thanks to a new Queensland Government program.

11 June 2014 - [Health groups to get funding reprieve](#). Queensland health service organisations set to lose their funding in changes laid out in the Commonwealth Government's 2014-15 Budget will receive a year's reprieve from the State Government.

11 June 2014 - [Funding boost for alcohol and drug services](#). Queenslanders who battle alcohol and drug misuse will achieve better health outcomes with the Queensland Government providing \$27.9 million in funding to support programs over the next three years.

12 June 2014 - [World's largest Ronald McDonald House for Brisbane](#). Families of sick kids from rural and regional Queensland will be able to stay closer to their son, daughter, brother or sister after the construction of the world's largest Ronald McDonald House.

12 June 2014 - [Nurse endoscopy plan for Queensland](#). Queensland Health aims to have nurse endoscopists in a number of hospitals from mid- 2014.

South Australia. Department for Health & Ageing

12 June 2014 - Snelling takes fight against health cuts to Sydney Hon Jack Snelling MP The fight against the Federal Government's savage Budget cuts to health will be taken to Sydney today with a meeting of the Federal and State Health Ministers. [Read Article](#)

11 June 2014 - ED waiting times improve at Flinders Medical Centre Hon Jack Snelling MP A new way of assessing patients much sooner at the Flinders Medical Centre (FMC) Emergency Department (ED) is continuing to reduce waiting times for patients. [Read Article](#)

8 June 2014 - An inside look at a hospital like no other – the new Royal Adelaide hospital Hon Jack Snelling MP For the first time, South Australians have the opportunity to take a virtual tour of the new Royal Adelaide Hospital following the release of a brand new computer generated fly-through. [Read Article](#)

5 June 2014 - Lifetime support for those motorists catastrophically injured Hon Jack Snelling MP Motorists who sustain lifelong disabilities in road accidents in South Australia will receive lifetime treatment, care and support, regardless of fault, from next month as part of reforms to the Compulsory Third Party (CTP) Insurance scheme. [Read Article](#)

Tasmania. Department of Health & Human Services

6 June 2014 - [Big drop in smoking](#).

7 June 2014 - [Wild shellfish warning](#).

Victoria. Department of Health

13 June 2014 - [Labor and ambulance union stoop to new low](#). The State Opposition should be ashamed that it has become the public mouthpiece of the militant ambulance union by exploiting cases of family distress in pursuit of a political campaign, Minister for Health David Davis said today.

8 June 2014 - [More neonatal intensive care units \(NICU\) cots for vulnerable newborns](#). Minister for Health David Davis has announced the location of five additional cots for Victoria's neonatal intensive care system, which looks after our sickest and most vulnerable newborns.

6 June 2014 - [Victorian Coalition Government transforming alcohol and drug treatment services](#) The Victorian Coalition Government has today announced major changes that will improve the way alcohol and drug treatment services are delivered across the state.

Western Australia. (WA) Department of Health

Media Releases

6 June 2014 - [WA medical researchers get funding boost.](#)

11 June 2014 - [Final concrete poured at Perth children's hospital.](#)

Operational Directives (OD)

12 June 2014 - [IC 0189/14](#) CUA 58810 S1400 Return Envelopes Cease of Operation S1400 Return to Sender PO Box has ceased operation.

11 June 2014 - [OD 0527/14](#) This OD describes the Healthcare Infection Surveillance Western Australia (HISWA) program to monitor healthcare associated infections in WA. It outlines the mandatory surveillance and reporting requirements for all WA public hospitals and licensed private healthcare facilities funded to provide care to public patients.

New Zealand. Ministry of Health

6 June 2014 - [Ministry brings in independent forensic auditors to provider.](#) The Ministry of Health has brought in PricewaterhouseCoopers to perform a forensic audit of independent disability support provider Te Roopu Taurima O Manukau (Te Roopu). This audit will begin on Monday 9 June.

United Kingdom. Department of Health

12 June 2014 - [Payment by results: costing in the National Health Scheme's \(NHS\).](#) (Independent report)

12 June 2014 - [Health select committee report on Public Health England: government response.](#) (Policy paper)

12 June 2014 - [Report on abortion statistics in England and Wales for 2013.](#) Statistics - national statistics part of a collection: [Abortion statistics, England and Wales.](#)

12 June 2014 - [Abortion statistics, England and Wales: 2013.](#) (Statistical data set)

11 June 2014 - [Special educational needs \(SEN\) code of practice and regulations.](#) (Consultation outcome)

11 June 2014 - [SEND code of practice: 0 to 25.](#) (Statutory guidance)

11 June 2014 - [Willful neglect or ill-treatment in health and social care.](#) (Consultation outcome)

10 June 2014 - [Implementing the 0 to 25 special needs system](#) Guidance Part of a collection: [Early learning and childcare: guidance for providers.](#)

10 June 2014 - [NHS constitution: recommendations by expert advisory group.](#) (Independent report)

10 June 2014 - [Mental Capacity Act: government response to the House of Lords select committee report.](#) (Policy paper)

10 June 2014 - [Government expanding support to beat homelessness.](#)

9 June 2014 - [General Practitioner \(GP\) and dental clinical educator pay scales](#) (Guidance)

9 June 2014 - [Department of Health \(DH\) exceptions to spending moratoria: 2013 to 2014.](#) Transparency data part of a collection: [DH exceptions to spending moratoria.](#)

9 June 2014 - [Nutritional and health claims legislation bulletins 2014.](#) (Guidance)

9 June 2014 - [NHS pension scheme actuarial valuation.](#) (Guidance)

9 June 2014 - [DH non-executive appointments.](#) (Guidance)

6 June 2014 - [Child flu vaccine pilot has positive impact.](#)

6 June 2014 - [Improving dentistry.](#) (Open consultation)

6 June 2014 - [Care Act 2014: launch of care and support consultation.](#)

6 June 2014 - [Care Act 2014 Part 1: factsheets.](#) (Guidance)

6 June 2014 - [Updating our care and support system: draft regulations and guidance.](#) (Open consultation)

Australian Medical Association (AuMA)

13 June 2014 - [AuMA President, A/Prof Brian Owler, ABC News PM, Mark Colvin, 12 June 2014](#) Transcript: AMA President, A/Prof Brian Owler, ABC News PM, Mark Colvin, 12 June 2014 Subject: Federal Budget.

12 June 2014 - [AuMA Transcript - AMA President, A/Prof Brian Owler, Doorstop Parliament House.](#) Transcript: AMA President, A/Prof Brian Owler, Parliament House Doorstop, 12 June 2014 Subject: COAG Reform Council, co-payment.

12 June 2014 - [Health system improvements threatened by Government's budget measures.](#) AuMA Response to *COAG Reform Council Healthcare Performance Report 2012-13: five years of performance.*

11 June 2014 - [AuMA welcomes Government support for veterans of contemporary conflicts.](#) AuMA President, A/Prof Brian Owler, today congratulated the Government on its \$5 million commitment to undertake studies into the mental, physical, and social health of Australian Defence Force.

11 June 2014 - [AuMA calls on Australian Government to make representations to support Turkish doctors.](#) The AuMA has written to Prime Minister Tony Abbott asking the Australian Government to call on Turkish authorities to immediately drop legal action against Turkish doctors who provided emergency medical care to people injured during protests in Istanbul in May.

11 June 2014 - [Dr Meriam Yehya Ibrahim must be released from Sudanese prison immediately.](#) The AuMA is urging Prime Minister Tony Abbott to contact the President of the Republic of Sudan to request the immediate, unconditional release from prison of young Sudanese doctor, Dr Meriam Yeyha.

10 June 2014 - [Anti-smoking action must continue.](#) AuMA President, A/Prof Brian Owler, said today that all Australian governments must continue taking action to encourage people to stop smoking and discourage others, especially young people, from taking up the killer habit.

5 June 2014 - [Transcript: AMA President, A/Prof Brian Owler, Doorstop, 5 June 2014](#) Transcript: AMA President, A/Prof Brian Owler, Doorstop, 5 June 2014 Subjects: Bureau of Health Information statistics, \$7 GP co-payment model, pathology, radiology.

3 June 2014 - [Transcript - AMA President, A/Prof Brian Owler, Sky News, 2 June 2014](#) Transcript: AMA President, A/Prof Brian Owler, Sky News, 2 June 2014 Subject: GP co-payments.

British Medical Association

10 June 2014 - [Health board invests in reducing waiting times.](#)

5 June 2014 - [GPs take to the streets over funding crisis.](#)

Canadian Medical Association

10 June 2014 - [Canadians ready to talk about death and dying.](#) Canadians want open and frank discussion about the issues surrounding death and dying.

American Medical Association

12 June 2014 - [AMA continues work to reshape medical education.](#)

12 June 2014 - [AMA outlines ways to address physician shortages.](#)

11 June 2014 - [AMA adopts telemedicine policy to improve access to care for patients.](#)

ABOUT US

Caroline Atkins



Caroline Atkins is the Office Managing Partner for the Canberra office of DLA Piper and has worked extensively in the health sector for Australian Government agencies. Her experience includes the conduct of major technology projects for the health sector, such as in the e-health and aged care sectors, and in advising the Commonwealth on the implementation of policy programs in contractual arrangements (including for medical indemnity insurance and for CSO arrangements for PBS funding). She has also advised the National Blood Authority on major Commonwealth contracts for the supply of blood products including with the Red Cross and CSL. Caroline's commercial experience extends over 30 years and also includes significant experience in ICT outsourcing, whole-of-government technology procurements, intellectual property rights licensing, contract management, procurement strategy and dispute resolution.

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