



# HEALTH ALERT

8 May 2017

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## JUDGMENTS

### Key Decisions

2 May 2017 - *Australian Competition and Consumer Commission v Social-Lites Pty Ltd* [2017] FCA 398 - TRADE PRACTICES – misleading and deceptive conduct – false and misleading representations as to the health effects and benefits of e-cigarette products – imposition of pecuniary penalty – principles relevant to the imposition of a penalty pursuant to s 224 of the Australian Consumer Law – agreed penalty – consideration of whether agreed penalty is within the permissible range of penalties – declarations – compliance orders – injunctions – corrective notices.

2 May 2017 - *Australian Competition and Consumer Commission v Burden* [2017] FCA 399 - TRADE PRACTICES – misleading and deceptive conduct – false and misleading representations as to the health effects and benefits of e-cigarette products – imposition of pecuniary penalty – principles relevant to the imposition of a penalty pursuant to s 224 of the Australian Consumer Law – agreed penalty – consideration of whether agreed penalty is within the permissible range of penalties – declarations – compliance orders – injunctions – corrective notices.

The Australian Competition and Consumer Commission (**ACCC**) commenced separate proceedings against two companies, Social-Lites and Elusion New Zealand, for breach of the Australian Consumer Law. The defendants in both proceedings were online retailers of e-cigarettes, which made statements on their websites that the e-cigarette products did not contain carcinogens or toxic chemicals found in regular cigarettes. The ACCC alleged that by making those representations the companies engaged in conduct that was misleading or deceptive and made false or misleading representations in contravention of section 18 of the Australian Consumer Law. The allegations were based on independent testing which showed the e-cigarette products did contain both carcinogens and toxins.

In both proceedings the Court held that by publishing statements to the effect that the products did not contain toxic substances, the defendants made false or misleading representations that the goods were of a particular composition and engaged in conduct that is liable to mislead the public as to the nature or characteristics of goods. The Court made note that the companies did not have sufficient evidence to support the representations and did not make reasonable enquiries to substantiate the accuracy of the representations. In addition to monetary penalties, the Court made orders requiring the companies to have visible banners on their websites directing consumers to the Court's declarations. It also imposed monetary penalties and injunctions restraining the relevant directors, responsible for authorising the content on the websites, from engaging in trade or commerce in connection with e-cigarette products.

28 April 2017 - *Kirby v Dental Council of New South Wales* [2017] NSWCATOD 64 - Apprehended bias – principle applicable to Dental Council – whether the fair minded lay observer might reasonably apprehend a lack of impartiality by the Council – the question is largely a factual one, but it is necessary to consider the legal, statutory and factual context – no apprehended bias.

In this case the applicant, a dentist, brought proceedings against a decision of the Dental Council of New South Wales regarding the imposition of conditions on his registration. The Council received a complaint from another practitioner alleging that the applicant had been treating patients who had been diagnosed with cancer. After an investigation the Council concluded that the applicant had been treating patients in a capacity outside of the normal scope of practice for a dentist. They imposed conditions on his registration including limiting his practice to minor dentistry procedures, preventing him from prescribing antibiotics and removing his right to practice alone.

He appealed the decision seeking to remove the conditions on his registration. He argued that when he was treating patients with cancer he was not practising dentistry and that the conditions are excessive and unnecessary to deal with any issue identified in relation to his practice of dentistry.

The Tribunal dismissed the appeal. The Tribunal considered whether there was a logical nexus between the applicant's conduct and the conditions imposed by the Council. It accepted that the conditions did not relate directly with the risks identified in his actions, especially considering the Council indicated that there was no evidence that the applicant lacked competence in his practice. However the Tribunal concluded

that the evidence before it indicated that the applicant had a lack of insight and his conduct was grave enough to warrant the imposition of conditions.

### Commonwealth. Fair Work Commission

28 April 2017 - *Ms Jan Waldron v Jeanette Margaret Kennedy T/A Healthy Jeanettes* [2017] FWC 2344 - Application for an unfair dismissal remedy.

3 May 2017 - *Karen Souren v Richmond Wellbeing* [2017] FWC 2271 - Application for relief from unfair dismissal.

2 May 2017 - *Southern Cross Care Broken Hill Limited* [2017] FWCA 2372 - Application for approval of the Southern Cross Care Broken Hill Limited, and the ANMF Oasis Staff Enterprise Agreement 2015-2018.

### Commonwealth. Federal Court

4 May 2017 - *Bayer Pharma Aktiengesellschaft v Generic Health Pty Ltd* [2017] FCA 428 - COSTS – damages for patent infringement – offer of compromise made – whether respondent sufficiently informed whether the offer represented a genuine compromise – indemnity basis.

### Australian Capital Territory

3 May 2017 - *Australian Capital Territory v Crawford* [2017] ACTSC 94 - APPEAL – JURISDICTION, PRACTICE AND PROCEDURE – Appeal from the Magistrates Court – appeal against the exercise of a discretion – history of delay – leave to file and serve an amended statement of claim – medical negligence.

### New South Wales

1 May 2017 - *Health Care Complaints Commission v Chan* [2017] NSWCATOD 66 - PROFESSIONS AND TRADES — health practitioner — whether practitioner guilty of unsatisfactory professional conduct — whether practitioner guilty of professional misconduct — appropriate protective orders where finding made that practitioner is guilty of professional misconduct.

1 May 2017 - *Hashman v Australian Medico-Legal Group Pty Ltd & anor* - Claireleigh Mosman Pty Ltd & anor v Australian Medico-Legal Group Pty Ltd [2017] NSWSC 496 - COSTS – oppression suit – where both parties seek compulsory purchase order – where only issue is price – where price determined at point between those contended for by each party – held, as plaintiff had to litigate to secure price superior to defendant's offer, plaintiff substantially succeeded and entitled to costs. COSTS – indemnity costs – where plaintiff bettered Calderbank offer made shortly before trial – where offer made later and open shorter than permissible for formal offer of compromise – held, insufficient reason to give plaintiff benefit of offer which could not be made as formal offer under the rules.

### Victoria

28 April 2017 - *Nursing and Midwifery Board of Australia v Condon (Review and Regulation)* [2017] VCAT 575 - Health Practitioner Regulation National Law - nurse directed a nurse junior to her to create a false and misleading entry in medical record of nursing home resident who had recently died – nurse misled authorities investigating the death of the nursing home resident – appropriate findings and determinations.

### Western Australia

1 May 2017 - *Bakaimis v Health Care Marian Centre Pty Ltd* [2017] WADC57 - Further and better particulars Interrogatories Objections to interrogatories.

3 May 2017 - *Prakash Health Services ATF K & S Prakash Unit Trust 2 T/A Back in Motion Malvern* [2017] FWCA 2397 - Application for approval of the Back in motion Health Group Rowville Enterprise Agreement 2017.

2 May 2017 - *Rezults Pty Ltd T/A Back In Motion Health Group Rowville* [2017] FWCA 239 - Application for approval of the Back in motion Health Group Rowville Enterprise Agreement 2017.

## LEGISLATION

*As a general rule, this bulletin tracks subsidiary legislation at Commonwealth, but not at state level*

### Commonwealth

5 May 2017 - [Private Health Insurance \(Health Insurance Business\) Rules 2017](#) F2017L00504 - as made.

5 May 2017 - [Private Health Insurance \(Risk Equalisation Levy\) Rules 2017](#) F2017L00503 - as made.

3 May 2017 - [Health Insurance \(Section 3C General Medical Services—Cataract\) Determination 2017](#) F2017L00497 - as made.

28 April 2017 - [National Health \(Efficient Funding of Chemotherapy\) Special Arrangement Amendment Instrument 2017 \(No. 4\) \(PB 31 of 2017\)](#) F2017L00490 • PB 31 of 2017 as made.

28 April 2017 - [National Health \(Highly specialised drugs program\) Special Arrangement Amendment Instrument 2017 \(No. 3\) \(PB 30 of 2017\)](#) F2017L00489 • PB 30 of 2017 - as made.

28 April 2017 - [National Health Determination under paragraph 98C\(1\)\(b\) Amendment 2017 \(No. 3\) \(PB 28 of 2017\)](#) F2017L00488 PB 28 of 2017 - as made.

28 April 2017 - [National Health \(Originator Brand\) Amendment Determination 2017 \(No. 3\) \(PB 33 of 2017\)](#) F2017L00487 PB 33 of 2017 - as made.

28 April 2017 - [National Health \(Listed drugs on F1 or F2\) Amendment Determination 2017 \(No. 3\) \(PB 32 of 2017\)](#) F2017L00486 PB 32 of 2017 - as made.

28 April 2017 - [National Health \(Pharmaceutical benefits – early supply\) Amendment Instrument 2017 \(No. 3\) \(PB 29 of 2017\)](#) F2017L00485 • PB 29 of 2017 - as made.

28 April 2017 - [Private Health Insurance \(Prostheses\) Amendment Rules 2017 \(No. 3\)](#) F2017L00484 - as made.

28 April 2017 - [National Health \(Listing of Pharmaceutical Benefits\) Amendment Instrument 2017 \(No. 3\) \(PB 26 of 2017\)](#) F2017L00483 PB 26 of 2017 - as made.

28 April 2017 - [National Health \(Price and Special Patient Contribution\) Amendment Determination 2017 \(No. 3\) \(PB 27 of 2017\)](#) F2017L00482 PB 27 of 2017 - as made.

### New South Wales

4 May 2017 - [Public Health Amendment \(Registered Nurses in Nursing Homes\) Bill 2016](#) - Introduced into Assembly.

### Queensland

28 April 2017 - [Mental Health Amendment Act 2017](#) Section 50A - to the extent it inserts new chapter 18A, parts 3 and 4 commences - See SLI 2017 No 58 as published on 28 April 2017.

## REPORTS

### Australia. Department of Health

Media releases

4 May 2017 - [Prostheses reforms to deliver better value for private health insurance](#) - The Australian Government is continuing to work with the private health insurance industry to make premiums more affordable for Australians.

3 May 2017 - [First imports of medicinal cannabis arrive in Australia](#) - The first two commercial shipments of medicinal cannabis products to be legally imported to Australia have arrived in Melbourne and Perth, following action taken by the Australian Government.

1 May 2017 - [Federal Aged Care Minister to Commission Review of Aged Care Quality Regulatory Processes](#) - The Australian Government is commissioning an independent review of the Commonwealth's

aged care quality regulatory processes to determine why they did not identify the extent of the failures of care at Makk and McLeay wards, as documented in the recent South Australian Oakden Older Persons Mental Health Service review.

1 May 2017 - **Further Strengthening No Jab, No Pay** - The Australian Government believes there is no excuse for parents who, without a valid medical reason, choose not to immunise their children.

1 May 2017 - **Making \$310 million of new vital drugs available for Australian patients** - The Australian Government is continuing to subsidise more life-changing and life-saving drugs on the Pharmaceutical Benefits Scheme (PBS) as part of our rock solid commitment to ensuring that Australians have access to vital medicines when they need them.

29 April 2017 - **Australia leads in innovation for rural health** - The Australian Government's innovative reforms to improve the health of rural, regional and remote communities were today showcased to the 14th World Rural Health Conference.

29 April 2017 - **Smile: \$11m reduces gap in rural and remote dental services** - People living and working in rural and remote Australia will now have access to dental services that were previously unavailable.

28 April 2017 - **Australia and New Zealand Ministerial Forum on Food Regulation Communiqué 28 April 2017**.

28 April 2017 - **Five Stars for Packaged Food Rating System** - The Government's voluntary Health Star Rating system for packaged foods has proved a resounding success, according to a report endorsed by the Australia and New Zealand Ministerial Forum on Food Regulation.

Private Health Insurance Circulars

**PHI 20/17 Private Health Insurance (Prostheses) Amendment Rules 2017 (No. 3) - update PHI 19/17 Private Health Insurance (Prostheses) Amendment Rules 2017 (No. 3).**

### **Australia. Health Practitioner Regulation Agency and the boards**

5 May 2017 - **Chinese Medicine Board departs for China on the Australia-China Council Grant Project** - A Chinese Medicine Board of Australia (the Board) delegation departs for China on Sunday (7 May 2017) thanks to funding support from an Australia-China Council (ACC) Grant.

5 May 2017 - **Communiqué from the Board** - The Psychology Board of Australia has released the April 2017 communiqué.

5 May 2017 - **Upcoming forum invitation for practitioners, students and stakeholders of Chinese Medicine** - The Chinese Medicine Board of Australia will be inviting practitioners, students and stakeholders of Chinese medicine to attend information forums being held around Australia.

5 May 2017 - **WA Court of Appeal sets aside Tribunal's decision** - The WA Court of Appeal dismissed Keith Woollard's appeal to strike out the Medical Board of Australia's allegations of false claims regarding his training and experience to perform a coronary angioplasty.

3 May 2017 - **Communiqué from the Board** - The Osteopathy Board releases its latest communiqué.

2 May 2017 - **Communiqué from the Board** - The Chiropractic Board of Australia releases its March communiqué.

1 May 2017 - **WA Court of Appeal sets aside Tribunal's decision** - The WA Court of Appeal dismissed Keith Woollard's appeal to strike out the Medical Board of Australia's allegations of false claims regarding his training and experience to perform a coronary angioplasty.

1 May 2017 - **Communiqué from the Board** - The Pharmacy Board of Australia releases its latest communiqué.

28 April 2017 - **Call for applications** - Call for persons interested in being appointed to the inaugural Paramedicine Board of Australia.

### **Australia. Pharmaceutical Benefits Scheme**

3 May 2017 - [International Harmonisation of Ingredient Names – PBS changes](#) - Some active ingredient names used in Australia differ from those used internationally. The Therapeutic Goods Administration (TGA) has updated over 200 active ingredient names used in Australia as part of their International Harmonisation of Ingredient Names (IHIN) reform. A full list is available on the [TGA website](#). Around 90 of these changes affect medicines listed on the Pharmaceutical Benefits Scheme (PBS). These new names will be incorporated within the PBS during 2017.

1 May 2017 - [PBS Website Update - 1 May 2017](#) - The Schedule of Pharmaceutical Benefits was updated on 1 May 2017 and the Summary of Changes can be found on the New, Amended and Deleted Items page.

26 April 2017 - [Agenda for the July 2017 PBAC meeting](#) - The agenda for the July 2017 PBAC meeting is now available. Your comments are welcome whether you are a patient, carer, member of the public, health professional or member of a consumer interest group.

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

4 May 2017 - [Black Gorilla tablets](#) - Black Gorilla tablets pose a serious risk to your health and should not be taken.

4 May 2017 - [France T253 capsules](#) - France T253 capsules pose a serious risk to your health and should not be taken.

4 May 2017 - [Dragon Power Capsules](#) - Dragon Power Capsules pose a serious risk to your health and should not be taken.

4 May 2017 - [Gold Reallas XXX capsules](#) - Gold Reallas XXX capsules pose a serious risk to your health and should not be taken.

4 May 2017 - [Real Skill Male Sexual Stimulant capsules](#) - Real Skill Male Sexual Stimulant capsules pose a serious risk to your health and should not be taken.

4 May 2017 - [Rize N Shine tablets](#) - Rize N Shine tablets poses a serious risk to your health and should not be taken.

4 May 2017 - [100% Healthy Food For Men tablets](#) - 100% Healthy Food For Men tablets pose a serious risk to your health and should not be taken.

4 May 2017 - [V9 Male Sexual Stimulant tablets](#) - V9 Male Sexual Stimulant tablets pose a serious risk to your health and should not be taken.

4 May 2017 - [MME Maxman IX capsules](#) - MME Maxman IX capsules pose a serious risk to your health and should not be taken.

4 May 2017 - [XXXL Penis Enlarging Ointment](#) - XXXL Penis Enlarging Ointment poses a serious risk to your health and should not be taken.

3 May 2017 - [Australian Public Assessment Reports for prescription medicines \(AusPARs\)](#) - Added Paritaprevir / ritonavir / ombitasvir and dasabuvir (as sodium salt) (Viekira Pak).

3 May 2017 - [Consultation: TGA - enhancing sanctions and penalties in the Therapeutic Goods Act 1989](#) - The TGA is seeking comments from interested parties on the consultation paper. Closing date 31 May 2017.

2 May 2017 - [Absorb Bioresorbable Vascular Scaffold System](#) - Hazard alert - increased risk of heart attack and blood clot.

2 May 2017 - [Maxman IV capsules](#) - Maxman IV capsules pose a serious risk to your health and should not be taken.

2 May 2017 - [Oh Baby! capsules](#) - Oh Baby! capsules pose a serious risk to your health and should not be taken.

2 May 2017 - [Dragon Max capsules](#) - Dragon Max capsules pose a serious risk to your health and should not be taken.

2 May 2017 - [TGA-Industry Working Group on Good Manufacturing Practice \(GMP\) \(TIWGG\)](#) - Established to facilitate consultation between TGA and the industry on matters relating to good manufacturing practice (GMP).

2 May 2017 - [Maxman Premium capsules](#) - Maxman Premium capsules pose a serious risk to your health and should not be taken.

2 May 2017 - [New Advanced Technological tablets](#) - New Advanced Technological tablets pose a serious risk to your health and should not be taken.

2 May 2017 - [Maxman V capsules](#) - Maxman V tablets pose a serious risk to your health and should not be taken.

2 May 2017 - [MMC Maxman XI tablets](#) - MMC Maxman XI tablets pose a serious risk to your health and should not be taken.

2 May 2017 - [Medical devices and IVDs: Suspensions from the ARTG](#) - Suspension notice for an Australian Blood Management Unit Trust 'Cardiopulmonary bypass system heating/cooling unit' device.

1 May 2017 - [Reform of the Orphan Drug Program - Transition arrangements](#) - Transition arrangements for sponsors with orphan designation.

1 May 2017 - [Medical Devices Safety Update, Volume 5, Number 3, May 2017](#) - Study looks at vascular closure device; Disinfectants can damage medical equipment; Stryker advice for surgeons; Recent safety alerts.

29 April 2017 - [Hyland's Baby homeopathic teething tablets](#) - Recall - may pose a serious health hazard to children.

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

5 May 2017 - [Media release: New data provides first picture of the use of restraint in mental health facilities.](#)

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

3 May 2017 - [Definitions for mechanical and physical restraint in mental health services](#) - The National Mental Health Commission commends the Australian Health Ministers' Advisory Council for endorsing national definitions for mechanical and physical restraint in mental health services.

Key principles define restrictive practices as a last resort, while the dignity and rights of people accessing mental health services should be respected and supported at all times. Reducing, and where possible eliminating, restrictive practices in mental health services has been a key national mental health safety and quality priority. The national principles aim to establish a consistent best practice approach to support the goal of eliminating the use of mechanical and physical restraint by mental health services. It is envisaged the principles will guide and support the development and review of detailed jurisdictional operational guidelines as appropriate across a range of service settings. The principles are intended to apply to all mental health services in Australia.

3 May 2017 - [Report launched by Professor Allan Fels](#) - In March 2017, Professor Allan Fels, Chair of the National Mental Health Commission officially launched the report on *'The economic value of informal mental health caring in Australia'*. It was the first time a report of this nature had ever been produced which shows the economic value of informal care in Australia and it clearly validates the importance of carers.

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

3 May 2017 - [Recall of Absorb Bioresorbable Vascular Scaffold System](#) - ACT Health is alerting the community to the hazard alert and recall for Absorb Bioresorbable Vascular Scaffold (BVS) System.

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

Media Releases

5 May 2017 - **Australian first for NSW mental health care** - For the first time in Australia, vulnerable people living with mental illness will receive care from an innovative community-based program, made possible by a social impact investment.

Minister for Mental Health, Tanya Davies, and Treasurer, Dominic Perrottet, today announced the NSW Government's partnership with Social Ventures Australia and not-for-profit mental health care provider Flourish Australia, who will deliver the \$7 million Resolve Program over seven years.

1 May 2017 - **Big Red Kidney Bus embarks on NSW holiday tour** - Patients living with kidney failure can now plan holidays without the worry of missing life-saving treatment, with the launch of the first mobile dialysis service in a bus. Health Minister Brad Hazzard said the NSW Government has provided more than \$382,000 for up to 250 patients a year to receive dialysis on the Big Red Kidney Bus, which will tour popular holiday spots across NSW.

1 May 2017 - **\$14M paediatric intensive care unit for Hunter** - Life-saving treatment for children across Northern NSW has been boosted with the opening of a \$14 million Paediatric Intensive Care Unit (PICU) at John Hunter Children's Hospital. Health Minister Brad Hazzard said the new state-of-the-art facility will enhance the capacity for critical care services for children and young people in a family-friendly environment. "Having children in intensive care is often the most stressful time a family will ever face, so this unit has been designed specifically with families' needs in mind," Mr Hazzard said.

"More than 300 children and young people require intensive care treatment each year at John Hunter Children's Hospital – and demand is increasing. By building this unit, we are ensuring our most vulnerable patients get access to the best care available in a modern clinical facility." Children and young people who require medical, surgical and major trauma treatment will receive care in the dedicated eight-bed unit, which complements existing neonatal intensive care services. The unit features separate overnight accommodation and a family/parent room for some quiet time.

#### Policy Directives & Guidelines

3 May 2017 - **Maternity - External Cephalic Version** - Document number: GL2017\_007.

3 May 2017 - **Maternity - Supporting Women Planning a Vaginal Breech Birth** - Document number: GL2017\_008.

3 May 2017 - **HIV, Hepatitis B and Hepatitis C – Management of Health Care Workers Potentially Exposed** - Document number: PD2017\_010.

23 April 2017 - **NSW Clinical Service Framework for Chronic Heart Failure 2016** - Document number: GL2017\_006.

#### Information Bulletins

22 March 2017 - **Perinatal Data Collection Classification Changes Effective from 1 January 2016** - Document number: IB2017\_008.

#### Northern Territory. Department of Health

28 April 2017 - **Prompting safety in Darwin** - April is Sexual Assault Awareness Month and the theme this year is Talk Early Talk Often.

29 April 2017 - **Massive Health ICT project will deliver jobs and healthier locals** - The Territory Labor Government is investing \$259 million over five-years towards a new, fully integrated health system that will transform the delivery of health care services for Territorians and create local jobs.

#### Queensland. Department of Health

4 May 2017 - **New 24-hour ambulance station for north Brisbane** - North Brisbane will soon be home to a new 24-hour ambulance station and a new Emergency and Fleet Management Precinct for the Queensland Ambulance Service (QAS), made possible with \$13 million in Palaszczuk Government funding.



3 May 2017 - **Kids and regions to receive integrated care boost** - Paediatric, regional, rural and remote projects scooped the pool in the first allocation of funding from the Palaszczuk Government's \$35 million Integrated Care Innovation Fund (ICIF).

3 May 2017 - **Ipswich Hospital changes take pressure off ED** - Patients attending the Ipswich Hospital Emergency Department (ED) are being treated faster as 14 new Palaszczuk Government-funded beds are added to the hospital.

3 May 2017 - **Improving recognition of heart failure in elderly patients** - An Ipswich Hospital doctor is leading a Palaszczuk Government-funded lung ultrasound trial that could revolutionise the way heart failure is diagnosed in elderly patients who attend emergency departments with shortness of breath.

4 May 2017 - **How to have a healthier, happier workplace** - We don't always think about promoting health at work, putting more emphasis on the exercise we do and food we eat out of hours. But for most Queenslanders, time spent at work takes up a significant chunk of the week. Just a few changes to our work environment and habits can have a big impact on our overall health, and that of our colleagues. Follow the steps below to make your workplace a healthier, happier place to be.

3 May 2017 - **5 things you might not know about asthma** - **Asthma** is Australia's most widespread chronic health problem. Asthma affects one quarter of Australian children, and one in 10 adults. Despite it being so common, many of us don't really know what asthma is, what causes it, or how to help someone with asthma. Read on to learn more about the condition that affects over 2 million Australians.

2 May 2017 - **Flu hits hard for asthma sufferers** - For people suffering from asthma, winter can be an uncomfortable time as cold air is a trigger for asthma flare-ups. Winter also brings the added threat of catching the flu – and for asthma sufferers, the flu can hit hard.

2 May 2017 - **Hemp foods a healthy boost for Queenslanders and industry** - The Queensland Government has backed the proposal to approve low-THC hemp seed as a legal food substance in Australia.

1 May 2017 - **QLD continues the fight for the new Sunshine Coast University Hospital Medical School** - Health and Ambulance Services Minister Cameron Dick has today written to Federal Assistant Minister for Health Dr David Gillespie urging him to deliver Commonwealth supported medical school places to ensure the Sunshine Coast University Hospital medical school's future and its ability to train the Sunshine Coast doctors of tomorrow.

### **South Australia. Department for Health & Ageing**

28 April 2017 - **Media release: Parents urged to vaccinate against tetanus** - A 22-month-old toddler is in a stable condition in hospital following the first confirmed case of tetanus in a South Australian child in 17 years. SA Health's Chief Medical Officer Professor Paddy Phillips is urging parents to make sure their children are fully vaccinated against tetanus and other diseases.

### **Tasmania. Department of Health & Human Services**

4 May 2017 - **Rural mental health funding in state Budget** - The Hodgman Liberal Government is continuing its commitment to rural communities by investing a further \$1.7 million over the next three years to Rural Alive and Well (RAW).

3 May 2017 - **Labor's Hypocrisy – secret and ignored hospital report revealed** - Labor's hypocrisy on health has been revealed with the tabling in Parliament today of a secret report on the Royal Hobart Hospital.

2 May 2017 - **North West Regional Hospital helipad** - The new helipad at the North West Regional Hospital is structurally complete and meets all the required standards - some minor technical issues have been identified which are now very close to being resolved.

2 May 2017 - **More White lies** - Today in question time inexperienced Labor leader Bec White again claimed that the Hodgman Liberal Government's record \$6.4 billion health spend includes the \$689 million Royal Hobart Hospital Redevelopment. This is categorically false, and the second time she has tried to spin this lie.

29 April 2017 - **White has no plan for health** - Labor Leader Rebecca White has again proven she is no different to former leader Bryan Green - all complaints, and no solutions.

28 April 2017 - **Low-THC hemp finally cleared as a food product** - The Hodgman Liberal Government is delighted that its long-time advocacy for the use of low-THC industrial hemp as a food product has been successful and will present an exciting new economic opportunity for Tasmanian farmers.

### Victoria. Department of Health

4 May 2017 - **Mandatory Kilojoule Labelling On The Menu In 2018** - The Andrews Labor Government is delivering on its commitment to require all major Victorian food outlets and supermarket chains to display kilojoule contents on their menus. Next year's May deadline is fast approaching, so we're working with the major retailers to help them meet their obligations and display appropriate labelling that ensures Victorians can make informed healthy choices.

The *Food (Kilojoule Labelling Scheme and Other Matters) Amendment Bill 2016* will require the big chain food outlets and large supermarkets to display the kilojoule content of items on the menu. It's all about giving families the information they need to follow a balanced, healthy diet.

4 May 2017 - **Community Solutions To Tackle Ice** - Community groups have been invited to apply for funding to tackle ice abuse, with applications now open for the next round of the Andrews Labor Government's Community Ice Action Grants.

3 May 2017 - **Bigger Northern Hospital Means Better Care** - The health needs of Melbourne's rapidly growing northern suburbs will soon be much better met, thanks to a major expansion of the Northern Hospital. The Victorian Budget 2017/18 will invest \$162.7 million to upgrade the hospital, with an increase in operating theatres and additional beds that will allow an estimated 10,000 more patients to be treated each year.

3 May 2017 - **Taking action on ice and other drugs** - The Andrews Labor Government is stepping up the fight against ice and drug addiction, with new rehabilitation beds and thousands more treatment places and counselling services for Victorians. As part of the *Victorian Budget 2017/18*, \$81.1 million will be invested in stage three of the Ice Action Plan with a focus on early intervention and treatment for Victorians struggling with dangerous drug use.

2 May 2017 - **More funding for mental health to save lives** - The Andrews Labor Government will boost mental health support and invest in forensic mental health services to keep Victorians healthy and safe. The Victorian Budget 2017/18 includes a \$325.7 million record investment in mental health services to further implement the Labor Government's 10-year Mental Health Plan to save and improve lives.

2 May 2017 - **Giving patients the best possible care** - The Andrews Labor Government will give Victorian patients the treatment they need sooner, with a massive boost to our front line hospital services, and yet another boost to elective surgery to drive down waiting lists.

2 May 2017 - **Faster, better care wherever you are** - Victorians will receive faster and better emergency care wherever they are, with more paramedics, more ambulances and better branches and equipment across our state. Under the Victorian Budget 2017/18, \$26.5 million will go to our ambulance service, building on the Andrews Labor Government's record \$500 million plan to improve ambulance response times.

2 May 2017 - **Better hospitals mean better care for Victorians** - The Andrews Labor Government will keep building and investing in better hospitals to give the best possible care to Victorians. The Victorian Budget 2017/18 will invest \$428.5 million in new hospital upgrades and equipment to give our hardworking doctors and nurses the world-class facilities they deserve.

2 May 2017 - **Supporting hospitals to respond to family violence** - The Andrews Labor Government is making sure our front line health workers have the support and skills they need to identify and respond to the signs of family violence. Thousands of hospital staff across the state will be trained to identify and support patients experiencing family violence, through a \$38.4 million investment in the *Victorian Budget 2017/18*.

## Western Australia. Department of Health

### Media Releases

4 May 2017 - **Mosquito warning for Grey Nomad travellers heading north** - Department of Health is reminding travellers heading north, and residents of northern Western Australia, to take precautions to avoid mosquito bites.

4 May 2017 - **Measles reminder for Bali travellers** - Western Australians heading overseas, including to Bali, are being reminded to make sure they have been appropriately vaccinated against measles, following a further case contracted on the island.

3 May 2017 - **Meningococcal disease death in an elderly adult** - The Department of Health today reported that an elderly West Australian has died from serogroup W meningococcal disease.

3 May 2017 - **3D fun helps children at Joondalup** - The introduction of Telethon funded 3D distraction technology at Joondalup Health Campus (JHC) is helping improve the experience of young patients. Purchased with a grant from Telethon, the Vpod system provides a welcome distraction for children undergoing uncomfortable procedures in the new Telethon Children's Ward at JHC. The equipment provides breathtaking 3D images – including an underwater world, castles, butterflies and dinosaurs – which captivate and distract young patients enduring difficult and painful procedures such as injections, blood tests or blood transfusions. The introduction of Telethon funded 3D distraction technology at Joondalup Health Campus (JHC) is helping improve the experience.

3 May 2017 - **Institute ready for research** - The Ralph and Patricia Sarich Neuroscience Research Institute (SNRI) at Queen Elizabeth II (QEII) Medical Centre was officially opened by Her Excellency, the Hon Kerry Sanderson AC, Governor of Western Australia on 26 April 2017. Designed to accommodate four of the State's premier neurological research organisations, the Ralph and Patricia Sarich Neuroscience Research Institute (SNRI) which was once an innovative research concept, is now a reality.

3 May 2017 - **Researcher in cell bid to stem blood disorder** - A Royal Perth Hospital researcher investigating the potential of using adult stem cells to treat one of the most common blood disorders in the elderly is among seven researchers awarded fellowships in the inaugural round of Registrar Research Fellowships. Myelodysplastic syndrome (MDS) is a disorder of the bone marrow that can progress to leukaemia in up to a quarter of cases. Dr Melita Cirillo says research has shown MDS patients can benefit from various immune therapies but none has been used routinely due to side effects including increased risk of infection.

3 May 2017 - **Minister for Health and Treasurer: State Government provides further clarity on Perth Children's Hospital water** - A technical report analysing ongoing water quality issues at Perth Children's Hospital (PCH) has been publically released today (May 3). The Jacobs Report has been developed by the Department of Treasury's hydraulic engineering adviser and provides a holistic view of water quality issues to date, and recommendations beyond practical completion.

3 May 2017 - **WACHS farewells ethics champion** - Professor Samar Aoun is stepping down as the WA Country Health Service's (WACHS) Human Research Ethics Committee Chair after more than 20 years of voluntary service.

Since joining the small, Bunbury Health Service Ethics Committee as Chair in 1994, Professor Aoun grew this group into an influential WACHS-wide committee overseeing one of the most critical areas of WACHS business.

3 May 2017 - **Volunteers' kindness will not be forgotten** - Patients living with dementia and delirium are benefiting from a pilot program that has commenced at Royal Perth Hospital.

3 May 2017 - **Tanzanian midwives on learning tour of WA maternal facilities** - Six Tanzanian midwives participated in a three-week study tour of Western Australia's world-class health system.

## New Zealand. Ministry of Health

28 April 2017 - **Health and Independence Report 2016** - This publication presents a picture of the health and independence of New Zealanders in 2016.

## Australian Medical Association (AuMA)

1 May 2017 - **2017 AuMA National Conference 26-28 May** - Prime Minister Malcolm Turnbull will head the line-up of leading political and health speakers and panellists at the 2017 AuMA National Conference in Melbourne from 26-28 May.

## ABOUT US

### Dr Gerry Bean



Gerry is a Corporate Partner and provides corporate and commercial advice to the health sector and the not for profit sector. He has over 20 years' experience as a partner. He acts for hospitals, primary healthcare networks, aged care and retirement villages, charities and health insurers. Gerry has acted on several mergers in the health and non-for profit sectors including the merger which created cohealth. Gerry is an active contributor to our pro-bono practice. Gerry is also a director of the Law Institute of Victoria and a director of DLA Piper's International Board.

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