



HEALTH ALERT

11 December 2017

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JUDGMENTS

Key Decisions

6 December 2017 - *Amos v Western NSW Local Health District; Arnold v Western NSW Local Health District* [2017] NSWCATAD 359 - ADMINISTRATIVE LAW – Government information – whether disclosure could reasonably be expected to prejudice the supply of confidential information that facilitates effective exercise of agency functions – workplace investigation – human resources and patient safety functions – whether disclosure could reasonably be expected to prejudice effective exercise of agency functions – whether disclosure could reasonably be expected to disclose information provided in confidence – balancing of public interests. Personal information – whether disclosure would reveal an individual's personal information or contravene an Information Privacy Principle – whether information already revealed – balancing of public interests.

The applicants are cardiologists at Orange Health Service, and the respondent is a Local Health District responsible for Orange Health Service. The matter arose when the first applicant collapsed during a procedure and the second applicant took over that procedure. This incident resulted in an investigation by the director of medical services at the hospital. The applicants sought, under the *Government Information (Public Access) Act 2009 (the Act)*, to obtain access to documents which came into existence as part of the investigation.

In determining whether information should be released the Act requires consideration of whether public interests favour disclosure or not. The respondent submitted the relevant public interests against disclosure include the release of information provided in confidence and prejudice the supply of confidential information that facilitates the effective exercise of its functions, and contravention of information protection principle under the *Privacy and Personal Information Protection Act 1998*. The applicants submitted disclosure could inform them of whether the documents should be corrected or challenged, and would promote openness, fairness and transparency of the investigation.

The Tribunal held in favour of the respondent. It was satisfied the motives of the applicants was to determine whether any disciplinary action could be taken against the director or the hospital. Therefore, there was insufficient public interest in the matters raised by the applicants, which were personal in nature, to outweigh the public interest in protecting the personal information of persons which was canvassed in the investigation report.

1 December 2017 - *Laerdal Medical Pty Ltd and Comptroller-General of Customs AATA 2427* - CUSTOMS – whether subject goods accessory – whether furniture of plastics – subject goods hold automated external defibrillator – whether accessory to defibrillator- authorities – principles – decision affirmed.

The applicant is an importer of Headstart Wall Box/Wall Cabinet (**subject goods**) designed to house an Automated External Defibrillator (defibrillator), which is purchased separately. The subject goods are used in hospitals and emergency vehicles, and in public places.

The applicant sought a review of the decision by the respondent, the Comptroller-General of Customs, to classify the subject goods as a 'Furniture of plastics', rather than as part of or an accessory to defibrillators under the *Customs Act 1901 (the Act)*. The consequence of the respondent's decision was that the applicant was required to pay duty at the rate of 5% rather than being permitted to import them free of duty.

The Tribunal affirmed the decision of the respondent. It held that the subject goods, while they house or store defibrillators, they could not be characterised as part of the defibrillator or an accessory to the defibrillator because the defibrillator does not rely on the subject goods for its operation nor is it incomplete without the subject goods. While accepting the subject goods make a defibrillator visible and enhance the possibility that it will not be misplaced, it does not add to the effectiveness of the defibrillator or to the convenience of its use. It distinguished circumstances where the defibrillator drew power from the battery located in the subject goods apart from its own battery. Therefore, the more appropriate classification is 'Furniture of plastics' because they are intended to hold and protect the goods that they encase.

Commonwealth. Australian Patent Office

5 December 2017 - [Rozenberg & Co Pty Ltd. v Velin-Pharma A/S \[2017\] APO 61](#) - PATENTS – section 59 – opposition to the grant of a patent – allowability of amendments to the statement of grounds and particulars under subregulation 5.16 considered – lack of novelty in light of documents established – the concept of parametritis considered – the phrase 'comprising a therapeutically effective amount of one or more miRNA molecule(s), said miRNA being upregulated in a blood serum preparation derived from a body fluid after activation of said body fluid' is purely descriptive and does not add a limitation to the claim – 'grace period' provisions of paragraph 24(1)(a), subregulations 2.2(1A) and 2.3(1A) considered require citation D13 be disregarded – lack of novelty in light of acts not established as information was not made publicly available by the doing of the acts – lack of inventive step in light of cited documents considered together with common general knowledge established – composition comprising upregulated amounts of miRNA is a manner of manufacture in light of D'Arcy v Myraid Genetics Inc [2015] HCA 35 – lack of clarity not established – lack of sufficiency not established – opposition succeeds – costs awarded against applicant – opportunity to amend.

Commonwealth. Fair Work Commission

4 December 2017 - [Catalent Australia Pty Ltd T/A Catalent Pharma Solutions \[2017\] FWCA 6431](#) - Application for approval of the Catalent Australia Pty Ltd Production Employees Enterprise Agreement 2017-2020.

1 December 2017 - [Sunfresh Health Pty Ltd \[2017\] FWC 6388](#) - Application for an order relating to instruments covering new employer and transferring employees.

5 December 2017 - [Ms Roxanne Dennehy v KinCare Health Services Pty Ltd T/A KinCare \[2017\] FWC 6455](#) - Application to deal with contraventions involving dismissal – whether to extend time for lodging the application.

New South Wales (NSW)

4 December 2017 - [Banks \(bht Banks\) v Hunter New England Local Health District \[2017\] NSWSC 1682](#) - MEDICAL NEGLIGENCE – birth defect – proceedings commenced by an infant through a Tutor – matter resolved – approval of the Court – no issue of principle – consent orders made.

6 December 2017 - [Health Care Complaints Commission v Harvey \[2017\] NSWCATOD 175](#) - Unsatisfactory professional conduct – improper and unethical conduct. Breach of Conditions Imposed by Nursing and Midwifery Council of NSW. Whether conduct amounted to professional misconduct. Where practitioner does not attend the hearing.

1 December 2017 - [Inquest into the death of AF](#) - 2005/370258

1 December 2017 - [Inquest into the death of Carey Alexander](#) - 2014/235298

South Australia (SA)

1 December 2017 - [Sandy v SA Health \(Women's and Children's Network\) \(No 2\) \[2017\] SADC 130](#)

LEGISLATION

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

Commonwealth

7 December 2017 - [Therapeutic Goods Information \(Sharing of Committee Information\) Specification 2017](#) - F2017L01593 as made.

4 December 2017 - [Therapeutic Goods Order No. 95 - Child-resistant packaging requirements for medicines 2017 \(TGO 95\)](#) - F2017L01577 as made.

4 December 2017 - [Therapeutic Goods \(Manufacturing Principles\) Determination 2018](#) - F2017L01574 MP1/2018 as made.

4 December 2017 - [Therapeutic Goods Legislation Amendment \(2017 Measures No. 2\) Regulations 2017](#) - F2017L01561 as made.

Victoria

5 December 2017 - [Voluntary Assisted Dying Bill 2017](#) - Assented.

REPORTS

Australia. Department of Health

Media releases

6 December 2017 - [Expanding East Gippsland Services for a Healthier Future](#) - A \$5.14 million Australian Government investment in Bairnsdale's new Brabuwoolong Medical Centre has secured a major step forward for Aboriginal and Torres Strait Islander health services in East Gippsland.

6 December 2017 - [Major \\$640 million investment in Australia's world-leading medical research](#) - The Australian Government will invest \$640 million to support Australia's world-leading health and medical researchers as they continue their work in the laboratory, clinic and the community to find the next major medical breakthrough.

6 December 2017 - [New Era for Diversity in Aged Care](#) - The Australian Government has released Australia's latest Aged Care Diversity Framework, signalling a new, more inclusive era in aged care.

5 December 2017 - [Remote Area Health Corps celebrates 5000th NT placement](#) - A successful program to help overcome critical health workforce shortages in the Northern Territory has placed its 5000th health professional.

4 December 2017 - [Appointment of New Aged Care Financing Authority Chair](#) - The Minister for Aged Care, Ken Wyatt AM has announced the appointment of Mike Callaghan, AM PSM, as the new Chair of the Aged Care Financing Authority (ACFA).

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

7 December 2017 - [Communiqué - meeting of the AHPRA Community Reference Group](#) - The Community Reference Group releases its latest communiqué.

7 December 2017 - [Newsletter from the Board](#) - The Chiropractic Board of Australia releases its latest newsletter.

6 December 2017 - [Supreme Court of Victoria decision published](#) - Al Raheb v Medical Board of Australia [2017] VSC 494.

6 December 2017 - [Victorian Civil and Administrative Tribunal decision published](#) - Al Raheb v Medical Board of Australia (Review and Regulation) [2017] VCAT 637.

6 December 2017 - [Communiqué from the Board](#) - The Podiatry Board of Australia releases its latest communiqué.

5 December 2017 - [Communiqué from the Board](#) - The Pharmacy Board of Australia releases its latest communiqué.

5 December 2017 - [Communiqué from the Board](#) - The Physiotherapy Board of Australia releases its latest communiqué.

4 December 2017 - [Change to ethical decision-making documents for nurses and midwives in Australia](#) - International codes of ethics will be adopted for Australian nurses and midwives from 1 March 2018.

Australia. National Health and Medical Research Council (NHMRC)

6 December 2017 - [Major \\$640 million investment in Australia's world-leading medical research](#) - The Turnbull Government will invest \$640 million to support Australia's world-leading health and medical researchers as they continue their work in the laboratory, clinic and the community to find the next major

medical breakthrough. Cancer research continues to be a major priority for the Turnbull Government with \$109 million allocated to projects for research into better cancer detection, treatments, care and cures.

6 December 2017 - **Funding Australia's top female health and medical researchers** - National Health and Medical Research Council (NHMRC) funding for Australia's most talented female researchers will get a boost through a new initiative. The initiative will reduce the difference in funded rates between male and female lead investigators for Project Grants, NHMRC's largest funding scheme. Every year the funded rates for Project Grants are higher for men than women. This initiative will reduce this gap by funding an additional 34 women lead investigators in 2017.

Australia. Pharmaceutical Benefits Schedule (PBS)

8 December 2017 - **Consumer Outcome Statement for the Post-market Review of PAH Medicines** - A consumer session was held with patients with PAH and their carers during the PHAA Members & Carers Day of the Pulmonary Hypertension Association Australia on 14 October 2017 to provide further opportunity for consumers to contribute to the Review. The **Outcome Statement** is now available on the PBS website.

8 December 2017 - **Post-market review of the use of biologics in the treatment of severe chronic plaque psoriasis - Stakeholder Forum outcome** - A Stakeholder Forum was held for the Post-market review of the use of biologics in the treatment of severe chronic plaque psoriasis on 20 October 2017 in Melbourne.

7 December 2017 - **Biosimilar Awareness Initiative - Literature Review** - The Biosimilar Literature Review updates for the periods March-May 2017 and June-August 2017 are now available.

6 December 2017 - **International Harmonisation of Ingredient Names – PBS changes – Update** - 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.

1 December 2017 - **PBAC Public Summary Documents - August 2017 meeting** - The Public Summary Document for etanercept from the August 2017 Pharmaceutical Benefits Advisory Committee (PBAC) meeting is now available.

1 December 2017 - **Biosimilar Uptake Drivers** - Information about new Government initiatives to encourage the use of biosimilars is available on the PBS website.

Australia. Therapeutic Goods Administration (TGA)

8 December 2017 - **TGA presentations: Evaluation Panel Roadshow, November 2017** - Evaluation Panel Roadshow information for prospective evaluators for the TGA.

8 December 2017 - **Presentation: Evaluation Panel Roadshow - Overview of Chemistry Evaluations** - Evaluation Panel Roadshow information for prospective evaluators for the TGA.

8 December 2017 - **Presentation: Evaluation Panel Roadshow - Overview of Clinical Evaluations** - Evaluation Panel Roadshow information for prospective evaluators for the TGA.

8 December 2017 - **Presentation: Evaluation Panel Roadshow - Overview of Toxicology Evaluations** - Evaluation Panel Roadshow information for prospective evaluators for the TGA.

7 December 2017 - **Workshops: Codeine up-scheduling** - These sessions are designed to ensure health professionals dealing with chronic and acute pain management have alternative strategies to use in preparation for 1 February and beyond.

7 December 2017 - **Medical devices and IVDs: Suspensions from the ARTG** - Suspension of ARTG 262576 was extended for 6 months.

6 December 2017 - **ACSS - Generic Medicine Work Sharing Trial** - The ACSS Consortium has launched the Generic Medicines Work Sharing Trial, an innovative work sharing model for generic applications.

6 December 2017 - **Presentations: Codeine up-scheduling workshops, Melbourne, 28 November 2017** - The TGA held a series of workshops on the up-scheduling of codeine in November 2017.

6 December 2017 - **Designation notices** - Added osimertinib (TAGRISSO), pembrolizumab (KEYTRUDA), cerliponase alfa (BRINEURA).

5 December 2017 - **Australian Public Assessment Reports for prescription medicines (AusPARs)** - Added Alectinib hydrochloride [Alecensa] and Everolimus [Afinitor].

5 December 2017 - **Medicines and vaccines post-market vigilance - statistics for 2016** - Post-market vigilance statistics for 2016.

5 December 2017 - **Medical devices post-market vigilance - statistics for 2016** - Post-market vigilance statistics for 2016.

5 December 2017 - **Manufacturing principles & guidelines** - Added Therapeutic Goods (Manufacturing Principles) Determination 2018.

4 December 2017 - **Workshops: Codeine up-scheduling** - These sessions are designed to ensure health professionals dealing with chronic and acute pain management have alternative strategies to use in preparation for 1 February and beyond.

4 December 2017 - **Varying biological entries on the ARTG** - This guidance is for sponsors applying for a variation to the Australian Register of Therapeutic Goods (ARTG) entry of a biological.

4 December 2017 - **Prescription medicines: new or extended uses, or new combinations of registered medicines** - We have just published newly-registered extended uses of already-registered medicines.

4 December 2017 - **New search function to identify new and updated Product Information** - Online tool identifies new and updated PIs.

4 December 2017 - **Prescription medicines minor variations e-form: Frequently asked questions (FAQs)** - New answers about the new notifications process and other e-form improvements.

Australian Competition and Consumer Commission (ACCC)

6 December 2017 - **GSK and Novartis in court for alleged misleading representations** - The ACCC has instituted proceedings in the Federal Court of Australia against GlaxoSmithKline Healthcare Australia Pty Ltd (GSK) and Novartis Consumer Health Australasia Pty Ltd (Novartis), alleging they made false or misleading representations in the marketing of Voltaren Osteo Gel and Voltaren Emulgel pain relief products.

The ACCC alleges that Novartis and GSK represented that Osteo Gel was specifically formulated for treating osteoarthritis conditions, and was more effective than Emulgel to treat those conditions, when the two products are identically formulated.

Both products contain the same active ingredient, diclofenac diethylammonium gel 11.6mg/g, which acts in a non-specific manner to reduce local pain and inflammation wherever it is applied.

'We allege that consumers are likely to have been misled into purchasing Osteo Gel thinking that it is different to Emulgel and more effective for treating osteoarthritis conditions, when this is not the case,' ACCC Chairman Rod Sims said.

'In fact, the product has an identical formulation to Emulgel, and both products are equally effective in treating not only osteoarthritis, but also a range of other pain conditions.'

Australian Commission on Safety and Quality in Health Care

6 December 2017 - **Major \$640 million investment in Australia's world-leading medical research** - The Turnbull Government will invest \$640 million to support Australia's world-leading health and medical researchers as they continue their work in the laboratory, clinic and the community to find the next major medical breakthrough. Cancer research continues to be a major priority for the Turnbull Government with \$109 million allocated to projects for research into better cancer detection, treatments, care and cures.

6 December 2017 - **Commission releases online module aimed at improving communication of risk** - An e-module to help clinicians develop their skills in communicating risks and benefits with their patients has been made freely available to all clinicians today.

NHMRC Health Tracker—December 2017

Australian Digital Health Agency

5 December 2017 - **GPs: Install the latest version of clinical information systems (CIS) to get the most of out of My Health Record** - Dr John Aloizos AM shares his views on how digital health benefits him as a GP, plus how important it is to ensure clinical information systems (CIS) are updated to get the most out of My Health Record.

3 December 2017 - **Full text: Letter to Editor, Sunday Telegraph from Chief Executive Tim Kelsey** - Australian Digital Health Agency Chief Executive Tim Kelsey recently wrote to the editor of the Sunday Telegraph to correct a number of claims made in the article, *All your medical secrets on the net*, previously published in the Sunday Telegraph on 26 November 2017.

Australian Institute of Health and Welfare

6 December 2017 - **National report presents information on private health insurance use in public and private hospitals** - A report from the Australian Institute of Health and Welfare (AIHW) presents new information about the use of private health insurance to fund patients' admissions to public and private hospitals.

The report, *Private health insurance patients in Australian hospitals, 2006–07 to 2015–16: Australian hospital statistics* shows that private health insurance is funding (either entirely or in part) a growing proportion of hospital admissions in both public and private hospitals—increasing by 5.6% on average each year since 2006–07.

New South Wales. Ministry of Health

Media Releases

4 December 2017 - **\$3 million for regional palliative care specialists** - Nine rural and regional areas in NSW will soon have new palliative care specialists as part of a \$3.06 million investment to improve the care and choices for patients.

Minister for Health Brad Hazzard and Parliamentary Secretary for Health Leslie Williams said a palliative care specialist position will be funded in Illawarra Shoalhaven, Hunter New England, Mid North Coast, Murrumbidgee, Northern NSW, Southern NSW, Western NSW, Central Coast and Far West local health districts.

The funding is part of the NSW Government's biggest ever palliative care investment of \$100 million over the next four years, including \$17.4 million in 2017-18 – on top of the approximately \$210 million spent on these services each year.

5 December 2017 - **Women in NSW living longer and healthier lives** - The latest snap shot of the health of women in NSW will be released today in the Women in NSW Report Series 2017: Health and Wellbeing.

Minister for Women and Minister for Mental Health Tanya Davies said while the health of women across the state is improving, the NSW Government and the community need to continue to work together to improve health education and access to services. 'Overall women in NSW are participating in physical activity more than ever, and the number of female smokers has now halved since 2002,' Mrs Davies said. 'However there are still factors such as where women live, Aboriginality and socioeconomic status that impact the overall health of women in NSW.'

4 December 2017 - **Implementing the National Code of Conduct** - Implementing the National Code of Conduct for health care workers who are not registered in the National Registration and Accreditation Scheme in the NT – Have your say The Department of Health and the Health and Community Services Complaints Commission are conducting a public consultation on implementing the National Code of Conduct for health care workers in the NT. The National Code would apply to health care workers who are not registered in the National Registration and Accreditation Scheme (NRAS).

4 December 2017 - **Delivering High Quality Health Services: Recruitment and Building progresses at the Palmerston Regional Hospital** - The Territory Labor Government is delivering high quality health services – meeting major milestones for recruitment and site development. The Minister for Health Natasha Fyles said the facility not only improves access to health services for Territorians living in Palmerston and the rural area – but also boosts local jobs.

Queensland. Department of Health

6 December 2017 - **Water fluoridation, what is it good for? - Fluoridated drinking water** is regarded as one of the 10 greatest public health achievements of the twentieth century, right up there with recognising the dangers of nicotine, changing behaviours and standards around vehicular safety, and controlling the spread of infectious diseases.

There's **widespread evidence** that fluoridating drinking water significantly reduces instances of dental decay within a community with minimal side-effects, and it's a public health measure that has the support of more than 150 major health organisations, including the World Health Organisation, the Australian Medical Association, and the Australian Dental Association. It's **safe, highly effective and economical**, but what exactly does water fluoridation do for dental health?

5 December 2017 - **Common myths about mozzies** - Do you know your mosquito fact from fiction? We've debunked some common mozzie myths, find out if you know the truth.

South Australia. Department for Health & Ageing

7 December 2017 - **Media release: Grant success for South Australian Cancer Research Institute** - The Centre for Cancer Biology, in partnership with the University of South Australia, has received a share of 14 project grants worth more than \$10 million from the National Health and Medical Research Council of Australia (NHMRC).

As a key initiative of SA Health, the Centre of Cancer Biology (CCB) is the largest collaboration of cancer research in South Australia, currently hosting 22 full-time research group leaders and their teams.

Central Adelaide Local Health Network Chief Executive, Jenny Richter, said the CCB is an alliance between SA Pathology and the University of South Australia, based within the Central Adelaide Local Health Network.

5 December 2017 - **Media release: Rise in childhood Rotavirus cases** - Rotavirus cases in South Australia have more than doubled in the past 12 months, predominantly affecting children 10 years and under. SA Health's Chief Medical Officer Professor Paddy Phillips said a 180% increase in cases of all ages from 2016 to date is a concern and reminded people to be mindful of hand hygiene.

1 December 2017 - **CHSALHN - Media release: GP agreement secures country hospital services over the next three years** - Country Health SA (CHSA) and GPs working in rural areas have reached a three-year agreement on the provision of medical services at country hospitals. The details of the agreement were negotiated with the Rural Doctors Association (RDASA) and the Australian Medical Association South Australia (AMASA) of South Australia who represented all rural GPs.

Tasmania. Department of Health & Human Services

1 December 2017 - **White finally admits Labor closed mental health beds** - Rebecca White has finally admitted on radio that a decrease in mental health beds occurred under Labor after one year of lying to Tasmanians about it for political point-scoring. Ms White has repeatedly claimed the Liberal Government was responsible for 10 bed closures, which is wrong.

Victoria. Department of Health

7 December 2017 - **New Biotech Facility To Save Lives And Boost Jobs** - Leading global biotherapeutics company CSL Limited has unveiled its new world-class manufacturing facility in Melbourne's north, which will create life-saving medicine and hundreds of jobs.

Minister for Trade and Investment Philip Dalidakis joined Minister for Industry and Employment Ben Carroll at the opening of the \$230 million Broadmeadows facility – which will create 200 new full time local jobs.

The facility will manufacture albumin – a protein derived from human plasma used in critical care to treat burns and shock.

6 December 2017 - **Getting It Done: Port Fairy's New Health Centre Expansion** - Port Fairy patients are getting an expanded community health centre that will provide a one-stop-shop for health assessments and dental services, following the opening of the centre earlier this year.

5 December 2017 - **New Vision For Better And Fairer Healthcare For Victorians** - The Andrews Labor Government has unveiled a new 20-year vision for Victoria's health system to build modern and world-class new facilities that will meet growing demand into the future, where it's needed most. Minister for Health Jill Hennessy today released the Statewide Design, Service and Infrastructure Plan for Victoria's Health System 2017-2037.

5 December 2017 - **Getting It Done: A Better Day Surgery For Geelong Patients** - Adults and children waiting for and recovering from surgery at University Hospital Geelong will have a better experience in a relaxing, modern and comfortable environment officially opened today by the Andrews Labor Government.

4 December 2017 - **Getting 282 More Paramedics On The Road In Just One Year** - Just one year into our promise to employ an extra 450 paramedics over three years, the Andrews Labor Government is getting the job done with 282 more paramedics already recruited.

Minister for Ambulance Services Jill Hennessy today personally welcomed 48 new paramedics from the latest intake of 72, all of whom will hit the road by Christmas. This latest intake is part of the Labor Government's \$500 million plan to improve response times, employ 450 more paramedics, buy new vehicles and build more stations across the state. This investment, along with a further \$26.5 million in this year's budget, is the largest funding boost ever for Victoria's ambulance services.

Western Australia. Department of Health

5 December 2017 - **Minister for Mental Health: New collaborative tool to help improve mental and physical health of Western Australians** - The McGowan Government has provided a \$239,450 Lotterywest grant to Consumers of Mental Health Western Australia (CoMHWA) to help disseminate and implement the My Medicines and Me (M3Q) tool in the community.

New Zealand. Ministry of Health

7 December 2017 - **Briefing to the Incoming Minister of Health, 2017: The New Zealand Health and Disability System** - This publication outlines the challenges and opportunities that face our health and disability system by looking at where we are now, where we are going and how we will get there.

7 December 2017 - **Briefing to the Incoming Minister of Health, 2017: The New Zealand Health and Disability System: Organisation** - This briefing provides a high level and brief summary of our health and disability system, the role of the Ministry and the roles of others across the system.

5 December 2017 - **Te Whānau Pou Toru** - The report describes the outcomes of a randomised controlled trial (RCT) evaluating the effectiveness of Te Whānau Pou Toru, a culturally adapted version of the Primary Care Triple P – Discussion Groups.

5 December 2017 - **Code of Practice for Radiation Therapy: Draft for consultation** - The purpose of this consultation document is to consult as required by section 86(2) of the *Radiation Safety Act 2016*.

5 December 2017 - **Code of Practice for Non-medical Uses of Ionising Radiation: Draft for consultation** - The purpose of this consultation document is to consult as required by section 86(2) of the *Radiation Safety Act 2016*.

3 December 2017 - **Compensation for Live Organ Donors: Information pack** - People who donate a kidney or part of their liver will need to take time out from their usual commitments to have surgery and to recover. This booklet explains the compensation available to cover loss of earnings for donors and how this process works.

United Kingdom. Department of Health

7 December 2017 - **Government launches independent inquiry following the conviction of surgeon Ian Paterson** - An independent non-statutory inquiry will examine the circumstances and practices surrounding the malpractice of breast surgeon Ian Paterson. The inquiry will look at lessons that can be learned from the case, and how these can improve care by the independent healthcare sector across the country. It will be chaired by the Right Reverend Graham James, Bishop of Norwich.

Paterson was a consultant breast surgeon employed by the Heart of England NHS Foundation Trust (HEFT) and had practising privileges in the independent sector at Spire Parkway and Spire Little Aston. He was found guilty in April this year of 17 counts of wounding patients with intent. He was sentenced to jail for 20 years.

The scope of the investigation has been widened to include the independent sector, including any further action needed to strengthen CQC's inspection regime.

Australian Medical Association (AuMA)

6 December 2017 - **ACCC Proposes to Renew AuMA Authorisation that Benefits Patients, GPs, and General Practice** - The ACCC has today released a draft decision to renew for another 10 years the AuMA's existing authorisation that protects AuMA member and non-member GPs from action under the *Competition and Consumer Act (2010)*.

AuMA President, Dr Michael Gannon, said that the AuMA welcomes the ACCC's draft decision, which is now subject to a further period of consultation.

'The authorisation, which is very important for GPs, has a long history' Dr Gannon said.

'AuMA advocacy on this matter has provided significant benefits for GPs.

'The ACCC's draft determination has accepted that the authorisation continues to be in the public interest.'

7 December 2017 - **ACCC proposes renewal of GP fee setting authorisation** - The AuMA welcomes the ACCC draft decision to renew for another 10 years the AuMA's authorisation that protects AuMA member and non-member GPs from action under the Competition and Consumer Act (2010) in relation to intra-practice price setting as well as collective bargaining by individual general practices with hospitals and Primary Health Networks.

7 December 2017 - **Primary Health Networks Survey Report** - The latest issue of Australian Medicine details the results of the AuMA's member survey that looked at the performance of Primary Health Networks to date.

A total of 399 GPs participated in the survey, which represents a smaller sample size than a similar survey carried out by the AuMA in 2013 that looked at Medicare Locals. Nonetheless, it does provide a snapshot of the views of those members who participated in the survey and the results should be used to provide helpful guidance on areas where PHNs need to increase their focus.

While PHNs generally attracted more favourable feedback from members than the former Medicare Locals, the results show that PHNs still have more work to do in a number of areas. This includes GP engagement, the provision of information and practice support, as well as accessible programs to support disadvantaged populations and patients with mental illness.

To read the article, click [here](#).

7 December 2017 - **Evidence shows nicotine replacement during pregnancy is safer than smoking** - The Medical Journal of Australia (MJA) has recently published an article that argues nicotine replacement therapy (NRT) should be offered as an option to all pregnant women who smoke as it is a safer option than smoking.

It is important to note that NRT is recommended in current clinical guidelines for pregnant women who have been identified as unable to quit unassisted. While studies of efficacy in the real world have shown that NRT increases smoking cessation rates, clinicians report low levels of prescribing NRT during

pregnancy. These low rates are based on a belief that it is unsafe and a lack of confidence in suggesting NRT.

One of the authors of the study suggests that it was important for GPs to take into account the strength and frequency of the woman's cravings for nicotine in determining the correct dosage of NRT.

To read an interview with one of the authors, [click here](#).

To read the study, [click here](#).

7 December 2017 - [NPS MedicineWise program on Osteoarthritis](#) - Treatment for osteoarthritis is better focused on education, exercise and weight rather than medicine, according to the latest education program from NPS MedicineWise. Their new tools are practical and offer strategies to help improve quality of life for patients living with osteoarthritis.

Osteoarthritis is a commonly managed condition by GPs. The new activities and resources from NPS MedicineWise on osteoarthritis include: educational visits for GPs, an interactive case study on osteoarthritis management, reading material for GPs, nurses and pharmacists, a Patient Action Plan, and consumer resources.

GPs can find out more information at the [NPS website](#), or can read the NPS document [here](#).

7 December 2017 - [Codeine up-scheduling information sessions](#) - As GPs would be aware, from 1 February 2018 medicines with codeine will no longer be available for purchase over the counter from pharmacies and will require a prescription.

In advance of this change, the Therapeutic Goods Administration (TGA) will be holding information sessions. Sessions will be held in Brisbane on 13 December and Wagga Wagga on 14 December and are free of charge.

For GPs travelling a significant distance, the TGA may be able to contribute to flights and accommodation. To gain more information, get in touch with the TGA Regulatory Education Section by email RSVPHPRGExecutive@health.gov.au or phone 1800 020 653. More information on the workshops and registration can be found [here](#).

Resources have been made available for GPs, which can be found on the [TGA website](#).

7 December 2017 - [What do you want from your CPD?](#) - Although continuing professional development (CPD) is a requirement of your medical registration, it's not always easy to fit it into a busy practice life. At [doctorportal Learning](#), we want to get a clearer idea of how we can best tailor our comprehensive CPD offering to your needs. To do that, we've put together a medical education survey that you should have already received in your inbox.

7 December 2017 - [New DVA free online eLearning program](#) - The Department of Veterans' Affairs (DVA) has published a new article in its Provider News about an education resource to make claiming with DVA easier. The intention of the free eLearning program, *DVA Education for Health Professionals*, is to help providers better understand the DVA claiming process.

The program is interactive and was developed in partnership with the Department of Human Services. It takes providers step-by-step through the claim process. For more information and to access the program, follow this [link](#).

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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