



HEALTH ALERT

9 NOVEMBER 2015

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JUDGMENTS

Queensland

13 October 2015 - Chaudhry v Medical Board of Australia [2015] QCAT 414

The Queensland Civil and Administrative Tribunal has ordered costs against the Medical Board of Australia following a practitioner's successful application for review of the Board's decision to impose immediate conditions on his registration.

The Tribunal noted that the practitioner was "wholly successful" in his review application, affirming that the Board's concerns were based on a mistaken belief. On the issue of costs, the Tribunal considered, among other things, the conduct of both parties from the date the immediate action was taken by the Board and the date the matter was heard (a period of over one year).

The practitioner contended the Board's inaction following its decision to impose conditions on his registration supported his request for costs. In reaching its decision, the Tribunal reflected that the practitioner had responded to the Board's concerns in early correspondence and had provided detailed submissions. The Tribunal affirmed that the matters contained in the practitioner's initial responses were ascertainable by the Board and that the Board's mistaken belief could have been corrected by a "diligent investigation" of his submissions.

The Tribunal therefore concluded that it was appropriate to grant the practitioner's request for costs, ordering that the Medical Board of Australia must pay the practitioner's direct and incidental costs of the review proceedings.

3 November 2015 - Inquest into the Death of Summer Alice Steer

The Office of the State Coroner of Queensland delivered findings into the death of Summer Alice Steer, who died aged 4 of a haemorrhage caused by the ingestion of a button battery.

The Coroner found that Summer had ingested the button battery in the "days to weeks" prior to her death. Over a period of approximately 2 weeks, Summer was seen by a number of doctors and presented to the Emergency Department of Noosa Private Hospital three times. On Summer's third presentation, an x-ray revealed a 2 cm diameter button battery lodged in her oesophagus. Summer was promptly flown to the Royal Children's Hospital in Brisbane where she experienced cardiac arrest. Less than one hour after her arrival at the Royal Children's Hospital, Summer's operating team assessed her situation to be futile and she was pronounced dead.

After detailing his findings in relation to Summer's death, the Coroner made extensive recommendations aimed at reducing the likelihood of similar button battery deaths. The Coroner took a broad-brush approach, directing his recommendations to some 13 groups including: button battery manufacturers; the Queensland and Commonwealth Governments; State Health Departments; paediatric hospitals; professional associations; and the Australian Health Practitioner Regulation Agency (AHPRA). The Coroner's recommendations stressed the importance of greater awareness among medical practitioners regarding issues associated with button battery ingestion. The Coroner also recommended that the State Health Departments work together to develop a national reporting system for battery related exposures and injuries.

31 October 2015 - Re Variation and renaming of a modern award - Health Practitioners and Dental Officers (Queensland Health) Award - State 2015 [2015] QIRC 185

VARIATION OF A MODERN AWARD – Section 140C(1) of the Industrial Relations Act 1999 – request from the Minister for Employment and Industrial Relations that a modern award for the Local Government sector be made by 31 October 2015 – Local Government Industry Award

New South Wales

3 November 2015 - [Wei Fan v South Eastern Sydney Local Health District \(No 3\) \[2015\] NSWSC 1620](#)

COSTS – no point of principle - claim for professional medical negligence – judgment entered for the defendant – general rule that costs follow the event – whether costs should be paid on an indemnity basis – three offers of compromise made – whether costs should be paid on a gross sum basis – assessment of costs likely to be protracted and expensive – whether a broad brush approach should be taken

6 November 2015 - [Marden v Pharmacy Council of New South Wales \[2015\] NSWCATAD 230](#)

GOVERNMENT INFORMATION – Application for information about a complaint made about the applicant – Third party consultation by agency with complainant – Objection by complainant to provision of information to applicant – Decision of agency to provide access to some information in complaint and to deny access to remainder – Internal review sought by complainant – Whether decision under review only decision to provide access – Internal review decision to provide access to some information in complaint purportedly by making a new record of information and to deny access to remainder – Application by complainant for review by Information Commissioner – Subsequent application by applicant for Tribunal review – Identity of decision or decisions before Tribunal – Whether application to Tribunal made within time.

Victoria

30 October 2015 - [Inquest into the Death of Jarrod Wade Christie](#)

Finding - Inquest into the death of Jarrod Wade Christie

United Kingdom

2 November 2015 - [Reaney v University Hospital of North Staffordshire NHS Trust & Anor \[2015\] EWCA Civ 1119](#)

Appeal - negligence - compensation - compensation for care, physiotherapy and accommodation costs - assessment of damages - appeal allowed

LEGISLATION

Australian Capital Territory

4 November 2015 - [Health \(Patient Privacy\) Amendment Bill 2015](#) - Commenced

New South Wales

2 November 2015 - [Health Legislation Amendment Bill 2015](#) - Assented

1 November 2015 - Health Practitioner Regulation Legislation Amendment Act 2014 (The remainder of this act commences)

Queensland

6 November 2015 - [Health Legislation Amendment Regulation \(No. 3\) 2014](#) - Notification

REPORTS

Australia. Australian Competition and Consumer Commission (ACCC)

29 October 2015 - [ACCC proposes to re-authorise infant formula marketing code](#) The Australian Competition and Consumer Commission has proposed to re-authorise an agreement that prohibits the advertising and promotion of infant formula by manufacturers and importers directly to the public, and governs their interactions with health care professionals.

Australia. Department of Health

Media releases

6 November 2015 - **New flu protections following high season** - Vulnerable Australians will get free access to even stronger protections against the flu in 2016 following another record number of reported cases in 2015.

5 November 2015 - **Improving dementia support for all Australians** - The Australian Government will build improved and nationally consistent dementia support services for all Australians following independent analysis that described a system with a "lack of consistency and coordination".

3 November 2015 - **Common prescription medicines cheaper over-the-counter** - The Australian Government will address inconsistencies in the nation's PBS that see many concessional patients with a prescription for common medicines such as paracetamol and aspirin paying higher prices than if they simply purchased them over-the-counter.

2 November 2015 - **Misuse of Medicare chronic disease items** - Serious concerns have been raised about the misuse of taxpayer-funded chronic disease management plans by "less scrupulous" medical practices for personal financial gain, as millions of dollars in incorrect Medicare claims are ordered to be repaid.

2 November 2015 - **New drug listing Iclusig for chronic myeloid leukaemia** - Patients with rare chronic myeloid leukaemia and acute lymphoblastic leukaemia now have affordable access to a life-changing medicine that would normally cost up to \$66,500 per year for treatment.

Private Health insurance Circulars

5th - **PHI 74/15 Private Hospital Information: Name Change**

3rd - **PHI 73/15 Announcement of Consultations on Private Health Insurance**

2nd - **PHI 72/15 Prostheses List – Listing of OP-1 Implant**

Australia. Department of Social Services (DSS)

October update for service providers – Commonwealth Home Support Programme

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

6 November 2015 - **Communiqué** - The Dental Board of Australia releases its latest communiqué.

6 November 2015 - **Communiqué from the Board** - The Occupational Therapy Board of Australia releases its latest communiqué.

6 November 2015 - **Communiqué from the Board** - The Podiatry Board of Australia releases its latest communiqué.

5 November 2015 - **Communiqué from the Board** - The Osteopathy Board releases its latest communiqué.

5 November 2015 - **Communiqué from the Board** - The Physiotherapy Board of Australia releases its latest communiqué.

5 November 2015 - **2014/15 National Scheme annual report launched** - The 2014/15 annual report: AHPRA and National Boards has been published. The report details the work of the National Boards and AHPRA in implementing the National Registration and Accreditation Scheme over the 12 months to 30 June 2015.

4 November 2015 - **Revised accreditation standards for specialist medical programs** - The Medical Board of Australia has approved the Australian Medical Council's revised accreditation standards for specialist medical programs.

4 November 2015 - **Infection prevention and control in dentistry** - The Dental Board of Australia (the Dental Board) together with the Australian Health Practitioner Regulation Agency (AHPRA) hosted a forum on Thursday 22 October 2015 with some of our key partners to focus our attention on effective infection prevention and control by dental practitioners.

2 November 2015 - [New fact sheet on concurrent registration released](#) - The Nursing and Midwifery Board of Australia (NMBA) has published a new fact sheet on concurrent registration.

2 November 2015 [Communiqué from the Board](#) - The Pharmacy Board of Australia releases its latest communiqué.

2 November 2015 - [National registration delivering more registered health practitioners](#) - The number of registered health practitioners in Australia continues to grow in new data featured in the Australian Health Practitioner Regulation Agency (AHPRA) and the National Boards annual report for 2014/15 published today.

Australia. National Health & Medical Research Council (NHMRC)

30 October 2015 - [NHMRC Research Tracker](#)

Australia. Therapeutic Goods Administration (TGA)

6 November 2015 - [Notification of a new proprietary ingredient](#) - Updated - Notification of a new proprietary ingredient form.

6 November 2015 - [Required Advisory Statements for Medicine Labels No. 3](#) - An updated edition of the Medicines Advisory Statements Specification is proposed to be registered on or shortly after 12 December 2015.

3 November 2015 - [Australian Therapeutic Goods Advisory Council meeting statement, Meeting 7, 4 August 2015](#)

3 November 2015 - [Australian Therapeutic Goods Advisory Council meeting statement, Meeting 6, 17 February 2015](#)

2 November 2015 - [Medical Devices Safety Update, Volume 3, Number 6, November 2015](#) - In this issue: registry data offers insight into implants; reprocessing issues; hyperbaric chambers cancelled; safety alerts.

Australian Institute of Health & Welfare (AIHW)

5 November 2015 - [Aboriginal and Torres Strait Islander Health Performance Framework 2014 report: Queensland](#) - This report gives the latest information on how Aboriginal and Torres Strait Islander people in Queensland are faring according to a range of measures of health status and outcomes, determinants of health and health system performance. Indicators are based on the Aboriginal and Torres Strait Islander Health Performance Framework. The report highlights the main areas of improvement and continuing concern.

2 November 2015 - [AIHW annual report 2014–15](#)

Australia. National Mental Health Commission

30 October 2015 - [Minister Nash launches Implementation Plan to help Close the Gap in Indigenous health outcomes](#) - The National Mental Health Commission is pleased to see the release of the *Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013-2103* by Rural Health Minister Nash. In *Contributing Lives, Thriving Communities* – its national review of mental health programmes and services – The Commission called for building further capacity in social and emotional wellbeing teams within Aboriginal community controlled health services.

Australian Capital Territory (ACT). Health Directorate

6 November 2015 - [Congratulations on Promotion to Full Professor](#) Congratulations to Dr Stephen Robson, Dr Drew Richardson and Dr Desmond Yip on their promotion to full Professor at the ANU Medical School, from 1 January 2016.

4 November 2015 - [Development application approval marks next step toward new hospital for Canberra](#) - A development application for the University of Canberra Public Hospital reference design has been approved and notified on the public register, Minister for Health Simon Corbell announced today.

New South Wales (NSW). Ministry of Health

Media Releases

31 October 2015 - [NSW Health Urges Schoolies Get Health Checks Before Travelling](#) - With Schoolies' week just around the corner, NSW Health is urging teenagers to plan ahead and ensure they are adequately vaccinated against infectious diseases, particularly if they are travelling to Bali or Fiji. NSW Health recommends school leavers visit their GP before travelling overseas to discuss whether they need shots for hepatitis A and measles.

31 October 2015 - [Simulator helps flight nurses deliver better patient care](#) - Health Minister Jillian Skinner has inspected the nation's first nurse-led flight simulator lab at NSW Ambulance's aeromedical services fixed-wing base at Mascot. Mrs Skinner was accompanied by Parliamentary Secretary for Rural and Regional Health and Western NSW Sarah Mitchell as she inspected the lab, which simulates patient scenarios such as cardiac arrest, child birth, seizures and paediatric trauma. It also simulates flight emergencies such as rapid cabin decompression or fire.

5 November 2015 - [NSW taskforce on health and the arts](#) - The NSW Government has established a taskforce to explore new ways in which the arts can benefit the health and wellbeing of people across NSW.

5 November 2015 - [Extraordinary everyday work celebrated on Thank a Paramedic Day](#) - A Hunter paramedic's bravery and leadership during the region's April storms has been rewarded with the Minister's Bursary for Excellence on Thank a Paramedic Day.

2 November 2015 - [Illawarra doctor named NSW Health staff member of the year](#) - Health Minister Jillian Skinner tonight congratulated the Illawarra's Director of Palliative Care Services, Dr Greg Barclay, for winning this year's Staff Member of the Year at the annual NSW Health Awards.

2 November 2015 - [Northern LHDs claim three NSW Health awards](#) - Health Minister Jillian Skinner tonight congratulated the state's northern Local Health Districts (LHDs) for winning three accolades at the NSW Health Awards.

Information Bulletins

4 November 2015 - [NSW Opioid Treatment Program Clinical Guidelines - Changes Regarding Takeaway Doses](#) IB2015_060

Northern Territory (NT). Department of Health

6 November 2015 - [Alcohol consumption on the decline in Alice Springs](#) - Statistics out of the latest Northern Territory Wholesale Alcohol Supply report show alcohol consumption decreased by 10 per cent in Alice Springs in the 2014 calendar year.

4 November 2015 - [Central Australia Health Service receives accreditation](#) - The Central Australia Health Service (CAHS) has been awarded three years accreditation by the Australian Council of Healthcare Standards (ACHS). Within CAHS, the Alice Springs Hospital, the Tennant Creek Hospital and the Central Australia Mental Health Service underwent the ACHS accreditation survey against the 10 national standards in March this year. The Chief Executive Officer of the Department of Health, Professor Len Notaras AM, the CAHS Board Chair, Damien Ryan, and Chief Operating Officer CAHS, Sue Korner congratulate all staff across Central Australia for their resolute effort and teamwork to meet all the requirements of the accreditation survey.

30 October 2015 - [Monster tides to trigger mosquito explosion](#) - The Department of Health (DoH) is warning Top End residents to expect another wave of salt marsh mosquitoes by the end of next week, with the highest tides of the year triggering extensive breeding across the Territory coast. Salt marsh mosquitoes can carry the Barmah Forest and Ross River viruses. Top End residents need to protect themselves from bites by covering up, using repellents and staying indoors when mosquito numbers are high.

Queensland (QLD). Department of Health

3 November 2015 - **Vision pass boosts travel accessibility** - Commuters who are blind or have low vision will be able to travel more independently across the state with the Palaszczuk Government introducing an upgraded permanent go access Vision Impairment Travel Pass (VITP).

30 October 2015 - **Children's Health Queensland Board Chair appointed** - Ms Rachel Hunter has today been appointed Board Chair and Member of Children's Health Queensland Hospital and Health Board.

29 October 2015 - **Bipartisan backing for new vaccination measures** - Queensland State Parliament today backed new laws to protect young and vulnerable Queenslanders from preventable diseases.

South Australia (SA). Department for Health & Ageing

5 November 2015 - **Getting to the heart of Aboriginal health** - More South Australian Aboriginal children are receiving lifesaving injections to prevent the onset of rheumatic heart disease and progression, SA Health data shows. Representing the Health Minister Jack Snelling, Member for Reynell Katrine Hildyard said over the past year there has been an increase of almost 20 per cent in the number of Aboriginal young people who have received more than 80 percent of their long-acting penicillin injections.

30 October 2015 - **Mental health beds boost** - More than twenty additional acute mental health beds will be opened as part of the State Government's commitment to improving services for consumers, the State Government has announced. Mental Health and Substance Abuse Minister Jack Snelling said the 21 new beds will reduce the time mental health consumers spend in emergency departments.

Tasmania (TAS). Department of Health & Human Services

1 November 2015 - **Child Protection System recruitment** - The Hodgman Liberal Government is committed to fixing Tasmania's broken child protection system to better protect our most vulnerable children.

Western Australia (WA). Department of Health

5 November 2015 - **Minister for Health and Minister for Regional Development: Carnarvon's new emergency department opens** - Carnarvon residents are set to benefit from the completion of an upgrade to the Carnarvon Health Campus emergency department.

4 November 2015 - **Minister for Health: Health services in Exmouth unveiled** - Residents and visitors of Exmouth and surrounding areas now have access to a modern health care hub with the final touches complete on the Exmouth Health Service redevelopment.

2 November 2015 - **Minister for Health: WA researchers set to regrow skulls** - Western Australian researchers will help patients needing cranial reconstructions to regrow parts of their own skulls as part of a radical new procedure that involves human stem cells and advanced 3-D printing technology.

5 November 2015 - **National Emergency Access Target quarterly reports** - In 2011, Western Australia signed up to the National Partnership Agreement on Improving Public Hospital Services. By signing, WA has committed to work towards national targets around access to emergency and elective services. The NEAT is a national four hour target where by the end of 2015, 90 per cent of all patients presenting to a public hospital Emergency Department (ED) will physically leave the ED for admission to hospital, be referred to another hospital for treatment or be discharged, within four hours.

New Zealand (NZ). Ministry of Health

4 November 2015 - **Vote Health: Report in relation to selected non-departmental appropriations for the year ended 30 June 2015** - This report is prepared under Section 19 of the Public Finance Act 1989, and covers the Vote Health appropriations used for purchasing outputs supplied by third-party service providers that do not report to Parliament directly on that expenditure.

2 November 2015 - **Code of Practice for the Security of Radioactive Material** - The Office of Radiation Safety is seeking comments and input from interested parties on a proposed new Code of Practice.

Canada. Department of Health

2 November 2015 - [Statement from Health Canada Regarding the Federal Court Decision of October 14, 2015](#) - OTTAWA - On September 30, 2014, Health Canada published an Information Update and the Minister of Health issued a statement regarding a decision that had been made to restrict the importation of products from the following two Apotex facilities in India: Apotex Pharmachem India Pvt. Ltd. (APIPL) and Apotex Research Private Limited (ARPL). On October 14, 2015, the Federal Court issued a judgment quashing the September 30, 2014 decision based on Health Canada and the Minister having proceeded unfairly and having acted for an improper purpose.

United Kingdom (UK). Department of Health

5 November 2015 - [ECHR Article 2: investigations into mental health incidents](#) - Guidance

4 November 2015 - [Fire safety in the design of healthcare premises \(HTM 05-02\)](#) - Guidance

4 November 2015 - [Local authority public health allocations 2015 to 2016](#) - Consultation outcome

4 November 2015 - [Junior doctors' contract](#) - Statement to Parliament

3 November 2015 - [Deprivation of Liberty Safeguards \(DoLS\): July to September 2015](#) - Official Statistics

2 November 2015 - [PHE annual accountability review minutes](#) - Transparency data

2 November 2015 - [NHS trust special administration: guide for unsecured creditors](#) - Guidance

30 October 2015 - [NHS 7 day services](#) - Collection

30 October 2015 - [Research into the "weekend effect" on hospital mortality](#) - Research and analysis

Australian Medical Association (AuMA)

6 November 2015 - [Immigration Minister must stop playing with people's lives](#) - The AMA has called on Immigration Minister Peter Dutton to immediately fly a pregnant diabetic Kurdish woman from detention in Nauru to Australia for urgent highly specialised medical care.

6 November 2015 - [AMA urges Health Ministers to collaborate on major health challenges](#) - The AuMA is urging the Federal, State, and Territory Health Ministers to collaboratively plan for the long-term challenges that face the Australian health system when they gather for the COAG Health Council meeting in Adelaide today.

5 November 2015 - [Organ donation on the rise, but more donors needed](#) - The AMA welcomes the most recent figures from the Australia and New Zealand Organ Donation Registry, which show that organ donation is again on the rise in Australia. In 2015, from January to September, the number of actual deceased donors was 320, an increase of around 10 per cent on the same time last year.

4 November 2015 - [Bettering the Evaluation and Care of Health \(BEACH\) Report confirms key role of GPs in primary health care, especially for older Australians](#) - The latest BEACH Report, Australian General Practice Activity 2014-15, shows that 85.8 per cent of Australians visit a GP at least once a year, and confirms that the high incidence of chronic disease in the ageing population will put greater pressure on general practice.

2 November 2015 - [AMA calls on Prime Minister to rule out GST on health](#) - Media reports over the weekend suggest that the Government is examining a range of tax options, including increasing the rate from 10 per cent to 15 per cent, and extending the tax to cover health, education, and food.

2 November 2015 - [2016 AMA Indigenous Peoples' Medical Scholarship](#) - The AMA is now accepting applications for the 2016 AMA Indigenous Peoples' Medical Scholarship. The successful applicant will receive \$10,000 each year for the duration of their course.

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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