



# HEALTH ALERT

5 June 2017

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## JUDGMENTS

### Key Decisions

31 May 2017 - *Daniel Smith by his tutor Debra Smith v South Western Sydney Local Health Network* [2017] NSWCA 123 - TORTS – negligence – essentials of action for negligence – where appellant attempted suicide at home while on a period of leave from a mental health facility – causation – whether respondent's breach of duty as found by the primary judge caused the appellant to attempt suicide – where appellant advanced alternative counterfactuals based on evidence of what the appellant's mother would have done in a hypothetical situation – where primary judge found that no real weight could be given to such evidence – whether appellate court should interfere with the primary judge's assessment of such evidence – whether appellant's consumption of two beers and text messages with a friend that related to his ex-fiancée were causally connected with his later decision to attempt to commit suicide – whether factual findings open to primary judge.

The appellant brought proceedings for damages against the respondent claiming it was responsible for the negligent conduct of a mental health facility he was admitted to. The appellant was granted permission to leave the facility for a period of time, during which he attempted to commit suicide and suffered a severe brain injury.

In the initial proceeding, the Court held that the respondent breached its duty of care by failing to advise the appellant and his parents that alcohol and contact with his ex-partner were stressors he should avoid and if they were concerned about his condition they should contact the facility. However, the judge found that while the appellant had consumed alcohol and made contact with his ex-partner, there was no causal connection between the stressors and his attempted suicide as this occurred at least four hours later.

On appeal, the appellant attempted to reformulate the content of the duty of care owed by the respondent, so that the parents should have been informed to immediately return the appellant to the facility if he was exposed at all to either of the stressors. The Court upheld the findings of the primary judge and rejected the reliance on the reformulated duty of care. The Court also declined the inference that if the parents had been given adequate information they would not have allowed the appellant to leave the house, because the appellant was an adult and subject to limited control by his parents.

26 May 2017 - *Mrs Nicole Webb v The Trustee for SWC Unit Trust T/A Salisbury Day Surgery* [2017] FWC 2573 - Application for relief from unfair dismissal, related to application of Applicant's daughter, allegations of bullying made by other employees, allegations of fraud and theft, procedural fairness issues.

The applicant brought proceedings contending the termination of her employment by the respondent was harsh, unjust and/or unreasonable. The respondent submitted the reasons for the dismissal were that the applicant had engaged in bullying and incorrectly recorded the hours she had worked on her timesheet and claimed payment for those hours. The respondent relied on records that indicated when the clinic had been accessed by the appellant, wage sheets and evidence of his bookkeeper. The applicant denied the allegations and stated that none of the records had been put before her prior to her termination.

The Commission held that the applicant's conduct in the recording of time provided a valid reason for dismissal. However, the Commission concluded that the conduct of the applicant had been undermined by significant procedural deficiencies on the part of the respondent. The respondent should have raised the allegations of the incorrect recording proximate to the dates of alleged conduct, and it erred by not affording the appellant a reasonable period to respond to the allegations and the opportunity to have a support person present. Accordingly, the respondent was ordered to pay compensation to the applicant in the sum of four weeks' wages.

### Commonwealth. Fair Work Commission

26 May 2017 - *Ms Lauren Webb v The Trustee for SWC Unit Trust T/A Salisbury Day Surgery* [2017] FWC 2572 - Application for relief from unfair dismissal, related to application of Applicant's mother, allegations of bullying made by other employees, allegations of fraud and theft, procedural fairness issues.

31 May 2017 - *Paul Wakelam v Uniting Agewell Victoria T/A Uniting Aged Care* [2017] FWC 3004 - Application to deal with contraventions involving dismissal.

30 May 2017 - *Dr Allan Clarke T/A CJ Orthopaedics Pty Ltd v Glenyce Ham* [2017] FWCFB 2638 - Appeal against decision and Order of Commissioner Spencer at Brisbane on 7 March 2017 in matter number U2016/11771.

30 May 2017 - *Ramsay Health Care Australia Pty. Ltd.* [2017] FWCA 2979 - Application for approval of the Ramsay Health Care Australia Pty. Ltd., Nurses, Midwives and the Queensland Nurses Union of Employees Enterprise Agreement 2016-2019.

30 May 2017 - *Bradley Davidson v Health Communication Network T/A Medical Director* [2017] FWC 2951 - Dispute about Modern Award coverage.

1 June 2017 - *Janet Allan v Celesty Pty Ltd ATF Celesty Family Trust T/A Toukley Family Doctor* [2017] FWC 2937 - Application for an unfair dismissal remedy – minimum employment period – transfer of business – service as a casual employee - minimum employment period satisfied - jurisdictional objection dismissed.

31 May 2017 - *St John of God Health Care Inc T/A St John of God Health Care* [2017] FWCA 2996 - Application for approval of the St John of God Health Care - AMA WA - Medical Practitioners Enterprise Agreement 2016.

### Commonwealth, Federal Court

30 May 2017 - *Ramsay Health Care Australia Pty Ltd v Compton* [2017] FCA 612 - BANKRUPTCY – making of sequestration order – application for adjournment week before Creditor's Petition expires – application refused.

### New South Wales (NSW)

23 May 2017 - *Health Care Complaints Commission v Choi* [2017] NSWCATOD 82 - Respondent convicted of criminal offences – whether respondent guilty of unsatisfactory professional conduct within the meaning of s 139B(1)(b) of the National Law – whether respondent is guilty of unsatisfactory professional conduct within the meaning of s 139B(1)(l) of the National Law – whether respondent guilty of professional misconduct within the meaning of s 139E of the National Law – whether respondent is not a suitable person to hold registration as a chiropractor.

1 June 2016 - *Health Care Complaints Commission v Simonson* [2017] NSWCATOD 87 - Medical practitioner – allegations of professional misconduct concerning five patients – requirement for documentation and recording of matters under Regulation – failure to document not for resuscitation direction – inappropriate conduct in the course of a difficult birth delivery-failure to transfer very ill child for specialist treatment in a timely manner – held constitutes in the aggregate professional misconduct.

### South Australia

29 May 2017 - *Inquest into the Death of John Laurence Westwood* 5/2017 (1704/2014)

20 May 2017 - *Inquest into the Death of Arthur Smith* 69/2016 (1445/2015)

30 May 2017 - *Inquest into the Death of Dorothy Ellen Nockolds* 70/2016 (1311/2015)

20 May 2017 - *Inquest into the Death of David Michael McKeever* 68/2016 (1115/2015)

30 May 2017 - *Inquest into the Death of Maria Eufemia Forgione* 67/2016 (0924/2015)

30 May 2017 - *Inquest into the Death of Raymond Abbott* 66/2016 (0509/2015)

### Victoria

30 May 2017 - *Medical Board of Australia v Schulberg (Review and Regulation)* [2017] VCAT 761

31 May 2017 - *PBU v Mental Health Tribunal (Human Rights)* [2017] VCAT 781 - Mental Health Act 2014 (Vic), sections 68, 69, 70, 92, 93 and 96 – review of decision of the Mental Health Tribunal to make order for electroconvulsive treatment – whether applicant does not have capacity to give informed consent – whether there is a less restrictive way for the applicant to be treated.

30 May 2017 - *Inquest into the Death of Moira McCarthy* COR 2013 1952

29 May 2017 - [Amos v Western NSW Local Health District](#) [2017] NSWCATAD 176 - Preliminary hearing – disclosure - confidentiality – absence of the public, applicant, and applicant’s representatives.

30 May 2017 - [Sigma Company Limited T/A Sigma Healthcare](#) [2017] FWCA 2940 - Application for approval of the Sigma (Berrinba) Enterprise Agreement 2017.

31 May 2017 - [Healthscope Operations Pty Ltd v David Page](#) [2017] NSWSC 660 - COSTS – indemnity costs – offer of compromise rejected – genuine offer of compromise.

31 May 2017 - [Country Care Pty Ltd v Murphy](#) [2017] VSC 309 - JUDICIAL REVIEW — Medical Panel — Procedural fairness — Failure to provide employer with opportunity to address finding — Employer and worker agree that procedural fairness denied — Orders in the nature of certiorari and mandamus granted.

## LEGISLATION

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

### Commonwealth

2 June 2017 - [Therapeutic Goods Information Specification 2017](#) F2017L00638 • as made

31 May 2017 - [National Health \(Highly specialised drugs program\) Special Arrangement Amendment Instrument 2017 \(No. 4\) \(PB 39 of 2017\)](#) F2017L00634 • PB 39 of 2017 as made

31 May - [2017 National Health \(Paraplegic and Quadriplegic Program\) Special Arrangement Amendment Instrument 2017 \(No 2\) \(PB 43 of 2017\)](#) F2017L00633 • PB 43 of 2017 as made

31 May 2017 - [National Health \(Originator Brand\) Amendment Determination 2017 \(No. 4\) \(PB 42 of 2017\)](#) F2017L00632 • PB 42 of 2017 as made

31 May 2017 - [National Health \(Pharmaceutical benefits – early supply\) Amendment Instrument 2017 \(No. 4\) \(PB 38 of 2017\)](#) F2017L00628 • PB 38 of 2017 as made

31 May 2017 - [National Health \(Listed drugs on F1 or F2\) Amendment Determination 2017 \(No. 4\) \(PB 41 of 2017\)](#) F2017L00623 • PB 41 of 2017 as made

31 May 2017 - [National Health \(Listing of Pharmaceutical Benefits\) Amendment Instrument 2017 \(No. 4\) \(PB 34 of 2017\)](#) F2017L00625 • PB 34 of 2017 as made

31 May 2017 - [National Health \(Efficient Funding of Chemotherapy\) Special Arrangement Amendment Instrument 2017 \(No. 5\) \(PB 40 of 2017\)](#) F2017L00624 • PB 40 of 2017 as made

31 May 2017 - [National Health \(Prescriber bag supplies\) Amendment Determination 2017 \(No. 2\) \(PB 37 of 2017\)](#) F2017L00621 • PB 37 of 2017 as made

31 May 2017 - [National Health Determination under paragraph 98C\(1\)\(b\) Amendment 2017 \(No. 4\) \(PB 36 of 2017\)](#) F2017L00620 • PB 36 of 2017 as made

31 May 2017 - [National Health \(Price and Special Patient Contribution\) Amendment Determination 2017 \(No. 4\) \(PB 35 of 2017\)](#) F2017L00618 • PB 35 of 2017 as made

### South Australia

5 June 2017 - [Mental Health \(Review\) Amendment Act 2016](#) - Commenced

### Tasmania

30 May 2017 - [Public Health Amendment \(Healthy Tasmania\) Bill 2017](#) - Introduced

## REPORTS

### Australia. Department of Health

Media releases

31 May 2017 - [Collaborative Agreement Signed on Aboriginal and Torres Strait Islander Health](#) - The Federal Minister for Indigenous Health, Ken Wyatt has pioneered a collaborative agreement on Aboriginal

and Torres Strait Islander health, between the Australian Government and three influential national health organisations.

31 May 2017 - **It's a good day to quit smoking** - Smokers are being urged to take stock of their health and quit smoking this World No Tobacco Day – 31 May 2017.

28 May 2017 - **Providing \$47 million for suicide prevention work across Australia** - The Australian Government will provide a \$47 million boost to front-line services for suicide prevention and directly address a growing community need.

27 May 2017 - **First BTF investment aims to improve lives through innovation** - The development of a promising new treatment for peanut allergy in children will be the first project to receive \$10 million in funding under the Australian Government's Biomedical Translation Fund (BTF).

26 May 2017 - **Almost 10,000 new residential aged care places announced** - The Australian Government has announced funding to give almost 10,000 more older Australians access to residential aged care services.

26 May 2017 - **Investing \$5.9 million to tackle antimicrobial resistance** - The Australian Government will invest \$5.9 million from the Medical Research Future Fund (MRFF) to help tackle the threat of microorganisms such as bacteria, viruses or parasites becoming resistant to standard medical treatments.

Private Health Insurance Circulars

#### **PHI 27/17 Lifetime Health Cover Mail Out 2017**

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

2 June 2017 - **Tribunal affirms Medical Board's original decision** - The Victorian Civil and Administrative Tribunal (tribunal) has affirmed a Medical Board of Australia (Board) decision to refuse a medical practitioner's application to remove conditions on this registration.

1 June 2017 - **Communiqué from the Board** - The Aboriginal and Torres Strait Islander Health Practice Board of Australia releases its latest communiqué.

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

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

1 June 2017 - **New 4+2 internship guidelines come into effect 1 June 2017** - Psychology Board New outcome-focused guidelines for 4+2 internships.

31 May 2017 - **Communiqué from the Board** - The Chinese Medicine Board of Australia releases its latest communiqué.

31 May 2017 - **Newsletter from the National Board** - The Optometry Board of Australia releases its latest newsletter.

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

30 May 2017 - **Newsletter from the National Board** - The Medical Board of Australia releases its latest newsletter.

19 May 2017 - **Newsletter from the National Board** - The Nursing and Midwifery Board of Australia releases its latest newsletter.

29 May 2017 - **Scheduled Medicines Expert Committee membership announced** - AHPRA is pleased to announce appointments to the Scheduled Medicines Expert Committee.

#### **Australia. National Health & Medical Research Council (NHMRC)**

#### **NHMRC Health Tracker—May 2017**

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



1 June 2017 - [New Appointments to the PBAC](#) - The Minister for Health has made nine appointments (five new appointments and four re-appointments) to the PBAC.

1 June 2017 - [Netupitant with palonosetron \(Akynzeo®\) for nausea and vomiting associated with moderately emetogenic cytotoxic chemotherapy](#) From 1 June 2017 [netupitant with palonosetron](#) will be listed for nausea and vomiting associated with moderately emetogenic chemotherapy where the patient has experienced a prior episode of chemotherapy induced nausea or vomiting.

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

29 May 2017 - [Draft Report for the Post-market Review of COPD Medicines](#) - The draft Report for the Post-market Review of Chronic Obstructive Pulmonary Disease (COPD) Medicines is available for public comment to 13 June 2017.

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

2 June 2017 - [Prescription medicines: registration of new chemical entities in Australia](#) - Newly-registered new chemical entities added for May 2017.

1 June 2017 - [Valium \(diazepam\) 5 mg tablets in 50 tablet blister packs](#) - Recall - potential medicine tampering.

1 June 2017 - [Stemetil 5 mg tablets](#) - Recall – potential for missing blister sheet.

1 June 2017 - [BTC Paracetamol Codeine tablets](#) - Recall - potential missing blister sheets.

1 June 2017 - [BTC Rosuvastatin 10 mg tablets](#) - Recall - potential missing blister sheets.

1 June 2017 - [Apotex-Pantoprazole 40 mg and 20 mg tablets](#) - Update – additional strength affected.

1 June 2017 - [The Poisons Standard \(the SUSMP\)](#) - The new edition of the SUSMP (No. 17) has been registered on the Federal Register of Legislation (FRL) as Poisons Standard June 2017.

### **Australia. Digital Health Agency**

1 June 2017 - [Meredith Makeham: Digital health transforming healthcare with benefits](#) - Chief Medical Adviser Meredith Makeham recently shared her thoughts with Healthcare IT News Australia on how digital health is transforming healthcare with benefits for Australians through My Health Record.

31 May 2017 - [Vision for a connected Australian Health System](#) - Australians and their clinicians want a seamless health system which delivers high quality, safe care through better sharing of information. The Australian Digital Health Agency today has released a Request for Tender (RFT) to develop a Strategic Interoperability Framework for Australia.

31 May 2017 - [The Clinical Terminology v20170531 May 2017 Release](#) - is now available for The Clinical Terminology v20170531 May 2017 Release is now available for download.

### **Australia. Productivity Commission**

2 June 2017 - [Reforms to Human Services](#) - This draft report was released on 2 June 2017. You are invited to examine the draft report and to make a written submission or comment by Friday 14 July 2017.

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

1 June 2017 - [media release: Teenage smoking and drinking down, while drug use rises among older people](#) - Younger Australians' smoking and drinking habits have improved, according to a report released today by the Australian Institute of Health and Welfare (AIHW). But when it comes to illicit drug use among older people, a more complex picture has emerged.

2 June 2017 - [National Key Performance Indicators for Aboriginal and Torres Strait Islander primary health care: results from June 2016](#).

2 June 2017 - [Aboriginal and Torres Strait Islander health organisations: Online Services Report—key results 2015–16](#) - This fourth national report on the national Key Performance Indicators (nKPIs) data

collection is based on data from more than 240 primary health care organisations that received funding from the Australian Government Department of Health to provide services primarily to Aboriginal and Torres Strait Islander people. Information is presented for 22 'process-of-care' and 'health outcome' indicators for June 2016, which focus on maternal and child health, preventative health, and chronic disease management. The report shows continuous improvements for the majority of indicators.

30 May 2017 - [Indigenous eye health measures 2016](#) - This is the first national report on 22 newly developed Indigenous eye health measures. The measures cover the prevalence of eye health conditions, diagnosis and treatment services for Aboriginal and Torres Strait Islander Australians, the eye health workforce and outreach services. Subject to data availability, the report examines differences between Indigenous and non-Indigenous Australians, as well as differences by factors such as age, sex, remoteness, jurisdiction and Primary Health Network.

30 May 2017 - [Aboriginal and Torres Strait Islander Health Performance Framework 2017](#) - The Aboriginal and Torres Strait Islander Health Performance Framework 2017 includes a suite of products that give the latest information on how Aboriginal and Torres Strait Islander people in Australia are faring according to a range of 68 performance measures across 3 tiers: Tier 1—health status and outcomes, Tier 2—determinants of health, and Tier 3—health system performance. The measures are based on the Aboriginal and Torres Strait Islander Health Performance Framework and cover data that has been collected on the entire health system, including Indigenous-specific services and programs, and mainstream services.

### **Australian Commission on Safety and Quality in Health Care**

On the Radar – 29 May 2017 – Issue 323 ([PDF 240KB](#)) ([Word 242KB](#))

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

30 May 2017 - [Better access to bulk billing for Canberra's Southside](#) - The ACT Government is delivering on our commitment to encourage better access to bulk billing GPs in Canberra's south. This Budget will invest to ensure Canberrans have access to better health services where and when they need them, as part of our 10-Year Health Plan.

### **New South Wales. Ministry of Health**

#### Media Releases

31 May 2017 - [Aussie rock legend joins celebrations of smoking ban](#) - It's not every day an iconic musician makes a comment about legislation, but Midnight Oil's Rob Hirst has done just that, on the 10th anniversary of smoking bans in licensed venues in NSW.

Speaking on World No Tobacco Day, the artist said smoking bans had made a huge difference to his life as a performer. "Before pub smoking bans were finally introduced it was cruel: trying to sing, breathe and play, night after night, in air opaque with tobacco smoke. Hell for us asthmatics!" Hirst said.

31 May 2017 - [More support for communities to go smoke-free](#) - Smokers in Aboriginal and multicultural communities will benefit from close to \$1 million in NSW Government-funded programs to help them kick the habit. Marking World No Tobacco Day, Health Minister Brad Hazzard announced funding of the Tobacco Control Grants, which will be administered by Cancer Institute NSW.

#### Publications

1 June 2017- [Commissioning Economic Evaluations: A Guide](#)

30 May 2017 - [Translational Research Grant Scheme Round 3 Guidelines for Applicants](#)

#### Policy Directives & Guidelines

31 May 2017 - [NSW Health Public Communication Procedures](#) - Document number: PD2017\_012

31 May 2017 - [SW Pediatric Service Capability Framework](#) - Document number: GL2017\_010

31 May 2017 - [Public Health Response to Prolonged Smoke Events](#) - Document number: GL2017\_011

## Northern Territory. Department of Health

31 May 2017 - **Celebrating Aboriginal & Torres Strait Islander Health Practitioners** - The Aboriginal and Torres Strait Islander Health Practitioner (ATSIHP) Excellence Awards are open for nominations. The Minister for Health Natasha Fyles has urged Territorians to get behind the awards that recognise Aboriginal and Torres Strait Islander Health Practitioners for their talent, skill and dedication in providing quality primary health care services.

29 May 2017 - **Making Our Community Safer - Community Consultations Begin** - Community Consultations begin this week for the Territory Labor governments Alcohol Policy and Legislation Review. The Minister for Health Natasha Fyles says alcohol is the biggest social issue facing our community and it affects every Territorian.

26 May 2017 - **Gastroenteritis on the rise in Central Australia** - Territorians are reminded to be vigilant about hygiene following a rise in rotavirus gastroenteritis.

## Queensland. Department of Health

1 June 2017 - **New Mental Health Commissioner to help drive key priority** - Queensland has named a new Mental Health Commissioner to help strengthen the delivery of integrated care across government and the community sectors.

31 May 2017 - **Queensland recognised on World No Tobacco Day for tough smoking laws** - As World No Tobacco Day is recognised globally and the dangers of smoking are highlighted, Queenslanders can breathe easier knowing their state is officially Australia's toughest on tobacco.

31 May 2017 - **After 54 years of smoking, I quit!** - As a smoker for 54 years, John Walsh is proud to share his quit journey using the rural, regional and remote program through Quitline. The 69 year old Poona resident has been quit for over 100 days and recalls the exact moment he made the life-changing phone call.

31 May 2017 - **Winter in Queensland** - Winter in Queensland: if you're up north you might not even notice much of a change in weather, while Western and Southern Queenslanders will definitely feel a nip in the air. Below we've listed some key things you can do to stay healthy throughout a Queensland winter.

31 May 2017 - **Top 5 tips for quitting smoking successfully** - If you've been thinking about stopping smoking, you've already taken the first step towards success. You might have realised that smoking cigarettes is making you unhealthy, that it is too expensive or that your relationships are suffering because of your habit. Whatever your reason, deciding to be smoke-free can have a number of positive effects on your health and wellbeing. Quitting smoking isn't always easy, but it can be done. Below we've shared some tips to help you as you quit.

31 May 2017 - **5 health benefits of quitting smoking** - Quitting smoking isn't easy, but the benefits to your health make it worthwhile. Within days, you'll notice the positive effects of stopping smoking, and as the months and years pass, your decision to stop smoking will reduce your risk of a number of serious health conditions.

Below we've listed just a few of the health improvements you can expect after stopping smoking, and links to information that can help you quit.

31 May 2017 - **\$10M community action plan to improve health in Logan** - The Palaszczuk Government today announced a \$10M community action plan to improve the health of people in Logan.

30 May 2017 - **New genetic research to help early melanoma detection** - Knowing your risk of developing melanoma could be as simple as taking a saliva based genetic test, with a Palaszczuk Government funded project at the Princess Alexandra Hospital (PAH) set to revolutionise early detection of the deadly skin cancer.

29 May 2017 - **5 reasons why you should book your breast screen** - While **BreastScreen Queensland** offers free breast screen services to women aged 50 – 74 years across the state, not all eligible Queensland women regularly book appointments.



26 May 2017 - [Four tools to help you take control of your depression or anxiety](#) - In Australia, depression and anxiety are common mental illnesses. One in five Australians will experience depression in their lifetime, but statistics also show that it can take months or years before they'll search out help for their condition.

26 May 2017 - [Final full-year report signals new era for Mental Health in Queensland](#) - Health and Ambulance Services Minister Cameron Dick today welcomed the tabling of the Report of the Director of Mental Health under the Mental Health Act 2000.

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

31 May 2017 - [Labor leader Bec White's inexperience was on show again in Question Time](#) - Yesterday, Bec White was claiming that I was interfering in hospital management, in particular when a Code Yellow (internal disaster, e.g. power outage, water leak) should be called at the Royal Hobart Hospital – a claim that is as false as it is ridiculous. Today, Ms White has changed her tune and was demanding that I start calling Code Yellow alerts at the Royal Hobart Hospital. She can't have it both ways and it once again highlights that she simply doesn't have a grasp on the difficult issues that Governments are confronted with.

30 May 2017 - [Labor support for Hodgman Government record health investment welcomed](#) - Labor's acknowledgment of the Hodgman Liberal Government's record health funding in their economic direction statement is a welcome acknowledgment of their incorrect claims last week. "The funding for health in this year's budget is welcome; it is needed and is essential." Bec White, 30/5/17. Despite months of claiming a looming winter "health crisis", Labor have put forward absolutely nothing to address it and have offered zero solutions of their own.

30 May 2017 - [New laws to reduce rates of smoking](#) - In the Hodgman Liberal Government's continuing pursuit to make Tasmania the healthiest state by 2025, today we tabled our Public Health (Healthy Tasmania) Amendment Bill 2017 in Parliament. The Bill encompasses important initiatives outlined in our Healthy Tasmania Five Year Strategic Plan, launched last July, with a particular focus on reducing obesity levels and continuing to reduce rates of smoking. Our Plan is supported by \$6.4 million of new investment to ensure Tasmanians get the information and skills to make positive and healthy changes in their own lives.

30 May 2017 - [Labor backflip on NW birthing services welcomed](#) - Labor's backflip on moving birthing services to Burnie is welcome, and long overdue. By proposing that only post-natal services should be at the Mersey, Labor appears to have finally accepted the expert advice that birthing needed to be consolidated at Burnie, for safety reasons.

30 May 2017 - [Legislation to Protect Mersey Funding](#) - The Hodgman Liberal Government is committed to the Mersey Community Hospital as an integral part of our One Health System now and into the future. That's why we will be introducing legislation to the Tasmanian Parliament today to ensure that funding provided by the Australian Government for the Mersey will sustain its operations over at least the next decade. This legislation will be designed to prevent any future government from raiding the Mersey fund for other purposes.

29 May 2017 - [Improving local decision making in our hospitals](#) - Just as promised, the Hodgman Liberal Government will strengthen local leadership in our hospitals as part of the final Tasmanian Health System structure aimed at delivering the best care for patients regardless of where they live.

We have listened to all hospital staff and health professionals who have made the case for local leadership to be at the heart of a statewide health system.

28 May 2017 - [New ward at Repat Hospital](#) - The opening of a new ward and 22 beds at the Hobart Repatriation Hospital will provide additional beds to ease pressure on the Royal Hobart Hospital (RHH). The RHH Redevelopment continues on track with \$388.7 million allocated in the forward estimates, but we acknowledge that this project, together with increasing numbers of patients, are combining to put pressure on the working hospital. This is why we are opening more beds to address the need.

27 May 2017 - [More beds and more hospital staff for the North West](#) - The Hodgman Liberal Government has delivered record health investment for North West coasters this week, permanently

funding eight beds at the North West Regional Hospital, as well as backing the future of the Mersey Community Hospital in the State Budget. The Budget provides funding for more than 30 staff to support the extra beds. This includes nurses, doctors, allied health and support staff.

27 May 2017 - **Three strikes and you're out for Bec White and Scott Bacon** - The inexperienced Bec White and her bumbling accomplice Scott Bacon have now made three basic and serious Budget errors in the space of a few weeks.

26 May 2017 - **39 additional permanent beds for the North** - An additional 39 beds will be permanently opened in the North by the Hodgman Liberal Government. The State Budget 2017-18 includes a record \$7 billion investment in health and delivers more beds, with 19 at the Launceston General Hospital (LGH) and 20 at the John L Grove rehabilitation center, and more permanent hospital staff for the North. Across the North we will employ more than 85 staff, including more than 45 nurses, and a range of doctors, allied health and support workers.

### Victoria. Department of Health

30 May 2017 - **Education Opportunities Open For Medicinal Cannabis** - Victorian tertiary students will now be able to study the supply chain of medicinal cannabis, following the launch of Australia's first ever full-scale cannabis education program. Minister for Agriculture Jaala Pulford officially launched Australia's Medicinal Cannabis Leadership Program *Cann10* at Parliament House today.

Cann10 recently partnered with DeakinCo, the commercial arm of Deakin University, to run the Medicinal Cannabis Leadership Program. The eight-week program will begin in August, and include workshops, lectures and webinars on international and domestic law, chemistry and pharmacology, industry and commerce, agricultural science and clinical practice to find innovative ways to advance the medicinal cannabis industry.

26 May 2017 - **Singapore Deal Cements Victoria As A World Leader In Health** - Victoria will play a major role in supporting Singapore to build modern, state-of-the-art hospitals as part of a new Andrews Labor Government deal that will also create more jobs at home.

Minister for Health Jill Hennessy today met Singapore's Minister for Health, the Honourable Gan Kim Yong MP and witnessed the signing of a memorandum of understanding between Singapore and Victoria.

### Western Australia. Department of Health

Media Releases

31 May 2017 - **Valium (diazepam) 5mg tablets recall** - All batches of Valium 5 mg tablets supplied in blister packs of 50 tablets have been recalled.

2 June 2017 - **Minister for Health and Minister for Commerce and Industrial Relations: McGowan Government welcomes local innovation investment** - A groundbreaking Western Australian invention that is set to lower the number of breast cancer patients needing multiple surgeries is being commercialised in Western Australia.

1 June 2017 - **Minister for Health: Over 50s eligible for free, life-saving bowel cancer test** - Western Australians who are over 50 are encouraged to participate in the free National Bowel Cancer Screening Program, which provides a simple and effective way to test for the presence of bowel cancer – while in the comfort of your own home.

31 May 2017 - **Minister for Health: WA Government to legislate tobacco reforms** - The McGowan Government is committed to laws and policing relating to the sale, supply and marketing of tobacco products and exposure to second-hand smoke.

### New Zealand. Ministry of Health

31 May 2017 - **How We Eat – Reviews of the evidence on food and eating behaviours related to diet and body size** - This report presents the available evidence about the effect of selected eating behaviours ('how' we eat) on diet and body size.

31 May 2017 - [Sit Less, Move More, Sleep Well: Active play guidelines for under-fives](#) - Regular active play, limited sitting and enough good-quality sleep are important for a child's healthy growth and development.

31 May 2017 - [Mortality: Historical summary 1948–2013](#) - These tables present mortality data (numbers and age-standardised rates) by sex for certain causes of death from 1948 to 2013.

29 May 2017 - [Immunisation Handbook 2017](#) - The Immunisation Handbook 2017 provides clinical guidelines for health professionals on the safest and most effective use of vaccines in their practice.

### **Australian Medical Association (AuMA)**

1 June 2017 - [Dedicated GP advocate wins AuMA President's Award](#) - Professor Bernard Pearn-Rowe, a long-serving and dedicated GP, who has been a constant advocate for general practice for almost three decades, was recognised with one of the AuMA's highest awards, the President's Award, at the AuMA National Conference 2017 in Melbourne last week.

1 June 2017 - [AuMA Conference attracts key political speakers](#) - A successful 2017 AuMA National Conference, *Shaping the Future of Health*, which took place at the Sofitel in Melbourne last week, attracted some of the country's most influential political and health leaders. The high priority of health policy in the current political debate was underlined by the attendance of the Prime Minister, Malcolm Turnbull; Opposition Leader, Bill Shorten; Health Minister Greg Hunt; Minister for Indigenous Health and Aged Care, Ken Wyatt AM; Shadow Health Minister, Catherine King; and Greens Leader, Senator Richard Di Natale.

1 June 2017 - [Take the AuMA's survey on PHNs](#) - Nearly 400 GPs have already completed the AuMA's Primary Health Network (PHN) survey. [Read more](#)

1 June 2017 - [Calling all AMA GPs – help promote AuMA Family Doctor Week 2017](#) - To help spread the word on Family Doctor week far and wide, the AuMA is encouraging all our GP members to add the 2017 AuMA Family Doctor Week logo to their signature blocks for the next couple of months. The logo includes the theme for this year's event - *Your family doctor: all about you*.

1 June 2017 - [Updated guide for Closing the Gap – PBS Co-Payment Measure](#) - The Department of Human Services has revised its education guide for 'Closing the Gap – PBS Co-Payment Measure' to include more helpful information about the scheme. The [CTG PBS Co-payment Measure](#) improves access to PBS medicines for eligible Aboriginal and Torres Strait Islanders living with, or at risk of, chronic disease. Closing the Gap prescriptions attract a lower or nil patient co-payment for PBS medicines.

28 May 2017 - [Dedicated GP advocate wins AuMA President's Award](#) - For 30 years, Professor Bernard Pearn-Rowe has juggled his solo GP practice in Perth with his active roles in medical politics. The stalwart of general practice advocacy has been recognised with the AuMA President's Award.

28 May 2017 - [Bill Glasson receives AuMA's highest honour](#) - Former AuMA President, "Wild" Bill Glasson, has been honoured with the AuMA Gold Medal for his exceptional service to the AuMA, and his ongoing commitment to the eye health of Indigenous people.

26 May 2017 - [Rural Visionary Recognised for Services to Health Care](#) - His colleagues describe him as a visionary who has instituted significant evolution and advancement in the training of rural general practitioners and specialist generalists, producing tangible work force and health care improvements in all parts of Queensland.

26 May 2017 - [Nurse and midwife wins AuMA Women's Health Award](#) - Eleanor Crighton persuaded Family Planning to let her complete a course normally only available to doctors and nurse practitioners. Now she has been named the winner of the AuMA Women's Health Award 2017.

26 May 2017 - [Anaesthetist and advocate named AuMA Woman in Medicine 2017](#) - A quiet achiever with a strong social conscience, Dr Genevieve Goulding, has been named the AuMA Woman in Medicine for 2017.

26 May 2017 - [Success Of State And Territory AuMAs Recognised](#) - State and Territory AuMAs have been recognised for their exceptional work in advocacy and communications over the past year. AuMA President, Dr Michael Gannon, tonight presented awards acknowledging the outstanding work of State and

Territory AuMAs in a range of categories including Best Lobby Campaign, Best Public Health Campaign, Best State Publication, National Advocacy and Most Innovative Use of Website or New Media.

26 May 2017 - **NSW Government wins AuMA award for childhood obesity campaign** - The NSW Government has won the inaugural AuMA Best Public Health Initiative from a State or Territory Government Award for its campaign to combat childhood obesity.

26 May 2017 - Media release **New AuMA Roll of Fellows members** - Former AuMA President Brian Owler and former AuMA Tasmania President Tim Greenaway are the latest inductees to the AuMA Roll of Fellows. The neurosurgeon and the endocrinologist were honoured in a ceremony at the AuMA National Conference 2017.

26 May 2017 - **AuMA/ACOSH National Tobacco Control Scoreboard 2017- Topped by QLD** - Ahead of World No Tobacco Day on 31 May, AuMA President, Dr Michael Gannon, announced the results today at the AuMA National Conference 2017 in Melbourne. Judges from the Australian Council on Smoking and Health (ACOSH) allocate points to each State and Territory in various categories, including legislation, to track how effective government has been at combating smoking in the previous 12 months.

26 May 2017 - **AuMA/ACOSH Dirty Ashtray Award - NT Wins Again** - The Northern Territory, a serial offender in failing to improve tobacco control, has been announced as the recipient of the AuMA/ACOSH *Dirty Ashtray Award* for putting in the least effort to reduce smoking over the past 12 months. It is the second year in a row that the Northern Territory Government has earned the dubious title, and its 11<sup>th</sup> “win” since the Award was first given in 1994.

26 May 2017 - **AuMA Indigenous Medical Scholarship presented at National Conference** - As a 13-year-old, James Chapman watched his father, a proud Indigenous man from Yuwlaaraay country, die after a short, seven-week battle with acute myeloid leukaemia. As a school leaver, he became his mother’s carer for 12 months as she recovered from brain surgery.

Today, the 25-year-old, second-year medical student has won the 2017 AuMA Indigenous Medical Scholarship –\$10,000 a year for each year of study - to help him pursue his dream of becoming a medical professional.

26 May 2017 - **Dr Linny Phuong wins AuMA Doctor in Training 2017 Award** - Dr Linny Phuong saw first-hand how the refugee community struggled to access health services, inspiring her to both pursue a career in medicine and to establish a health promotion charity for migrants. She has been named the AuMA Doctor in Training 2017.

## ABOUT US

### Nicholas Tyacke



Nicholas is the Head of DLA Piper's Life Sciences practice across the Asia-Pacific and leads DLA Piper's Life Sciences Intellectual Property and Regulatory practices in Australia.

Nicholas offers a level of experience unique to the Australian market, being both a US attorney and an Australian solicitor, and having spent his career advising and acting for many of the world's leading life sciences companies in those jurisdictions. Nicholas' experience includes acting in Hatch-Waxman patent disputes in the United States and in the Australian component of equivalent complex multi-jurisdictional patent disputes, including in patent disputes before trial courts, intermediate appeal courts (the United States Court of Appeals for the Federal Circuit and the Full Federal Court of Australia) and final appeal courts (the Supreme Court of the United States and the High Court of Australia) in both jurisdictions. Nicholas' experience also includes advising life sciences companies in relation to regulatory issues in Australia, including in relation to clinical trials, and managing and coordinating work for DLA Piper's life sciences clients across the Asia-Pacific.

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