



HEALTH ALERT

28 August 2017

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JUDGMENTS

Queensland (QLD)

21 August 2017 - [A Practitioner v The Health Ombudsman \[2017\] QCAT 265](#) - PROFESSIONS AND TRADES – HEALTH CARE PROFESSIONALS – OTHER HEALTH CARE PROFESSIONALS – where the practitioner was an unregistered health practitioner – where the Health Ombudsman took immediate action by issuing an interim prohibition order in relation to the practitioner under s 68 of the Health Ombudsman Act 2013 (Qld) – where the interim prohibition order prohibited the practitioner from engaging in any employment or providing any services (paid or otherwise) in a clinical or non-clinical capacity, which relates to the provision of a health service – whether the Tribunal believes the action is necessary to protect public health or safety.

Victoria (VIC)

24 August 2017 - [Al Raheb v Medical Board of Australia \[2017\] VSC 49](#) - APPEALS – Application for leave to appeal and appeal of a decision of Victorian Civil and Administrative Tribunal (VCAT) to suspend a medical practitioner’s registration to practise - Question of Law – Whether Tribunal made findings that were not open on the evidence – Health Practitioner Regulation National Law (Vic) Act 2009, s 156(1)(a)(ii) – Secretary to the Department of Premier and Cabinet v Hulls [1999] 3 VR 331 applied.

23 August 2017 - [Medical Board of Australia v GMZ \(Review and Regulation\) \[2017\] VCAT 902](#) - Health Practitioner Regulation National Law (Victoria) Act 2009, ss 5(a) and (b) (professional misconduct); s. 5 unprofessional conduct; Health Professions Registration Act 2005, s 3(1)(b) professional misconduct. Reprimand; conditions imposed on registration.– S v Crimes Compensation Tribunal [1998] 1 VR 83 applied– Kozanoglu v Pharmacy Board of Australia [2012] 36 VR 656 applied – Victorian Civil and Administrative Tribunal Act 1998, s 148 – Leave to appeal granted, appeal dismissed.

LEGISLATION

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

Commonwealth

25 August 2017 - [Health Insurance \(General Medical Services Table\) Amendment \(Obstetrics\) Regulations 2017](#) - F2017L01090 as made.

24 August 2017 - [National Health \(Weighted average disclosed price – October 2017 reduction day\) Amendment Determination 2017 \(No.1\) \(PB 69 of 2017\)](#) - F2017L01084 - PB 69 of 2017 - as made.

24 August 2017 - [Health Insurance \(Extended Medicare Safety Net\) Determination 2017](#) - F2017L01082 as made.

24 August 2017 - [Health Insurance \(FTB\(A\) Family Determination 2017](#) - F2017L01081 as made.

REPORTS

Australia. Department of Health

Media releases

25 August 2017 - [Commonwealth Games anti-doping funding arrangements finalised](#) - The Australian Government will provide \$1.8 million to ensure the highest quality anti-doping testing and arrangements are in place for the 2018 Commonwealth Games on the Gold Coast.

24 August 2017 - [Major new measures to help combat rare cancers](#) - The Australian Government is supporting major new initiatives that will improve access to clinical trials, particularly for people with rare cancers including children.

23 August 2017 - [Lifeline Australia CEO Peter Shmigel](#) - I want to express my sincere thanks and gratitude to Pete Shmigel for his work, dedication and stewardship of Lifeline Australia for the last two years.

22 August 2017 - [Retirement of Mr Martin Bowles PSM from public service](#) - I would like to join the Prime Minister in thanking Mr Martin Bowles PSM for his distinguished career of public service which has spanned almost forty years.

21 August 2017 - [Record number of Australians receiving Medicare benefits](#) - More Australian patients are seeing their doctor without having to reach for their wallet with GP bulk billing rates for the 2016-17 financial year increasing to 85.7% compared to 85.1% in 2015-16.

19 August 2017 - [Have your say on funding private patients in public hospitals](#) - The Australian Government is seeking feedback on this topic. If you are interested in providing a submission, a discussion paper has been released.

18 August 2017 - [Broken Hill hosts nation's 100th headspace youth mental health service](#) - A \$1.787 million Australian Government investment in headspace services in Broken Hill will provide a significant boost to the region's mental health care and support in an area identified as high need.

18 August 2017 - [Broken Hill residents to benefit from new Senior Lounge funding](#) - The Australian Government is proud to provide more than \$80,000 to further support Broken Hill's Senior Lounge, a popular local hub for older people.

18 August 2017 - [Programs paving way for healthy future in Broken Hill and the Far West](#) - Community based chronic disease initiatives are making significant improvements in the health of indigenous people across the Far West of New South Wales.

Private Health Insurance Circulars

10 August 2017 - [PHI 40/17 Version 1.14.0.0 Check-It 2 Released](#)

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

25 August 2017 - [Tribunal reprimands nurse, cancels registration for professional misconduct](#) - False declarations by nurse lead to cancellation of registration and disqualification from reapplying for six months.

25 August 2017 - [Communiqué from the Board](#) - The Optometry Board of Australia releases its latest communiqué.

23 August 2017 - [Communiqué from the Board](#) - The Osteopathy Board releases its latest communiqué.

22 August 2017 - [Board successfully holds physiotherapist accused of health insurance and Medicare claim fraud to account](#) - The Physiotherapy Board of Australia (the Board) and the Australian Health Practitioner Regulation Agency (AHPRA) have successfully prosecuted a South Australia physiotherapist found by a tribunal to be fraudulent and deceptive.

22 August 2017 - [Tribunal cancels 'predatory' GP's registration for four years](#) - The Queensland Civil and Administrative Tribunal (the tribunal) has cancelled the registration of general practitioner Dr Muhammad Azam and disqualified him from re-applying for registration for a period of four years.

Australia. National Health And Medical Research Council (NHMRC)

24 August 2017 - [Research into Debilitating Symptom Complexes Attributed to Ticks](#) - NHMRC has established an Advisory Committee for Research into [Debilitating Symptom Complexes Attributed to Ticks](#).

24 August 2017 - [Grants funded by the Medical Research Future Fund \(MRFF\)](#) - Two MRFF grant opportunities opened on Thursday 24 August 2017: Antimicrobial Resistance Targeted Call for Research (AMR-TCR) and Lifting Clinical Trials and Registries Capacity (LCTRC). These grants will close 5pm (AEDT) on Wednesday 4 October 2017. Details on how to apply, key dates and more information can be found on the [website](#).

23 August 2017 - [Webinar video and slides on NHMRC's new grant program](#) - The video, slides and transcript from NHMRC's webinar on the new grant program are [now available online](#). There is [information on the transitional arrangements and eligibility](#) for the first year of the new grant program. The [future.nhmrc.gov.au website](#) will be updated soon with further information.

25 August 2017 - [NHMRC Research Tracker—25 August 2017](#)

18 August 2017 - [NHMRC Health Tracker—August 2017](#)

Australia. Pharmaceutical Benefits Scheme

23 August 2017 - [Agenda for the November 2017 PBAC meeting](#) - The agenda for the November 2017 Pharmaceutical Benefits Advisory Committee (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.

The company applying for subsidy under the Pharmaceutical Benefits Scheme has already provided the PBAC with detailed clinical and economic data in support of the application. You are welcome to provide comments, for consideration by the PBAC, from a personal or group perspective on the impact of the condition addressed in the application.

18 August 2017 - [Recommendations made by the PBAC - July 2017](#) - The recommendations from the July 2017 Pharmaceutical Benefits Advisory Committee (PBAC) meeting are now available.

Australia. Therapeutic Goods Administration (TGA)

23 August 2017 - [Shortage of Neo-Mercazole \(carbimazole\)](#) - Update - medicine shortage resolved, registered product now available.

23 August 2017 - [TGA customer service standards](#) - Update to the Contact the TGA information and TGA customer service standards.

18 August 2017 - [Infections associated with heater-cooler devices](#) - Update.

18 August 2017 - [Medical devices notices & standards orders](#) - Added Therapeutic Goods (Articles that are not Medical Devices) Order No. 2 of 2017.

18 August 2017 - [Guidance on the regulation of tampons in Australia](#) - New regulatory guidance is available for tampons in Australia.

18 August 2017 - [Pharmacovigilance Inspection Program: information sessions](#) - Initiative to help sponsors of medicines to meet their pharmacovigilance obligations.

Australian Digital Health Agency

22 August 2017 - [Register now! Webinars for SNOMED CT-AU terminology, Australian Medicines Terminology \(AMT\) and National Clinical Terminology Service \(NCTS\)](#) - We are excited to announce upcoming webinars being held for SNOMED CT-AU terminology, Australian Medicines Terminology (AMT) and National Clinical Terminology Service (NCTS)! The webinars will be held in September, October and November 2017.

Australian Commission on Safety and Quality in Health Care

21 August 2017 - [Top Tips infographics in translation](#)

18 August 2017 - [Top Tips in translation](#)

On the Radar – 21 August 2017 – Issue 335 ([PDF 212KB](#)) ([Word 157KB](#))

Australian Capital Territory (ACT). Health Directorate

18 August 2017 - [Save the ED for emergencies](#) - ACT Health is today urging Canberrans to save our ACT Emergency Departments (ED) for genuine medical emergencies following a succession of extremely high numbers of patients presenting to the EDs.

New South Wales (NSW). Ministry of Health

Media Releases

23 August 2017 - [Record low number of new HIV cases in NSW](#) - HIV is one step closer to being eliminated in NSW with a rapid fall in diagnoses to record low levels, according to the latest quarterly NSW HIV Data Report.

NSW Health Chief Health Officer Dr Kerry Chant said NSW is a world leader in preventing HIV and is on track to achieve its goal of virtually eliminating HIV transmission by 2020 under the NSW HIV Strategy 2016-2020.

Publications

22 August 2017 - [Early-mid career fellowships cardiovascular health \(2017-2020\)-Application guidelines](#)

18 August 2017 - [NGO Alcohol and Other Drugs Treatment Service Specifications](#)

Guidelines, Policy Directives and Information Bulletins

21 August 2017 - [Leave Matters for the NSW Health Service](#)

Northern Territory (NT). Department of Health

23 August 2017 - [Statement regarding peak in demand for emergency care at Royal Darwin Hospital](#) - Royal Darwin Hospital is currently experiencing a peak in demand for emergency care.

23 August 2017 - [New culturally appropriate video supports safe eating and drinking](#) - This week is national Speech Pathology Week and an appropriate time for the Central Australia Health Service to launch a video aimed at promoting eating, drinking and swallowing safely.

22 August 2017 - [NT Disability Services Awards Launched This Week](#) - Nominations open this week for the 2017 Northern Territory Disability Services Awards. The Territory Health Minister Natasha Fyles launched the Awards that celebrate excellence in the field.

20 August 2017 - [Delivering on PET Scanner and second CT facility - \\$6-million Tender Awarded](#) - The Territory Labor Government is marking a significant milestone in the development of the PET Scanner Project with a tender awarded for construction this week. The Minister for Health Natasha Fyles said local construction company Sitzler had been awarded the \$6 million contract to build the facility.

20 August 2017 - [Making Our Community Safer – BDR Registrar Appointed](#) - The Territory Labor Government has appointed a new Registrar for the Banned Drinker Register (BDR). The Minister for Health Natasha Fyles announced today that Territory clinician Christine Kelly has been appointed to the role of BDR Registrar.

Queensland. Department of Health

25 August 2017 - [\\$2.6 million primary health hub and staff accommodation opens at Miles Hospital](#) - Miles Hospital's new \$2.6 million primary health hub and staff accommodation were officially opened today, with the new facilities providing offices for three onsite doctors and accommodation for more than 50 visitors each week.

24 August 2017 - [Palaszczuk Government to deliver Redcliffe Hospital carpark](#) - The Palaszczuk Government will build a new multi-storey carpark at Redcliffe Hospital, with planning and community consultation set to begin in the coming weeks.

22 August 2017 - [Low THC hemp seeds to grow new agriculture industry in Queensland](#) - Queensland's agricultural sector will soon receive a healthy boost with low THC hemp seeds to be available for human consumption from mid-November.

22 August 2017 - [Queensland enlists flu fighters to participate in Flu Five](#) - Queenslanders are being enlisted as flu fighters to help combat one of the State's biggest flu seasons on record.

20 August 2017 - [Paramedics responding to record demand as unprecedented flu season hits hard](#) - Queenslanders are being urged to remain patient and cooperate with health authorities as the flu season sparks a record demand for the Queensland Ambulance Service (QAS).

19 August 2017 - [Logan Hospital Cladding to be sent for testing](#) - Cladding from the Expansion Block at the Logan Hospital complex will be sent for testing in Melbourne after Audit Taskforce assessments could not confirm the level of fire retardation across cladding products that were used.

18 August 2017 - [Logan prep students brush up on dental care](#) - A tooth brushing program for Preps and Year One students will be rolled out across all Logan primary schools in a bid to reduce dental decay rates in children.

18 August 2017 - [New kitchen served up at Warwick Hospital](#) - Warwick Hospital's new \$1.4 million kitchen was officially opened this week, with the new facility already producing around 260 meals a day.

21 August 2017 - [Connect with a senior Queenslanders: for their health and yours](#) - This [Queensland Seniors Week](#), we're celebrating our older community members and the value they bring to our state. It's a good reminder to connect with the senior people we know, bask in some of their hard-earned wisdom and allow both of you to reap the benefits of a fulfilling relationship. Below are some tips for reconnecting with the older people in your life.

21 August 2017 - [Cervical cancer screening - what is changing and how will it affect you](#) - From 1 December this year, the National Cervical Cancer Screening Program will change. Instead of a Pap test every two years, women aged 25 to 74 will be invited to have a Cervical Screening Test every five years.

23 August 2017 - [The best part of being a speech pathologist](#) - It's [Speech Pathology Week](#), so we asked some of our speech pathologists from the Princess Alexandra Hospital to tell us what they do and why they love to do it.

23 August 2017 - [How to read a medicine label \(and why you always should\)](#) - Whether you're using prescription medicines, over the counter products, sunscreens or supplements, reading the labels will make sure you're using them properly and getting all of the benefits. It can also help prevent harmful side effects. Below, we've broken down the parts of a medicine packet you should pay attention to.

23 August 2017 - [Cool things that happen to your body as you age](#) - Aging – we've dedicated entire industries to preventing it, disguising it and dealing with the fallout of it. Wrinkles, grey hairs, aches, pains, and increased risk of disease: generally speaking, aging doesn't get a great rap.

But it turns out there are benefits to getting older, with some physical and mental attributes improving as we age. This [Queensland Seniors Week](#), we're celebrating all the great things there are about being a mature Queenslanders.

22 August 2017 - [The medical effects of one punch on the human body](#) - Between 2000 and 2015, [90 Australians](#) were killed in one punch assaults, 24 of whom were [Queenslanders](#). It can be hard to believe that one punch can kill someone, but the medical effects of a blow to the head can be [swift and severe](#).

22 August 2017 - [Hey! Can you hear me? - How to protect your hearing health](#) - According to [Hearing Awareness Week](#), one in four Australians will have some form of hearing impairment by 2050. That's a lot of people turning the TV volume way up and asking others to repeat what they've said.

As well as our aging population, rising rates of hearing loss can be attributed to our noisy lifestyles. With loud concerts, music blaring through earphones and noisy workplaces, noise injury is a major, and preventable, cause of hearing loss. Read on to find out how hearing works, how noise can destroy your hearing and what you can do to protect your ears.

[Queensland. Office of the Health Ombudsman](#)

25 July 2017 - [Health Ombudsman supports action on prescription medicines](#) - The Health Ombudsman today welcomed the announcement by the Minister for Health of action to reform the management and regulation of the most potent and addictive drugs used in the Queensland health system. Health Ombudsman Leon Atkinson-MacEwen said the planned reforms adopted a number of the recommendations from his comprehensive 18-month review into the regulatory system for scheduled medicines in Queensland.

20 July 2017 - [QCAT upholds ban for former chiropractor](#) - The Queensland Civil and Administrative Tribunal (QCAT) has confirmed an interim prohibition order issued by the Health Ombudsman preventing former chiropractor George Zaphir from providing any health services.

South Australia. Department for Health & Ageing

20 August, 2017 - **New RAH engine room ready for first surgery** - With the new Royal Adelaide Hospital (RAH) preparing to accept its first day surgery patients tomorrow, the 'engine room' of the hospital is ready to start processing more than 10,000 medical instruments a day.

18 August 2017 - **Media release: Meningococcal case** - A case of invasive meningococcal disease has been notified in a 23-year-old woman from metropolitan Adelaide. The woman has been admitted to hospital and is in a serious condition.

Tasmania. Department of Health & Human Services

23 August 2017 - **RHH beds progress** - A Right to Information (RTI) request released today demonstrates the significant work being done at the Royal Hobart Hospital to open more beds and take pressure off the Emergency Department. The documents show early planning for new beds at the Royal and details the extensive consultation undertaken with senior medical and nursing staff on the frontline.

19 August 2017 - **Delivering health services that Tasmanians deserve** - Every Tasmanian deserves to have the best health services available. While the Government has invested in over 300 additional frontline health staff over the past three years, is opening more than 120 hospital beds, and has reduced elective surgery waiting lists to the lowest level ever, we understand there is more to do.

As part of our Plan to Build Your Future, a re-elected majority Liberal Government will set two ambitious new major targets for health: 90 per cent of Tasmanians will be treated within clinically-recommended timeframes for their elective surgery by the end of the next four year term of Government; 90 per cent of emergency presentations will be in and out of the Emergency Department within four hours by the end of the next four-year term of Government.

Victoria. Department of Health

25 August 2017 - **Better Training To Identify And Support Family Violence Victims** - The Andrews Labor Government is expanding training at Victorian public hospitals to help staff better identify and support patients experiencing family violence. Acting Minister for the Prevention of Family Violence Jenny Mikakos today officially opened the 2017 *Strengthening Hospital Responses to Family Violence* forum and announced \$10.2 million to train thousands more healthcare workers right across Victoria.

August 23 2017 - **Government Takes Action To Protect Victorian Health** - The Andrews Labor Government will make an urgent application to the Fair Work Commission to terminate industrial action being taken by the Health Services Union No 1 Branch (HWU) and Dorevitch Pathology. Dorevitch provides pathology services under contract to 32 Victorian public health services, 29 of which are in regional Victoria.

Western Australia (WA). Department of Health

23 August 2017 - **Research grants bring comfort to burns patients** - A project to help burns patients feel comfortable in their own skin is one of many research projects that will share in \$6 million of State Government infrastructure support funding.

22 August 2017 - **Nominations now open for WA nursing excellence awards** - Nominations now open for WA nursing excellence awards.

25 August 2017 - **15-19 year olds urged to have free meningococcal ACWY vaccine** - The Department of Health today reported that a young child is currently recovering in hospital after being diagnosed with serogroup W meningococcal disease.

23 August 2017 - **Meningococcal disease in a middle-aged adult** - The Department of Health today reported that a middle-aged West Australian is currently recovering in hospital after being diagnosed with serogroup W meningococcal disease.

23 August 2017 - **Minister for Health: CT scanner to bring cutting edge technology to Karratha, cut travel** - When the \$207.15 million Karratha Health Campus opens its doors to the public for the first time next year, it will feature cutting edge technology including a brand new 64-slice CT scanner.

23 August 2017 - **Minister for Health: Healthway support to tackle Aboriginal health issues** - Healthway's partnership with the Kimberley-based Garnduwa Amboorny Wirnan Aboriginal Corporation will support the Smarter than Smoking Active Communities program, reaching more than 15,000 people in almost 40 communities across the region.

23 August 2017 - **Minister for Health: improving ear health gives kids a better chance** - Hundreds of children all over Western Australia are set to benefit from better ear health, with the Western Australian Child Ear Health Strategy launched in Karratha today.

23 August 2017 - **Minister for Health: A new dimension to Karratha Health Campus** - Locals have been given a glimpse inside the impressive Karratha Health Campus with the release of new high level floor plans and drone fly-over footage.

23 August 2017 - **Minister for Health: Nominate for the 2018 Nursing and Midwifery Excellence Awards** - The awards are open to nurses and midwives working in all sectors of our health system, whether in public, private, non-government, hospital or community settings. Colleagues can nominate an outstanding nurse or midwife in 11 categories, while the public can nominate staff for the Consumer Appreciation Award.

23 August 2017 - **Algae bloom warning for Canning River area** - Members of the public have been warned to avoid recreational activities in the Canning River near Kent Street Weir, Wilson due to elevated levels of potentially toxic blue-green algae.

Australian Medical Association (AuMA)

24 August 2017 - **Governments needs to 'recognise and reward quality general practice' says AuMA President** - In his second National Press Club Address AuMA President, Dr Michael Gannon, this week praised GPs for delivering high quality care under tremendous pressure. Dr Gannon outlined how GPs remain the most cost effective aspect in Australia's health system, yet there is more that the government could do.

'The decision to progressively lift the Medicare freeze on GP services is a step in the right direction. But the Government needs to do much more to recognise and reward quality general practice.' He provided a 'to do' list for the government, outlining that strong primary care, properly resourced public hospitals, and a complementary private hospital sector underpinned by a stable private health insurance industry were all needed to support general practice.

24 August 2017 - **General practice best place for vaccination** - The Chair of AuMA Council of General Practice, Richard Kidd, has provided a real example of why general practice is the best place for vaccinations. While most vaccinations occur without incidence, occasionally a patient can have an immediate adverse reaction. In his article in the latest edition of Australian Medicine, Dr Kidd has highlighted that vaccinations are best provided in a place where an adverse reaction, should it occur, can be dealt with quickly and safely.

24 August 2017 - **Medicare Benefits Schedule Review – important changes for GPs** - The Department of Health has announced changes to the Medicare Benefits Schedule (MBS), which affect GPs. Changes include the removal of the block on aftercare payments and an increase on the rebate for selected procedures performed by GPs. These updates follow recommendations from the MBS Review Taskforce, which importantly allows health professionals to have their say on changes proposed by the Government.

24 August 2017 - **Zostavax vaccine: Pre-vaccination checklist now available** - GPs may be interested in a pre-vaccination checklist for the administration of Zostavax vaccine prepared by the GP Roundtable, of which the AuMA is a member. The checklist was developed in consultation with members of the Therapeutic Goods Administration's (TGA) Advisory Committee on Vaccines as well as members of the Australian Technical Advisory Group on Immunisation.

24 August 2017 - **AuMA Indigenous Scholarship** - The AuMA Indigenous Medical Scholarship supports Aboriginal and Torres Strait Islander students to study medicine, and achieve their dream of becoming doctors. Each year, the AuMA offers one Scholarship to an Aboriginal and/or Torres Strait Islander student studying medicine at an Australian University, but with the help of your tax deductible donation, we can increase the number of Scholarships offered each year and help grow the Indigenous medical workforce.

24 August 2017 - **Push for children to be vaccinated** - The government's 'Get the Facts about Immunisation' campaign was recently launched by the Minister for Health and Sport, the Hon Greg Hunt, to encourage parents and carers to get their kids vaccinated. GPs may find the resources released as part of the campaign useful.

24 August 2017 - **AuMA Queensland Private Practice & Medico-Legal Conference** - Discounts are available for AuMA members to attend the Private Practice and Medico-Legal Conference 2017. The focus of the program on offer is on future-proofing your practice. Join practitioners and other health care professionals to address some of the most challenging decisions doctors face in the workplace. Issues to be discussed include e-health, passing accreditation, exploring new income streams for private practice, digital marketing and managing emerging risks in practice.

ABOUT US

Michael Regos



Michael is the head of the DLA Piper health litigation group.

He practises in the areas of health law, insurance law, medical negligence and coronial enquiries. He represents Victorian public hospitals and their insurers, the Victorian Managed Insurance Authority and is the solicitor of choice for Australia's second-largest private health operator.

Michael regularly presents to medical groups and hospitals on medico-legal issues.

Contact Details

T +61 3 9274 5437

michael.regos@dlapiper.com

MORE INFORMATION

Contact your nearest DLA Piper office:

BRISBANE

Level 9, 480 Queen Street
Brisbane QLD 4000
T +61 7 3246 4000
F +61 7 3229 4077
brisbane@dlapiper.com

MELBOURNE

Level 21, 140 William Street
Melbourne VIC 3000
T +61 3 9274 5000
F +61 3 9274 5111
melbourne@dlapiper.com

PERTH

Level 31, Central Park
152-158 St Georges Terrace
Perth WA 6000
T +61 8 6467 6000
F +61 8 6467 6001
perth@dlapiper.com

SYDNEY

Level 22, No.1 Martin Place
Sydney NSW 2000
T +61 2 9286 8000
F +61 2 9286 8007
sydney@dlapiper.com

www.dlapiper.com

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