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JUDGMENTS

Queensland

26 May 2014 - [Medical Board of Australia v Putha \[2014\] QCAT 159](#)

This was a complaint referred to the Queensland Civil and Administrative Tribunal by the Medical Board of Australia alleging the conduct of a doctor amounted to professional misconduct. The Board alleged that the doctor had improperly obtained registration by providing false statements in her application. The doctor did not challenge the allegations.

The Tribunal found that the doctor had signed an application for limited registration with a supporting curriculum vitae that contained false information about the extent of her experience in Indian clinics. On this basis she was granted limited registration by the Board which would not have otherwise been granted. The doctor conceded she had exaggerated the content of her curriculum vitae as she desperately wanted to work as a doctor in Australia. She expressed remorse for her actions. The Tribunal found that there was no suggestion that the doctor was medically incompetent despite the limited extent of her prior experience and had received positive references from colleagues.

The Tribunal concluded that the practitioner's misleading statements in her application amounted to professional misconduct. It found that conduct by a practitioner before registration can constitute a proper basis for a finding of professional misconduct as it goes to whether the practitioner is a fit and proper person. The Tribunal therefore cancelled the practitioner's registration and prohibited her from reapplying for a period of one year. The doctor was ordered to pay the Board's costs.

26 May 2014 - [Nursing and Midwifery Board of Australia v Tainton \[2014\] QCAT 161](#)

Professions and trades - Health care professionals - Nurse - Disciplinary proceedings - where the registrant engaged in a low key but improper relationship with a prisoner – where the registrant admitted professional misconduct and voluntarily surrendered registration two years before the hearing – where the Board seeks to impose conditions on future registration – whether it is beyond the power of the Tribunal to make orders when no registration subsisting. Procedure - Costs - Maximum costs orders and capped costs - generally - where the registrant voluntarily surrendered registration – where the registrant co-operated completely – where a full costs order would be onerous – whether the costs payable by the registrant should be limited.

26 May 2014 - [Psychology Board of Australia v Cook \[2014\] QCAT 162](#)

Professions and trades - Health care professionals - Psychologist - where the registrant maintained a sexual relationship with a patient – where the registrant did not advise the Board of her misconduct but made full admissions when asked to show cause – where the Board sought a suspended suspension – whether the Tribunal has the power to suspend a suspension. Professions and trades - Health care professionals - Psychologist - where the parties jointly submitted a sanction that cannot be made by the Tribunal – where the registrant now works in a larger practice with support and supervision – where the registrant has sought further training and counselling – whether the burden of a costs order is relevant in consideration of a sanction.

14 May 2014 - [Rudge v Nursing and Midwifery Board of Australia \[2014\] QCAT 226](#)

Professions and trades - Health care professionals - Nurses - Licences and registration - where the applicant applies for review of conditions imposed on her registration – where the registrant's registration has lapsed – whether the Tribunal can determine a matter regarding conditions on registration where the registration no longer exists. Procedure - Costs - Departing from the General Rule - Conduct of the parties - Conduct tending to litigation – where the application was dismissed – where the respondent made an offer that parties pay their own costs if proceedings are withdrawn – where the offer was rejected – where the respondent took significant and expensive steps to prepare for litigation – where the applicant is an unrepresented litigant, who has not had a substantive hearing of her matter – where the respondent could have brought an application to dismiss the proceedings at the date of the offer – whether the respondent should be entitled to costs.

South Australia

16 June 2014 - [Shojaei v Disney \[2014\] SADC 109](#)

This was an application by a plaintiff for the adjournment of the trial hearing his claim of negligence against a medical practitioner made to the District Court of South Australia. In the alternative, the plaintiff applied for leave to discontinue the proceedings so he is not barred from bringing a similar action later.

The plaintiff alleges he suffered sudden shock when informed of the death of his mother from a heart attack. He alleges her death was caused by the negligence of the defendant, who was a senior specialist in renal care. There were delays to the proceeding caused by a number of factors, including the plaintiff's change of solicitor, his mental health problems and his inability to contact an appropriate medical practitioner to provide a report. The plaintiff argued the trial should be adjourned as the delays were not caused by him personally. The defendant argued the practitioner was entitled to have the claims against him disposed of as soon as possible.

The Court denied the application for adjournment, determining it would unfairly prejudice the defendant, as the allegations had been hanging over the doctors head for 9 years and the plaintiff could not identify an appropriate expert or commit to a day which the trial could proceed. The Court allowed the plaintiff to discontinue the proceedings, despite it being unusual to do so at such a late stage. However, the Court imposed conditions that the plaintiff pay the defendants costs before issuing new proceedings and they be issued on or before 2 February 2015.

17 June 2014 - [Finding of Inquest into the death of Jason William Hugo-Horsman 26/2013 \(1572/2010\)](#). Death from suicide after referral and treatment at the child and adolescent mental health service.

17 June 2014 - [Finding of Inquest into the death of Drew Robin Kolbig 17/2013 \(0640/2011\)](#). Death from self-inflicted stab wounds after release from a psychiatric unit of a hospital.

Commonwealth

19 June 2014 - [Generic Health Pty Ltd v Bayer Pharma Aktiengesellschaft \[2014\] FCAFC 73](#)

Patents – lack of inventive step – whether the invention would be obvious to the hypothetical skilled addressee of the patent at the priority date – whether the hypothetical skilled addressee of the patent would have undertaken the steps in the patent as a matter of routine to lead, as a matter of course, to the invention – whether expectation of hypothetical skilled addressee of the patent in undertaking the steps in the patent is a necessary element of the test of obviousness – whether hypothetical skilled addressee of the patent must have expectation of successful production of the invention or “some other useful result” – whether the reformulated Cripps question is a test of universal application – lack of fair basis – lack of novelty.

18 June 2014 - [Nicholl Holdings Pty Ltd v Minister for Health \(No 2\) \[2014\] FCCA 1272](#)

Administrative Law – Costs – *Administrative Decisions (Judicial Review) Act 1977* (Cth) – consideration of costs regarding application for leave to proceed out of time when successful – no order as to costs – consideration of successful application for review – whether costs should be on an indemnity basis – determination to order costs as per scale – whether to counsel required due to complexity.

New South Wales

20 June 2014 - [Health Care Complaints Commission v Poole \(No 2\) \[2014\] NSWCATOD 67](#)

Dentist - Unsatisfactory professional conduct, Professional misconduct, failed implants, crowns, bridges, failure to respond to complaint in reasonable time, order to repay fees, conditions placed on registration, breach of conditions.

18 June 2014 - [Macquarie International Health Clinic Pty Ltd v Sydney Local Health District; Sydney Local Health District v Macquarie Health Corporation Ltd \(No 3\) \[2014\] NSWSC 828](#).

Evidence - Expert opinion - Evidence of likely reaction of union members.

16 June 2014 - [Health Care Complaints Commission v Townsend \[2014\] NSWCATOD 65](#).

Health Practitioner - breach of practice condition-held constitutes professional misconduct justifying cancellation of registration.

Victoria

19 June 2014 - [Finding into Death without Inquest of William John Bailey COR 2013 002004](#).

Death from combined drug toxicity (Methadone and Benzodiazepines) while prescribed methadone.

LEGISLATION

Commonwealth

11 June 2014 - [National Health \(Listing of Pharmaceutical Benefits\) Amendment Instrument 2014 \(No. 6\) \(No. PB 45 of 2014\)](#) F2014L00763 • PB 45 of 2014.

16 June 2014 - [National Health \(Highly specialised drugs program for hospitals\) Special Arrangement Amendment Instrument 2014 \(No. 6\) \(No. PB 48 of 2014\)](#) F2014L00766 • PB 48 of 2014 as made.

17 June 2014 - [National Health \(Weighted average disclosed price – October 2014 reduction day\) Determination 2014 \(No. PB 42 of 2014\)](#) F2014L00758 • PB 42 of 2014 as made.

11 June 2014 - [National Health Determination under paragraph 98C\(1\)\(b\) Amendment 2014 \(No. 6\) \(No. PB 46 of 2014\)](#) F2014L00761 • PB 46 of 2014 as made.

13 June 2014 - [National Health \(Listed drugs on F1 or F2\) Amendment Determination 2014 \(No. 5\) \(No. PB 47 of 2014\)](#) F2014L00762 • PB 47 of 2014 as made.

18 May 2014 - [Therapeutic Goods \(Listing\) Notice 2014 \(No. 1\)](#) F2014L00746.

11 June 2014 - [Private Health Insurance \(Prostheses\) Amendment Rules 2014 \(No.2\)](#) F2014L00733.

16 June 2014 - [National Health \(Highly specialised drugs program for hospitals\) Special Arrangement Amendment Instrument 2014 \(No. 6\) \(No. PB 48 of 2014\)](#) F2014L00766 • PB 48 of 2014 as made.

12 June 2014 - [Human Services \(Medicare\) Amendment \(Aged Care\) Regulation 2014](#) F2014L00725 • SLI 2014 No. 81 as made.

12 June 2014 - [Health Insurance \(Diagnostic Imaging Services Table\) Amendment \(2014 Measures No. 1\) Regulation 2014](#) F2014L00721 • SLI 2014 No. 79 as made.

REPORTS

Australia. Department of Health & Ageing

Media releases

17 June 2014 - [Better mental health care in Australia](#).

19 June 2014 - [A better start to life for indigenous children](#).

19 June 2014 - [DonateLife resources launched](#).

Private Health Insurance (PHI) Circulars

19th June 2014 - [PHI 37/14 Prostheses Amendment Rules - Correction to PHI 35/14 Changes to Cardiac Prostheses Clinical Advisory Group meeting dates](#).

17th June 2014 - [PHI 36/14 Changes to restricted access groups](#).

13th June 2014 - [PHI 35/14 Amendment to the PHI \(Prostheses\) Rules 2014 \(No. 1\)](#).

Australia. Health Practitioner Regulation Agency and the boards

20 June 2014 - The occupational therapy Board of Australia releases its latest communiqué. [Read Article](#)

19 June 2014 - The Chinese medicine Board of Australia releases its latest communiqué. [Read Article](#)

19 June 2014 - The Chinese medicine Board of Australia releases its latest newsletter. [Read Article](#)

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

17 June 2014 - The pharmacy Board of Australia releases its latest newsletter. [Read Article](#)

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

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

13 June 2014 - The psychology Board of Australia has released the May 2014 communiqué. [Read Article](#)

Australia. National Health & Medical Research Council (NHMRC)

[NHMRC research tracker - 13 June 2014.](#)

Australia. Therapeutic Goods Administration (TGA)

18 June 2014 - [Documents released under Section 11C of the Freedom of Information Act 1982](#) Added FOI 204-1314 documents.

18 June 2014 - [Australian Public Assessment Reports for prescription medicines \(AusPARs\)](#) Added golimumab (rmc), olodaterol (as hydrochloride) and fentanyl (as citrate)

17 June 2014 - [TGA joins European Directorate for the Quality of Medicines and Healthcare's \(EDQM\) Certification of Suitability to the monographs of the European Pharmacopoeia \(CEPs\) assessment process.](#) The TGA is set to strengthen its collaboration with the EDQM.

17 June 2014 - [Consultations on adoption of European Union guidelines in Australia.](#) Added guidelines proposed for adoption by TGA. Closing date: 29 July 2014.

13 June 2014 - [Required Advisory Statements for Medicine Labels \(RASML\) and the Labelling Order \(TGO 69\).](#) The newly revised RASML and the amendment to the Labelling Order (Therapeutic Goods Order No. 69D) has commenced on 12 June 2014.

Australian Institute of Health & Welfare

17 June 2014 - [The measurement of patient experience in non-general practitioner \(GP\) primary health care settings.](#)

Australian Commission on Safety and Quality in Health Care

16 June 2014 – On the radar – Issue 178 ([PDF 87KB](#)) ([Word 116KB](#)).

17 June 2014 - [Leading intensive care specialist to play pivotal role in Australia's health care safety and quality.](#) The Commission has announced the appointment of Dr. Robert Herkes as its new Clinical Director. This important role provides expert clinical advice across all of the Commission's nationally coordinated health care safety and quality priority programs.

Australia. National Mental Health Commission

20 June 2014 - [Youth mental health report released.](#)

Australian Capital Territory. (ACT) Health Directorate

20 June 2014 - [ACT chief health officers report \(CHO\) 2014.](#)

New South Wales. (NSW) Ministry of Health

Media Releases

19 June 2014 - [NSW state health plan - Towards 2021.](#)

17 June 2014 - [\\$1.3 billion building boom for NSW hospitals.](#)

17 June 2014 - [NSW Government leads way on medical research.](#)

17 June 2014 - [Record \\$19.9 billion health budget boosts frontline care](#)

Policy Directives & Guidelines

19 June 2014 - [Ambulance service charges](#) PD2014_016.

18 June 2014 - [NSW aged care services in emergency teams practice guidelines](#) GL2014_011.

17 June 2014 - [Standards for paediatric intravenous fluids: NSW Health](#) GL2014_009.

17 June 2014 - [NSW acute to aged related care services practice guidelines](#) GL2014_010.

Information Bulletins

16 June 2014 - [Nurses and midwives: Coding in stafflink](#) IB2014_036.

Queensland. Department of Health

18 June 2014 - [Public patients get private sector boost.](#) Thousands of public patients will be treated each year at the new Mater Springfield Private Hospital from 2016, under a partnership to boost front line health care announced today by Health Minister Lawrence Springborg.

17 June 2014 - [Paramedics the most trusted profession time and time again.](#) Paramedics have taken out the top spot in the annual Reader's Digest "most trusted profession" poll, highlighting the importance of the Government's commitment to frontline services.

17 June 2014 - [Minister joins HIV Foundation Queensland to mark new beginnings.](#) The second phase of the E.N.D H.I.V. campaign will hit Queensland televisions and newspapers in the fight to stop the spread of HIV.

15 June 2014 - [Quarter of nurses take home \\$100,000 after pay increases.](#) More than a quarter of all Queensland Health nurses now take home a pay-packet of more than \$100,000 a year and "they're worth every last penny of it", Health minister Lawrence Springborg says.

South Australia. Department for Health & Ageing

17 June 2014 - A faster, friendlier approach to dental x-rays is being developed by an Adelaide based radiographer with support from the South Australian government. [Read Article](#)

14 June 2014 - Proposals sought for Adelaide Dental School Higher education providers are invited to submit a proposal to partner with the State Government to provide an integrated public dental service and dental school. [Read Article](#)

Victoria. Department of Health

19 June 2014 - [\\$17.5 million for leading-edge cancer research.](#) Victorian researchers at the cutting edge of the fight against cancer will benefit from \$17.5 million in grants from the Victorian Coalition Government.

18 June 2014 - [Specialist Aboriginal drug and alcohol treatment service reopened.](#) Minister for Mental Health, Mary Wooldridge has announced the reopening of a state-wide specialist youth residential rehabilitation service with Aboriginal culture embedded into all aspects of the program.

14 June 2014 - [Better Health Channel – reliable health information.](#) A new survey for Victoria's award-winning Better Health Channel shows people are confused about basic health facts including recommended alcohol consumption, required sleep for teenagers and suggested daily serves of fruit and vegetables.

Western Australia. (WA) Department of Health

Operational Directives (OD)

19 June 2014 - [OD 0531/14](#). Re-use of single use devices The purpose of this circular is to clarify regulations with regards to re-use of Single Use Devices (SUDs). In keeping with TGA regulations, SUDs should not be re-used in any WA public health system facility.

18 June 2014 - [OD 0530/14](#). Specialist outpatient services access policy. The OD from the Director General is to advise all area health services that an update of the specialist outpatient services access policy has now been completed and should be adhered to from the date of the OD. The specialist outpatient services access policy is the single document to guide health services in the delivery and management for specialist outpatient appointments, with an emphasis on discharging patients from specialist outpatient services to their primary health care providers.

18 June 2014 - [IC 0190/14](#). Registered nurses, midwives, enrolled (mental health), enrolled (mothercraft) Nurses – Four percent wage increase for registered nurses, midwives, enrolled (mental health), enrolled (mothercraft) nurses.

New Zealand. Ministry of Health

13 June 2014 - [Information on national pandemic reserves](#).

United Kingdom. (UK) Department of Health

19 June 2014 - [Global dementia legacy event: David Cameron's speech](#).

19 June 2014 - [UK commits to new action to find breakthrough on dementia](#).

16 June 2014 - [Rewarding military and civilian medical excellence](#).

13 June 2014 - [Jeremy Hunt: Message to National Health Scheme staff during Carers Week 2014](#).

United States of America. Department of Health & Human Services

18 June 2014 - [New report shows premium affordability, competition and choice in the marketplace in 2013-2014](#).

17 June 2014 - [A milestone in protection from influenza](#).

Australian Medical Association (AuMA)

20 June 2014 - [AuMA Transcript - AuMA President, A/Prof Brian Owler, 2UE Sydney, 19 June 2014](#)
Subject: GP Co-payment. [Read Article](#)

20 June 2014 - [Council of Australia Governments \(COAG\) report provides further evidence of public hospitals under pressure](#). AuMA President, A/Prof Brian Owler, said today that the latest report from the COAG reform council shows that no state or territory met all their targets for elective surgery or emergency department performance in 2013. [Read Article](#)

18 June 2014 - [AuMA condemns The Australian's promotion of smoking and big tobacco](#). [Read more](#)

18 June 2014 - [Commonwealth fund warns against higher cost barriers to health care](#). The latest report from the highly respected international foundation, the Commonwealth Fund, highlights the dangers of the Government's poorly designed system of patient co-payments for general practice, pathology and imaging visits. [Read Article](#)

18 June 2014 - [Don't just watch the World Cup on television, get physical](#). AuMA position statement on physical activity 2014. The AuMA today released its new position statement on physical activity. [Read Article](#)

18 June 2014 - [Ethical guidelines for doctors who advertise or endorse products and services](#) AuMA position statement on advertising and public endorsement. [Read more](#)

16 June 2014 - [Sleight of hand on the Medicare Benefits Schedule \(MBS\) indexation](#). Sleight of hand MBS indexation. [Read more](#)

British Medical Association (BMA)

16 June 2014 - [Royal colleges back named doctor concept](#). Named clinicians should be responsible for patients' care throughout their hospital stay.

Canadian Medical Association (CMA)

19 June 2014 - [Health Canada seeks input on drug shortages](#). Health Canada is seeking input from Canadian physicians and members of the public on the current approach to notifications about drug shortages in Canada.

16 June 2014 - [Medical aid must not lead to fragmented care](#). How Canada can better deliver humanitarian medical aid to other countries was the topic of a major workshop recently hosted by the CMA.

13 June 2014 - [Protests against cuts in refugee care mark third year](#). Physicians and other health care providers will continue to protest federal government cuts to refugee care – made two years ago – with a third annual [National Day of Action](#) on 16 June.

American Medical Association (AMA)

18 June 2014 - [What the future holds for integrated care](#). Moving health care toward greater integration soon will be crucial for improving costs, quality and access to care, Mayo Clinic Health System Chief Executive Officer Robert Nesse, MD, told physicians earlier this month during the 2014 AMA annual meeting. [Read Article](#)

19 June 2014 - [Making the case for interprofessional education](#). The future of care delivery includes physician led team based care, so medical educators are working through how to educate tomorrow's physicians to effectively work with other health care professionals in care teams. [Read Article](#)

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