



13 JANUARY 2014

<b>Judgments.....</b>	<b>2</b>
<b>South Australia.....</b>	<b>2</b>
<b>New South Wales .....</b>	<b>2</b>
<b>Commonwealth .....</b>	<b>4</b>
<b>Australian Capital Territory.....</b>	<b>4</b>
<b>Queensland.....</b>	<b>4</b>
<b>Victoria.....</b>	<b>5</b>
<b>Western Australia .....</b>	<b>5</b>
<b>United Kingdom .....</b>	<b>5</b>
<b>Legislation.....</b>	<b>5</b>
<b>Commonwealth .....</b>	<b>5</b>
<b>New South Wales .....</b>	<b>7</b>
<b>Tasmania.....</b>	<b>7</b>
<b>Reports .....</b>	<b>7</b>
<b>Australia. Department of Health &amp; Ageing .....</b>	<b>7</b>
<b>Australia. Health Practitioner Regulation Agency and the boards.....</b>	<b>7</b>
<b>Australia. National Health &amp; Medical Research Council.....</b>	<b>8</b>
<b>Australia. Therapeutic Goods Administration .....</b>	<b>8</b>
<b>Australian Institute of Health &amp; Welfare .....</b>	<b>8</b>
<b>Australian Commission on Safety and Quality in Health Care .....</b>	<b>8</b>
<b>Australia. Private Health Insurance Administration Council.....</b>	<b>9</b>
<b>Australia. National Mental Health Commission .....</b>	<b>9</b>
<b>Australian Capital Territory. Health Directorate .....</b>	<b>9</b>
<b>New South Wales. Ministry of Health.....</b>	<b>9</b>
<b>Northern Territory. Department of Health .....</b>	<b>10</b>
<b>Queensland. Department of Health.....</b>	<b>10</b>
<b>South Australia. Department for Health &amp; Ageing.....</b>	<b>10</b>
<b>Victoria. Department of Health .....</b>	<b>10</b>
<b>Western Australia. Department of Health.....</b>	<b>11</b>
<b>New Zealand. Ministry of Health.....</b>	<b>12</b>

<b>United Kingdom. Department of Health</b> .....	12
<b>United States of America. Department of Health &amp; Human Services</b> .....	12
<b>Australian Medical Association</b> .....	12
<b>British Medical Association</b> .....	12
<b>Canadian Medical Association</b> .....	13
<b>American Medical Association</b> .....	13
<b>About us</b> .....	14
<b>More information</b> .....	14

## JUDGMENTS

### South Australia

16 December 2013 - [RE H, AE \(No 3\) \[2013\] SASC 196](#)

In 2011, spermatozoa was removed from the applicant's late husband ([Re H, AE](#)). In 2012, the Court concluded the applicant had established a case for the release of the spermatozoa for In Vitro Fertilisation (IVF) treatment ([Re H, AE \(No 2\)](#)) but before an order could be made, consent should be sought from the Attorney-General for an exemption under the *Assisted Reproductive Treatment Act 1988* (SA). The Attorney-General advised he did not have power to enable assisted reproductive treatment in the manner sought, and such treatment would be inconsistent with the policy requirement that a person provide consent for the use of their gametes prior to death.

Unlike South Australia, the Australian Capital Territory (ACT) does not have legislation regulating the provision of assisted reproductive technology, and the applicant located a clinic in Canberra to perform IVF. In the ACT, the Reproductive Technology Accreditation Committee of the Fertility Society of Australia requires compliance with the National Health and Medical Research Council's *Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research 2007*. The Guidelines state "Clinics must not facilitate use of gametes to achieve pregnancy ... unless ... a deceased person has left clearly expressed and witnessed directions consenting to the use of his or her gametes". While Judge Gray was satisfied the applicant had produced sufficient evidence that the deceased wished to have a family with her, it was up to the clinic to make its own determination.

Judge Gray granted the applicant use of the spermatozoa, under the control and supervision of the Canberra clinic.

### New South Wales

23 December 2013 - [Health Care Complaints Commission \(HCCC\) v Shashank Verma \[2013\] NSWPYT 2](#)

The Commission alleged that Mr Verma, a registered physiotherapist, failed to maintain proper professional boundaries with a widowed and childless elderly nursing home patient, by engaging in a personal and financial relationship with her while providing her with treatment.

The Physiotherapists Tribunal found that by allowing a personal relationship to develop between his patient and his family members, Mr Verma had not failed to maintain proper professional boundaries, as such boundaries did not extend to his family members. It was also found that Mr Verma being named as executor and beneficiary of the patient's was not a breach of professional boundaries, as he was not aware of this until shortly before her death.

What did cross professional boundaries and violate the Physiotherapist Registration Board Code of Conduct was Mr Verma's appointment as the patient's Enduring Guardian and Power of Attorney and agreeing to hold significant sums of money which the patient asked him to safeguard, while still maintaining a professional relationship by treating her.

The Tribunal agreed that Mr Verma and his family had not engaged in deliberate exploitation of the patient in allowing the personal relationship. He was therefore found guilty of unsatisfactory professional conduct, not professional misconduct. "This is a case where acts of kindness by a health practitioner's family towards an elderly patient...can amount to a breach of proper professional boundaries."

Mr Verma was reprimanded and his practice subject to conditions, such as him completing an Ethics Course to the satisfaction of the Physiotherapy Council of NSW.

17 December 2013 - [Indochina Medical Co Pty Ltd v Nicolai \[2013\] NSWCA 436](#)

Evidence - evidence on commission or letters of request - jurisdiction and in general - application under *Evidence on Commission Act 1995* for issue of commissions for examination in France and Switzerland - proposal that commissioner interview persons, determine which, if any, facts elicited are relevant to party's case in the proceedings and record those facts in affidavits to be sworn before commissioner - whether that procedure may be the subject of a commission - alternative application under the Act for issue of letters of request directed to judicial authorities of those countries - same function of eliciting, selecting and recording facts envisaged - no statement or description of evidence to be adduced - whether letters of request should be ordered.

17 December 2013 - [HCCC v McKay \[2013\] NSWMT 20](#). Medical practitioner - general practitioner - inappropriate personal relationships with two patients - professional misconduct.

23 December 2013 - [Reid v Wright \(No 2\) \[2013\] NSWSC 1972](#). Costs - where proceedings commenced in this Court transferred to the Supreme of Queensland on the application of the defendants.

19 December 2013 - [Coote v Kelly \(No 2\) \[2013\] NSWCA 457](#). Costs - notice of motion to vary costs order - no basis for different order for costs demonstrated.

13 December 2013 - [Awad v Western Sydney Local Health District \[2013\] NSWADT 287](#). Anti-discrimination - complaints of direct and indirect race discrimination in employment and victimisation - whether requirement of "demonstrated excellence" in at least one clinical specialty practice is an unreasonable requirement for promotion to Grade 3 pharmacist - whether head of department victimised applicant by convening selection panel when applicant had made a complaint of discrimination against him.

19 December 2013 - [Goddard v Central Coast Health Network \[2013\] NSWSC 1932](#). Family Law - effect of parenting orders where no adoption order. Torts - negligence - whether surgery negligent - whether post-operative review and discharge was negligent - whether advice to bring patient in to Emergency Department where health deteriorated was negligent - contributory negligence - effect of subsequent bereavement on assessment of non-economic loss.

Damages - *Compensation to Relatives Act 1897* - assessment of damages - whether subject to s 15 of *Civil Liability Act* - whether quasi-adoption ought be regarded as reducing or extinguishing loss in same way as remarriage.

19 December 2013 - [O'Reilly v Western Sussex NHS Trust \(No.4\) \[2013\] NSWSC 1905](#). Procedure - two motions to amend statement of claim - application of ss 56 and 57 of *Civil Procedure Act 2005* - amendments appropriate where additional evidence can be obtained without any real delay and without any undue expense - amendment of pleadings to reflect evidence is permissible - amendment is not appropriate in the interests of justice, where a new claim is pleaded and evidence is not readily available - No point of general principle.

17 December 2013 - [Application by Bar-Mordecai \[2013\] NSWSC 1908](#). Practice and procedure - vexatious litigant - application for judicial review of decision of Medical Tribunal in 2009 - nature of jurisdiction - no need for oral hearing - no prima facie ground - unexplained delay - leave refused.

12 December 2013 - [Harris v Bellemore \(No 6\) \[2013\] NSWSC 1859](#). Procedure - where proceedings remitted after an appeal for determination of specific questions - scope of further evidence that should be admitted.

11 December 2013 - [Hoang v South Eastern Sydney Local Health District \[2013\] NSWSC 1844](#). Procedure - pleadings - medical negligence - strike out - whether statement of claim discloses reasonable cause of action - where statement of claim not accompanied by an expert opinion - whether proceedings should be dismissed - application for referral for pro bono legal assistance - whether such referral in the interests of the administration justice.

11 December 2013 - [Mahony v Branley \[2013\] NSWSC 1835](#). Procedure - pleadings - medical negligence - strike out - whether statement of claim discloses a reasonable cause of action - where statement of claim not accompanied by an expert opinion - whether proceedings should be dismissed.

9 December 2013 - [Prodanovich v Mukherjee \[2013\] NSWSC 1833](#). Judgments - setting aside - judgment irregularly entered - consent judgment for second defendant - first defendant not consulted - judgment set aside.

20 December 2013 - [HCCC v Leonard \(No 2\) \[2013\] NSWPS 5](#). Unsatisfactory professional conduct; failure to establish and maintain professional boundaries; use of telephone counselling; appropriate protective orders; costs.

5 December 2013 - **HCCC v Davis (No 2) [2013] NSWNMT 25**. Complaint against a nurse – conduct towards residents of an aged care facility - unsatisfactory professional conduct – professional misconduct – non-publication order – stage two hearing - protective orders – prohibition order - costs.

### Commonwealth

20 December 2013 - **The study and prevention of psychological diseases foundation incorporated and commissioner of taxation [2013] AATA 919**. Taxation – income tax – tax exemption – income tax exempt entity – deductible gift recipient – whether charitable institution – whether health promotion charity – date of effect of revocation – objection decision affirmed.

13 December 2013 - **Colquhoun v Capitol Radiology Pty Ltd and Ors; Colquhoun v Capitol Radiology Pty Ltd and Ors; Georgiou v Capitol Radiology and Ors; Colquhoun v Capitol Radiology and Ors [2013] HCATrans 320**. Special leave application - not granted.

13 December 2013 - **Brett Anthony Collins v Attorney General in and for the State of New South Wales [2013] HCASL 202**. Special leave application to appeal against a determination of the Mental Health Review Tribunal on a review of arrangements for a forensic patient's care, treatment and detention - not granted.

### Australian Capital Territory (ACT)

23 December 2013 - **Chaloner & Anor. v Australian Capital Territory [2013] ACTSC 269**. Human Rights – deceased subjected to medical treatment without her free consent: 10(2) *Human Rights Act 2004* (ACT) – no allegation of vicarious liability of the ACT being the relevant legal entity responsible for Canberra Hospital as a “public authority”: s 40.

Human rights – Statutory Interpretation – victim for purposes of ss 40B, 40C *Human Rights Act*, only person whose right is infringed – granddaughters of victim are not victims themselves.

Statutory interpretation – deceased death preceded in time by negligent medical procedure – when Court can make order directing coroner to conduct hearing into death: s 91 *Coroners Act 1997* the Act – whether in the interests of justice – where no evidence negligence was cause of death.

Jurisdiction practice and procedure - whether the Act executive capable of being made a party to proceedings – where executive conferred power by legislation and Court is asked to make rules in relation to the exercise of power.

Jurisdiction practice and procedure – whether the Court can order appointment of board of inquiry: s 5 *Inquiries Act 1991* – whether Court can order statutory discretion to be exercised in a particular way – mandatory injunction: s 24 *Court Procedures Act 2004*.

19 December 2013 - **D'Amico v Calvary Hospital Auxiliary Inc [2013] ACTSC 259**. Negligence – personal injury – claim by employee against employer – injury to right arm – thoracic outlet syndrome – injury caused by nature and conditions of employment – plaintiff barista operating coffee machine – required to hold milk jug under steam nozzle without support repetitively – plaintiff complaining to manager - inadequate steps taken by manager – unsafe system of work – breach of duty of care established.

Damages – personal injury – injury to arm caused by nature and conditions of employment – thoracic outlet syndrome – static load and overuse claim – total loss of earning capacity.

### Queensland

13 December 2013 - **Medical Board of Australia v Judge Horneman-Wren & Leggett [2013] QSC 339**. Application made pursuant to s 26(1)(b) of the *Judicial Review Act 1991* to extend time in which to bring a proceeding for a statutory order for review - Medical Board seeking to impugn a decision of the Deputy President of Queensland Civil and Administrative Tribunal (QCAT) refusing it leave to add a new ground to a complaint it is prosecuting against Dr Leggett in QCAT.

19 December 2013 - **Australian Society of Ophthalmologists & Anor v Optometry Board of Australia [2013] QSC 350**. Administrative law – Judicial review – standing to institute proceedings – generally - where the second applicant has had an historical role in setting standards of patient care in ophthalmology – where the first applicant represents the medico-political interests of ophthalmologists in Australia – where the applicants seek to challenge instruments said to be made under the Health Practitioner Regulation National Law – where the challenge is based on the changes being purportedly outside the scope of the power of the Health Practitioner Regulation National Law – where the respondent alleges the applicants have no standing to bring the claim – where the basis for the respondent's allegation is that the applicants have no special interest in the subject matter beyond that of any other member of the public – whether the

applicants have a special interest in the subject matter – whether the applicants have standing – whether the application should be dismissed.

Health law – Administration of public health system – application of legislation – generally – where the second applicant has had an historical role in setting standards of patient care in ophthalmology – where the first applicant represents the medico-political interests of ophthalmologists in Australia – where the applicants seek to challenge instruments said to be made under the Health Practitioner Regulation National Law – where the challenge is based on the changes being purportedly outside the scope of the power of the Health Practitioner Regulation National Law – where the respondent alleges the applicants have no standing to bring the claim – where the basis for the respondent's allegation is that the applicants have no special interest in the subject matter beyond that of any other member of the public – whether the applicants have a special interest in the subject matter – whether the applicants have standing – whether the application should be dismissed.

## Victoria

20 December 2013 - [Inquest into the death of Kylie Anne Lightfoot COR 2007/1741](#). Death as a result of diabetic ketoacidosis and diabetic mellitus.

## Western Australia (WA)

17 December 2013 - [George and Nursing and Midwifery Board of Australia \[2013\] WASAT 202](#). Health practitioner national law. Nursing and midwifery board of Australia Registration under health practitioner national law. Registered nurse. Graduated or trained overseas. Approved qualifications. Similar qualifications.

23 December 2013 - [Dixon v Clarke \[2013\] WASC 471](#). *Limitation Act 2005* (WA) - application for extension of time to bring proceedings - test to be applied - meaning of 'injury' and 'physical cause' in s 39(3)(a) and (b) of the *Limitation Act*.

20 December 2013 - [Mead v Mulligan \[2013\] WASC 460](#). Coronial inquest - findings - application to declare findings void - the nature of a 'finding' - limited review by court - not a rehearing or de novo determination - procedural fairness - underlying errors - perversity of findings - perversity under s 52 of the *Coroners Act 1996* (WA) - Rule in *Browne v Dunn*.

## United Kingdom

20 December 2013 - [Chappell v Newcastle Upon Tyne Hospitals National Health Service Foundation Trust \[2013\] EWHC 4023](#) (QB). Action by Callum Lee Chappell's estate, seeking damages for injury and loss said to have been caused by the negligence of the Defendant's medical and midwifery staff, in the management of Dawn Chappell, the Claimant's mother's, labour at the Royal Victoria Hospital, Newcastle upon Tyne.

19 December 2013 - [Hall v The Ministry of Defence \[2013\] EWHC 4092](#). (QB). Allegation of negligence regarding the medical treatment received in respect of injuries suffered whilst in the Army.

19 December 2013 - [Holdich v Lothian Health Board \[2013\] ScotCS CSOH\\_197](#). Failure of a storage vessel in a cryogenic storage facility (sperm bank) - plaintiff deposited three sperm samples in the defenders' facility before having treatment for testicular cancer which left him infertile - upon requesting his stored sperm he was informed there had been a malfunction with the storage vessel.

18 December 2013 - [Ali Shah v North West London Hospital NHS Trust \[2013\] EWHC 4088](#). (QB). Claim in negligence for damages arising from the tragic death of Mrs. Ome Shah whilst receiving medical and surgical services at Northwick Park hospital.

13 December 2013 - [Emma Stalker v Greater Glasgow Health Board \[2013\] ScotCS CSOH\\_194](#). Personal injuries action - senior staff nurse at Stobhill Hospital in Glasgow seeking damages from her employers, Greater Glasgow and Clyde Health Board, as reparation for a serious injury to her left wrist, which she sustained in an accident at work.

## LEGISLATION

### Commonwealth

19 December 2013 - [Statement of principles concerning sick sinus syndrome No. 15 of 2014](#) F2014L00020 • No. 15 of 2014.

19 December 2013 - [Statement of principles concerning fibromyalgia No. 14 of 2014](#) F2014L00018 • No. 14 of 2014.

19 December 2013 - [Statement of principles concerning fibromyalgia No. 13 of 2014](#) F2014L00016 • No. 13 of 2014.

19 December 2013 - [Statement of principles concerning chronic fatigue syndrome No. 12 of 2014](#) F2014L00015 • No. 12 of 2014.

19 December 2013 - [Statement of principles concerning chronic fatigue syndrome No. 11 of 2014](#) F2014L00013 • No. 11 of 2014.

19 December 2013 - [Statement of principles concerning dermatomyositis No. 10 of 2014](#) F2014L00011 • No. 10 of 2014.

19 December 2013 - [Statement of principles concerning dermatomyositis No. 9 of 2014](#) F2014L00008 • No. 9 of 2014.

19 December 2013 - [Statement of principles concerning morbid obesity No. 5 of 2014](#) F2014L00010 • No. 5 of 2014.

19 December 2013 - [Statement of principles concerning dental pulp and apical disease No. 4 of 2014](#) F2014L00009 • No. 4 of 2014.

19 December 2013 - [Statement of principles concerning dental pulp and apical disease No. 3 of 2014](#) F2014L00014 • No. 3 of 2014.

19 December 2013 - [Statement of principles concerning heart block No. 2 of 2014](#) F2014L00005 • No. 2 of 2014.

19 December 2013 - [Statement of principles concerning heart block No. 1 of 2014](#) F2014L00007 • No. 1 of 2014.

20 December 2013 - [Private Health Insurance \(Incentives\) Amendment Rules 2013 \(No. 1\)](#) F2014L00019.

20 December 2013 - [Private Health Insurance \(Complying Product\) Amendment Rules 2013 \(No. 5\)](#) F2014L00017.

19 December 2013 - [Statement of principles concerning sick sinus syndrome No. 16 of 2014](#) F2014L00024 • No. 16 of 2014.

19 December 2013 - [Statement of principles concerning narcolepsy No. 8 of 2014](#) F2014L00025 • No. 8 of 2014.

19 December 2013 - [Statement of principles concerning narcolepsy No. 7 of 2014](#) F2014L00023 • No. 7 of 2014.

19 December 2013 - [Statement of principles concerning morbid obesity No. 6 of 2014](#) F2014L00022 • No. 6 of 2014.

19 December 2013 - [Amendment Statement of principles concerning Alzheimer-type dementia No. 18 of 2014](#) F2014L00028 • No. 18 of 2014.

19 December 2013 - [Amendment Statement of principles concerning Alzheimer-type dementia No. 17 of 2014](#) F2014L00026 • No. 17 of 2014.

08 January 2014 - [National Health Determination under paragraph 98C\(1\)\(b\) Amendment 2014 \(No. 1\)](#) F2014L00050 • PB 3 of 2014.

18 December 2013 - [National Health \(Prescriber bag supplies\) Amendment Determination 2013 \(No. 2\)](#) PB 90 of 2013. F2013L02168

18 December 2013 - [National Health Act 1953 - Amendment determination under paragraph 98C\(1\)\(b\)](#). No. PB 91 of 2013 - F2013L02167.

18 December 2013 - [National Health \(Price and Special Patient Contribution\) Amendment Determination 2013 \(No. 8\)](#) (No. PB 89 of 2013) - F2013L02169.

18 December 2013 - [National Health \(Listing of Pharmaceutical Benefits\) Amendment Instrument 2013 \(No. 14\)](#) (No. PB 88 of 2013) - F2013L02170.

16 December 2013 - [Private Health Insurance \(Data Provision\) Rules 2013](#) - F2013L02161.

18 December 2013 - [Poisons Standard Amendment No. 1 of 2014](#) - F2014L00044.

20 December 2013 - [National Health \(Highly specialised drugs program for hospitals\) Special Arrangement Amendment Instrument 2013 \(No. 9\)](#) (No. PB 92 of 2013) - F2013L02191.

## New South Wales

**Draft Disability Inclusion Bill 2014** - feedback sought by 14th February.

## Tasmania

25 December 2013 - **Reproductive Health (Access to Terminations) Act 2013** Assent Gazette No 21 393, p 2184, to be proclaimed.

25 December 2013 - **Ambulance Service Amendment Act 2013** Assent Gazette No 21 393, 25 December 2013, p 2184, to be proclaimed, if not by 1 July 2014.

## REPORTS

### Australia. Department of Health & Ageing

Media releases

29 December 2013 - **Statement from Minister for Health**. Speculation in the media regarding Commission of Audit recommendations in relation to health.

23 December 2013 - **Stability for families with private health insurance**. The Minister for Health, Peter Dutton, has announced changes to private health insurance.

Private Health Insurance (PHI) Circulars

20 December 2013 - **PHI 87/13 The review of Australian Government rebate on private health insurance for natural therapies**.

20 December 2013 - **PHI 86/13 Changes to second tier eligible hospitals**.

17 December 2013 - **PHI 85/13 New appointment to the PHI branch**.

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

9 January 2014 - The Optometry Board of Australia releases its latest communiqué. [Read More](#).

8 January 2014 - The Aboriginal and Torres Strait Islander Health Practice Board of Australia releases its latest communiqué. [Read More](#).

8 January 2014 - The Occupational Therapy Board of Australia releases its latest communiqué. [Read More](#).

7 January 2014 - The Chinese Medicine Board of Australia releases its latest communiqué. [Read More](#).

6 January 2014 - The Physiotherapy Board of Australia releases its latest communiqué. [Read More](#).

31 December 2013 - First national Chinese medicine accreditation standards released. The Chinese Medicine Board of Australia announces the release of its accreditation standards. [Read More](#).

30 December 2013 - Communiqué - The Dental Board of Australia releases its latest communiqué. [Read More](#).

24 December 2013 - The Podiatry Board of Australia releases its latest communiqué. [Read More](#).

24 December 2013 - The Psychology Board of Australia releases its latest communiqué. [Read More](#).

23 December 2013 - The Medical Radiation Practice Board of Australia has released its latest communiqué. [Read More](#).

20 December 2013 - AHPRA has launched a new data exchange service which will better protect the public, while saving time and money in the health sector. [Read More](#).

20 December 2013 - AHPRA Report released. Read more about AHPRA's work in health practitioner regulation in the latest AHPRA Report. [Read More](#).

20 December 2013 - 2013/14 health profession agreements published AHPRA publishes 2013/14 health profession agreements. [Read More](#).

20 December 2013 - The Chiropractic Board releases its latest communiqué. [Read More](#).

20 December 2013 - The Nursing & Midwifery Board and AHPRA publish their 2013/14 health profession agreement. [Read More](#).

20 December 2013 - The Osteopathy Board releases its latest communiqué. [Read More.](#)

20 December 2013 - The Pharmacy Board of Australia releases its latest communiqué. [Read More.](#)

20 December 2013 - The Medical radiation Practice Board and AHPRA publish their 2013/14 health profession agreement. [Read More.](#)

17 December 2013 - The Dental Board and AHPRA publish their 2013/14 health profession agreement. [Read More.](#)

17 December 2013 - The National. The Nursing & Midwifery Board has published its November communiqué. [Read More.](#)

17 December 2013 - The Osteopathy Board has published a media release regarding the competent authority pathway, which will commence from 1 January 2014. [Read More.](#)

16 December 2013 - The Medical Radiation Practice Board of Australia releases its December newsletter. [Read More.](#)

16 December 2013 - The Board has released its new Guidelines for the 5+1 internship program. [Read More.](#)

13 December 2013 - The Nursing and Midwifery Board of Australia and the Psychology Board of Australia are seeking health practitioners and community members to join their Queensland state boards. [Read More.](#)

13 December 2013 - The Nursing and Midwifery Board of Australia has updated nurse practitioner requirements for portfolio - pathway 1 / pathway 2 documents on the website. [Read More.](#)

12 December 2013 - Medical Board of Australia and the Australian Medical Council have released a fourth newsletter regarding the development of the national intern training framework. [Read More.](#)

18 December 2013 - The Chinese Medicine Board of Australia releases its latest communiqué. [Read More.](#)

#### **Australia. National Health & Medical Research Council (NHMRC)**

19 December 2013 - [Ten of the Best Research Projects 2013.](#)

19 December 2013 - [NHMRC warns of the risks associated with unproven stem cell therapies in Australia and overseas.](#)

#### **Australia. Therapeutic Goods Administration**

7 January 2014 - [Dextropropoxyphene - questions and answers.](#) Questions and answers on pain-killers containing dextropropoxyphene.

6 January 2014 - [Journey Bi-Cruciate Stabilised \(BCS\) knee replacement system - femoral implant](#) Smith & Nephew has issued a hazard alert regarding the femoral implant component of the journey (BSC) knee replacement system.

2 January 2014 - [Grease discharging machine capsules.](#) Grease discharging machine capsules pose a serious risk to your health and should not be taken.

18 December 2013 - [Hospira infusion pumps - Plum family, GemStar and LifeCare models.](#) The Plum family, GemStar and LifeCare infusion pumps sponsored by Hospira Australia are subject to multiple recall actions relating to safety issues.

#### **Australian Institute of Health & Welfare**

20 December 2013 - [Australian hospital statistics 2012-13: \*Staphylococcus aureus\* bacteraemia in Australian public hospitals.](#)

19 December 2013 [Australia's mothers and babies 2011.](#)

17 December 2013 - [Specialist homelessness services: 2012-13.](#)

16 December 2013 - [Health system expenditure on cancer and other neoplasms in Australia 2008–09.](#)

#### **Australian Commission on Safety and Quality in Health Care**

16 December 2013 - [On the Radar – Issue 157 \(100KB\).](#)

### **Australia. Private Health Insurance Administration Council**

23 December 2013 - [2014 Premium round individual private health insurer average premium increases.](#)

6 January 2014 - [Capital adequacy standard – interest rate December 2013.](#)

### **Australia. National Mental Health Commission**

13 December 2013 - [Commission statement: We must stop treating people with mental illness like criminals.](#)

### **Australian Capital Territory. Health Directorate**

9 January 2014 - [Measles case notified in Canberra.](#) Dr Paul Kelly (CHO) is alerting Canberrans to be aware of measles symptoms after a case was notified to ACT Health.

### **New South Wales (NSW). Ministry of Health**

#### Media Releases

20 December 2013 - [NSW Health Alert: Air quality health warning - ozone.](#)

31 December 2013 - [NSW Health Alert: three cases of measles linked to Dance Competition.](#)

19 December 2013 - [NSW Government commits \\$600,000 to plan next stage of Dubbo redevelopment.](#)

18 December 2013 - [\\$500,000 to plan stage 2 of Hornsby Ku-ring-gai hospital redevelopment.](#)

18 December 2013 - [Audit shows steady improvement for NSW Health.](#)

18 December 2013 - [Future bright for eHealth in NSW.](#)

16 December 2013 - [other step forward in reforming mental health services.](#)

#### Policy Directives & Guidelines

10 January 2014 - [Appointment of visiting practitioners in the NSW Public Health System PD2014\\_001.](#)

16 December 2013 - [Work Health and Safety: Better Practice Procedures PD2013\\_050](#)

16 December 2013 - [Non-Coronial post mortems PD2013\\_051.](#)

17 December 2013 - [Visiting Medical Officers in rural Doctors settlement package hospitals - indexation of fees from 1 August 2013 PD2013\\_052.](#)

17 December 2013 - [Infants and children: Acute management of abdominal pain PD2013\\_053.](#)

18 December 2013 - [Management of instruments, accountable items and other items used for surgery or procedures PD2013\\_054.](#)

19 December 2013 - [Guidelines for nomination of authorised medical officers under \*Mental Health Act \(NSW\) 2007\* GL2013\\_017](#)

20 December 2013 - [Accreditation of community prescribers - Highly specialised drugs for HIV, Hepatitis B & Hepatitis C PD2013\\_055.](#)

#### Information Bulletins

9 January 2014 - [Definition of an Aboriginal health worker IB2014\\_001.](#)

20 December 2013 - [Pharmaceutical charges for hospital outpatients and safety net thresholds 2014 IB2013\\_066.](#)

### Northern Territory. Department of Health

31 December 2013 - [Avoid heat stress as Alice swelters](#).

30 December 2013 - [Stingers about so stay out of the water](#).

19 December 2013 - [Melioidosis risk continues in the top end](#).

### Queensland. Department of Health

10 January 2014 - [Get sun smart and prevent skin cancer](#). Health Minister Lawrence Springborg has urged all Queenslanders to commit to sun safety and skin protection in 2014 to reduce the incidence of skin cancer.

9 January 2014 - [Minister welcomes new paramedics](#). Health Minister Lawrence Springborg has welcomed 22 new Advanced Care Paramedics into the Queensland Ambulance Service.

7 January 2014 - [Gold Coast's first radiotherapy patient](#). A public cancer patient has received radiation therapy on the Gold Coast without being charged for the treatment for the first time.

6 January 2014 - [Bat deaths prompt health warning](#). The spate in bat deaths being attributed to recent extreme temperatures has prompted Queensland Health to issue a reminder not to touch or handle bats.

5 January 2014 - [\\$2 million success for Queensland Health payroll](#). The Newman LNP Government has thanked and praised those Queensland Health staff who have committed to repaying over \$2.25 million in loans and overpayments following the introduction of an online repayment system in November.

31 December 2013 - [Health unions bosses should consider new year's resolution](#) Queensland's health union bosses have been challenged to make a New Year's resolution: Stop Bankrolling the Labor Party.

23 December 2013 - [Queensland leads the way to HIV breakthrough](#). A Queensland campaign to open access to treatment for all HIV-positive patients has produced changes Australia wide.

23 December 2013 - [Hospital in the home services expanded](#). Hospital in the Home will be expanded across the State from 1 January as a result of the Newman Government's \$28 million funding increase for the service.

21 December 2013 - [Obesity leading to maternal death](#). Queensland's rapidly rising obesity rates may be leading to more deaths among pregnant women and an increase in birth defects, which has prompted Queensland Health to begin collecting maternal death statistics.

15 December 2013 - [Children's hospital to honour pioneering Queensland](#). Queensland's newest children's hospital has been named the Lady Cilento Children's hospital in honour of a much-loved pioneering Queensland physician, at a ceremony in Brisbane today.

### South Australia. Department for Health & Ageing

6 January 2014 - Port Lincoln hospital operating theatres opened Hon Jack Snelling MP. The first major milestone of the \$39.2 million Port Lincoln hospital redevelopment is now complete, with the opening of two brand new, state-of-the-art operating theatres. [Read more](#).

24 December 2013 - Medical tests for older drivers to cease. Hon Jack Snelling MP South Australian drivers over 70 years of age will no longer be required to have mandatory drivers licence medical testing each year for their car licence. [Read more](#).

23 December 2013 - Doctors join State Government to tackle problem gambling. Hon Tony Piccolo MP The State Government is partnering the Australian Medical Association to urge more General Practitioners to screen patients for a gambling addiction. [Read more](#).

19 December 2013 - [Safer care as new electronic health system launched](#). An integrated electronic health record being rolled out across South Australia has "gone live" at Port Augusta Hospital.

### Victoria. Department of Health

8 January 2014 - [Ambulance improvement leads hospital performance](#). Significant improvements in timely transfers of patients from ambulances to hospital emergency departments are among the improved performance results for Victoria's public hospitals, Minister for Health David Davis said today.

24 December 2013 - [Mental Health reform a priority for Victorian Coalition Government](#). The Victorian Coalition Government's plan for further mental health reforms have been outlined today by Minister for Mental Health Mary Wooldridge.

24 December 2013 - **Victoria's first parenting kit for new mums and dads.** In an Australian first, mums and dads, along with health experts, are being asked for their top parenting tips to help develop a trusted parenting kit for all new parents in Victoria.

23 December 2013 - **\$101 million surgery initiative to treat more patients.** The Victorian Coalition Government will fund hospitals to provide an extra 2,200 operations early next year in the third stage of a \$101 million elective surgery initiative to tackle waiting times, Health Minister David Davis said today.

20 December 2013 - **Hospitals set the challenge on mental health treatment.** Victoria's hospitals and health services have been set the challenge of reducing – and where possible eliminating – seclusion and restraint in mental health services, Minister for Mental Health Mary Wooldridge said today.

19 December 2013 - **Locals wins contract to build new Ballarat helipad.** Local construction company H. Troon has won the tender to build a new helipad for air ambulance helicopters on top of a multi-story car park at Ballarat Base Hospital.

18 December 2013 - **Victorian hospitals ready for summer snake bites.** With summer heating up and school holidays getting underway, Victorian hospitals are better prepared than ever to treat life threatening snake bites.

17 December 2013 - **Weak Labor leadership defers to interstate bosses.** Victorians have a right to ask why Labor has outsourced the pre-selection of its Legislative Council candidates to the 24 faceless men and women of its national executive, 17 of whom are not Victorians, Leader of the Government in the Legislative Council David Davis said today.

17 December 2013 - **Disposal scheme for commercial tanning units.** Solarium operators across Victoria will be eligible for financial assistance and support under a disposal scheme for commercial tanning units, Minister for Health David Davis said today.

### Western Australia (WA). Department of Health

Media Releases

#### Healthview Magazine Summer 2013.

Operational Directives (OD)

9 January 2014 - **OD 0484/14** Clinical handover policy. This policy is intended for use by all clinicians working within Western Australian Department of Health services and Western Australian Department of Health funded services. It aims to ensure that all handovers initiated by WA Health staff are safe, appropriate and evidence-based.

8 January 2014 - **IC 0174/14** Requirements for aged care assessment in multipurpose services. Currently all people wishing to enter a Commonwealth residential aged care facility must be assessed by an Aged Care Assessment Team (ACAT). This assessment is completed by accredited Health Professionals and determines the appropriate level of care for the incoming resident. Western Australia Country Health Service (WACHS) network of Multi Purpose Services that incorporate permanent residential aged care beds and short term respite accommodation. Historically an ACAT assessment has not been required for placement within these facilities, raising issues regarding the appropriateness of the permanent admission of the resident into long term care. Therefore WACHS has developed this instruction to facilitate a standardised approach to assessing frail older people for permanent and respite residential care within MPS' in Western Australia.

19 December 2013 - **OD 0482/13** WA Health Policy for publicly funded home births including guidance for consumers, health professionals and health services (revised October 2013). Home birth is a planned event where the woman chooses to give birth at home, with care provided by a midwife. The policy sets out the home birth:

Eligibility criteria for women considering home birth

- Role of and services provided by the midwife and WA Health maternity services.
- Care pathways and protocols to ensure high quality and safe continuity of care through the ante-natal, intra-partum and post-natal period.
- Workforce competencies, professional development and ongoing education.

- Clinical safety and quality guidelines and reporting mechanisms.
- WA Health aims to develop, deliver and provide maternal and newborn services that are safe, integrated, effective, and responsive to the individual needs of women and their babies in their community setting. The WA Health Home Birth policy has been extensively revised as recommended by the [review of homebirths in Western Australia](#) which highlighted that women have a right to choose a model of maternity care that suits them and therefore, 'developing systems to support safe and satisfying systems of care that provide childbearing women with a diversity of options is essential'. Planned home births in WA are currently supported by the publicly funded and operated Community Midwifery Program (CMP), Bunbury Midwifery Group Practice (MGP), and in private practice by Privately Practising Midwives (PPM).

### **New Zealand. Ministry of Health**

23 December 2013 - [New provisional national tumour standards for cancer treatment.](#)

### **United Kingdom. Department of Health**

13 December 2013 - [Winterbourne View: one year on.](#)

17 December 2013 - [Red tape challenge removes unnecessary health and care regulation.](#)

20 December 2013 - [New public health research partnerships to get £47.5 million.](#)

23 December 2013 - [Jeremy Hunt: thanks to \(NHS\) Staff.](#)

23 December 2013 - [Be clear on cancer campaign findings.](#)

30 December 2013 - [Extended NHS charging for visitors and migrants.](#)

6 January 2014 - [Extra funding for mental health nurses to be based at police stations and courts across the country.](#)

8 January 2014 - [Pregnant women advised to avoid animals that are giving birth.](#)

9 January 2014 - [Access to psychological therapies campaign.](#)

### **United States of America. Department of Health & Human Services**

3 January 2014 - [Obama administration takes additional steps to strengthen the federal background check system.](#)

26 December 2013 - [Dermatology practice settles potential health insurance portability and accountability Act of 1996 violations.](#)

23 December 2013 - [More partnerships between doctors and hospitals strengthen coordinated care for Medicare beneficiaries.](#)

### **Australian Medical Association (AuMA)**

19 December 2013 - [AuMA calls for comprehensive overhaul of "Medicare Locals."](#) AuMA submission to the Australian Government's review of Medicare locals.

16 December 2013 - [AuMA shocked by disbanding of Immigration Health Advisory Group \(IHAG\).](#) MA President, Dr Steve Hambleton, said today that the AuMA was shocked by the sudden announcement that the IHAG was to be disbanded, effective immediately.

16 December 2013 - [AuMA Psychiatrist Representative on IHAG, Dr Choong-Siew Yong, ABC 666.](#) Transcript: AuMA Psychiatrist Representative on IHAG, Dr Choong-Siew Yong, ABC 666, subject: Asylum seekers.

13 December 2013 - [Transcript: Launch of Academy of Science Immunisation App.](#) Transcript: Launch of Academy of Science Immunisation App, Walter and Eliza Hall Institute, Melbourne, Thursday 12 December 2013.

### **British Medical Association (BMA)**

9 January 2014 - [Contract deal aims to reduce bureaucracy.](#) Contract changes will help end the 'treadmill of bureaucracy' for GPs, it has been claimed.

9 January 2014 - [Nominations open for BMA council.](#)

8 January 2014 - [BMA refutes criticism of women doctors.](#) The BMA has defended women doctors against claims in a national newspaper article that they are not committed to the NHS.

7 January 2014 - **GPs welcome plan to tackle human trafficking**. Doctors and other healthcare workers are set to be trained to spot victims of human trafficking.

6 January 2014 - **Awareness of patient data sharing drive begins**. The BMA has welcomed an initiative launched today to raise awareness about the benefits of sharing patient data.

30 December 2013 - **Charging migrants will cause confusion, BMA warns**. Plans to charge visitors and migrants to use the NHS could lead to confusion among patients and increased bureaucracy for doctors, the BMA has warned.

23 December 2013 - **New safeguards for e-cigarettes backed by BMA**. The BMA has welcomed new controls around electronic cigarettes, after a compromise text for a revised EU tobacco directive was approved last week.

17 December 2013 - **BMA secures lobbying bill assurances**. The BMA has welcomed new controls around electronic cigarettes, after a compromise text for a revised EU tobacco directive was approved last week.

17 December 2013 - **Doctors leaders welcome plan to scrap pharma sales targets**. The BMA has said it is pleased a major pharmaceutical company is changing the way it markets its products to healthcare professionals.

13 December 2013 - **Investment for talking therapies announced**. GPs have welcomed a £700,000 investment in a primary care talking therapies service in Northern Ireland.

### Canadian Medical Association (CMA)

7 January 2014 - **First all-women slate of candidates vying for CMA presidency**. Three physicians, all women, are vying to become the first Nova Scotia-based doctor to head the CMA since 1996-97.

1 January 2014 - **"Landmark" agreement maintains reciprocity between Canadian, US medical schools**. The CMA says a new "landmark" agreement signed by the organizations that oversee medical school accreditation in Canada and the US has achieved two major goals.

19 December 2013 - **CMA says no to e-cigarettes**. The CMA has taken a strong stand against the sale of electronic cigarettes by endorsing a series of recommendations from its Committee on Health Care and Promotion. Currently, e-cigarettes are not regulated or approved for sale in Canada.

### American Medical Association (AMA)

9 January 2014 - **New performance tool provides real-time feedback residents want**. A tool being tested and refined by Vanderbilt University School of Medicine faculty delivers objective data about the quality of residents' clinical performance both as individuals and in comparison to their resident colleagues.

9 January 2014 - **AMA celebrates historic 50th anniversary of first surgeon general's report on smoking and health; highlights continued commitment to improving the nation's health**. As the AMA celebrates the historic anniversary of the first Surgeon General's report on smoking and health released fifty years ago, we reflect on the tremendous progress that has been made to combat tobacco use in the U.S. and the millions of lives saved since the report was released.

8 January 2014 - **Combating drug overdose while managing patients' pain**. One of the most important outcomes from the recent AMA Interim Meeting was a renewed focus on national drug control policies and the responsible prescribing and use of prescription pain medication. This is a hot issue—and a difficult one for all of us. But there is hope in some recent developments, writes AMA Board Chair David O. Barbe, MD, in an AMA Viewpoints blog post.

12 December 2013 - **Landmark Agreement Formalizes Accreditation of U.S. and Canadian Medical Education Programs**. The Liaison Committee on Medical Education (LCME) and the Committee on Accreditation of Canadian Medical Schools (CACMS) took an important step today in furthering the commitment of both the U.S. and Canada to ensuring quality standards in medical school programs.

## ABOUT US

### Mark Williams



Mark is a partner in the Litigation and Regulatory team at DLA Piper.

Mark's focus is on public liability and professional indemnity insurance and associated litigation. He has particular experience with medical negligence claims and the complex insurance and indemnity arrangements prevalent in the resources, mining, building and construction industries.

Mark also acts for the regulators of the medical and other health professions.

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