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JUDGMENTS

Commonwealth

8 October 2014 - [Hunter and New England Local Health District v McKenna; Hunter and New England Local Health District v Simon & Anor \[2014\] HCATrans 218](#)

In July 2004, Mr Pettigrove was detained in hospital under the *Mental Health Act*. After psychiatric assessment, he was discharged into Mr Rose's custody to be driven home to Victoria. Pettigrove strangled and killed Rose that night. Rose's family claimed the hospital breached the duty of care it owed to Rose by discharging Pettigrove into his custody.

In February 2014, the NSW Court of Appeal found the hospital owed Rose a duty of care because the hospital had control over Pettigrove (who posed a foreseeable risk of harm to Rose). Further, Rose's safety was dependent upon the hospital's judgment because he said he would take Pettigrove to Victoria when he was well enough. The Court held that the risk of harm to Rose was not insignificant - Pettigrove's last acute psychotic episode was very recent and he had a history of irrationally endangering himself and others during psychotic episodes. The Court held the hospital breached its duty of care.

In June 2014, special leave was granted for the hospital to appeal to the High Court of Australia. The appeal has now commenced. The High Court will be considering, amongst other things:

1. Whether a health authority owes a duty of care to third parties in the exercise of the statutory power to detain and discharge mentally ill patients;
2. The specificity with which the risk of harm to the third party needs to be identified;
3. Whether the hospital's decision to discharge Pettigrove was reasonable according to competent professional practice.

30 September 2014 - [Royal Flying Doctor Service of Australia \(South Eastern Section\) \[2014\] FWC 6839](#)

The Royal Flying Doctor Service (RFDS) and the Australian Federation of Air Pilots (AFAP) were parties to a Pilots Enterprise Agreement which passed its nominal expiry date on 31 December 2013. RFDS had been negotiating with its pilots in Dubbo, Broken Hill and Mascot since August 2013 for a replacement enterprise agreement.

In July 2014, the AFAP provided the RFDS with a notice stating that the pilots intended to engage in industrial action including, amongst other things, an unlimited ban on working on a day off, an unlimited ban on accepting work-related telephone calls or instructions outside formal duty or reserve periods, and an unlimited ban on processing paperwork (unless that paperwork is a mandatory requirement under civil aviation legislation).

RFDS then made an application to the Fair Work Commission for an order to terminate the industrial action.

The Commission's primary consideration was the impact the industrial action would likely have on patients utilising the services of the RFDS and the towns and communities in regional and rural areas of Australia serviced by RFDS. It found that the ban on working on a day off and the ban on accepting work-related telephone calls or instructions outside formal duty or reserve periods would, over time, reduce the flexibility and capacity of operations of the RFDS. This would in turn threaten to endanger the personal safety, health or welfare of people in need of the services of RFDS. As such, the Commission made an order that the protected industrial action should be terminated.

29 September 2014 - [Health Services Union \[2014\] FWC 6820](#)

Proposed protected action ballot of employees of Life Without Barriers

1 October 2014 - [Health Services Union \[2014\] FWC 6878](#)

Proposed protected action ballot of employees of Yooralla

New South Wales

8 October 2014 - [Health Care Complaints Commission v Harley \[2014\] NSWCATOD 110](#)

Administrative law -Civil and Administrative Tribunal - Professional disciplinary proceedings against a nurse - Where nurse has surrendered registration and undertaken not to reapply - Whether or not in the interests of the public for complaint to be heard.

Queensland

8 August 2014 (published 3 October 2014) - [Physiotherapists Board of Australia v Dopson \[2014\] QCAT 458](#)

Professions and trades – health care professionals – physiotherapists – where it is alleged the respondent’s professional conduct is below the standard reasonably expected of a physiotherapist – where the respondent undertook a number of assessments – where the assessment reports outlined the respondent’s deficiency – where the respondent alleged the reports were written dishonestly by the authors under duress from Queensland Health – whether grounds for disciplinary proceedings are established – whether it is necessary and appropriate to impose condition upon the registrant’s registration

19 August 2014 (published 3 October 2014) - [Pharmacy Board of Australia v Ciriello \[2014\] QCAT 459](#)

Professions and trades - health care professionals – pharmaceutical chemists – disciplinary proceedings – where it is alleged and admitted that the respondent engaged in unsatisfactory professional conduct – where the registrant contravened the Health (Drugs and Poisons) Regulation 1996 (Qld) by the method which the registrant dealt with and sold pseudoephedrine – where an agreed statement of facts and joint proposal on sanction are put forward – whether the sanction is within a permissible range in the circumstances

New Zealand

9 October 2014 - [New Health New Zealand Inc v Attorney-General \[2014\] NZHC 2487](#)

Whether Hydrofluorosilicic Acid (HFA) and Sodium Silico Fluoride are medicines under the Medicines Act 1981 - community water fluoridation

LEGISLATION

Commonwealth

2 October 2014 - [Health Workforce Australia \(Abolition\) Commencement Proclamation 2014 F2014L01328](#) • as made.

7 October 2014 - [National Health \(Paperless Prescribing, Dispensing and Claiming Trial\) Special Arrangement 2014 \(No. PB 71 of 2014\) F2014L01336](#) • PB 71 of 2014 as made.

7 October 2014 - [PCEHR \(Participation Agreements\) Amendment \(specified kind of agreement\) Rule 2014 F2014L01334](#) • as made.

REPORTS

Australia. Department of Health & Ageing

Media releases

- 9 October 2014 - [Today is World Sight Day](#)
- 8 October 2014 - [headspace Helps 80,000 Young Australians](#)
- 3 October 2014 - [More funding will mean better health services in small country towns](#)

Private Health Insurance Circulars

- 9 October 2014 - [PHI 61/14 Private Hospital Information](#)

Australia. Health Practitioner Regulation Agency and the boards

9 October 2014 - **Call for applications** Call for applications for dental practitioners to join the Dental Board of Australia's list of approved persons for appointment to panels. [Read More](#)

8 October 2014 - **Communique from the Board** The Psychology Board of Australia has released the September 2014 communique. [Read More](#)

7 October 2014 - **Communique** The Dental Board of Australia releases its latest communique. [Read More](#)

6 October 2014 - **Communique from the Board** The Chiropractic Board releases its latest communique. [Read More](#)

6 October 2014 - **Communiqué from the Board** The Physiotherapy Board of Australia releases its latest communiqué. [Read More](#)

6 October 2014 - **Communiqué from the Board** The Podiatry Board of Australia releases its latest communique. [Read More](#)

3 October 2014 - **Newsletter from the Medical Radiation Practice Board** The Medical Radiation Practice Board of Australia releases its October newsletter. [Read More](#)

3 October 2014 - **Communiqué from the Board** The Occupational Therapy Board of Australia releases its latest communique. [Read More](#)

Australia. National Health & Medical Research Council

2 October 2014 - **Promoting best practice: care and use of Australian native mammals in research and teaching** The National Health and Medical Research Council (NHMRC) today released A guide to the care and use of Australian native mammals in research and teaching. The Guide supports best practice in the care and use of Australian native mammals and is designed for use by researchers, state and territory regulators, members of animal ethics committees and carers of these animals. NHMRC CEO Professor Warwick Anderson described the guide as clear and comprehensive in its advice on how to treat...

3 October 2014 - **NHMRC Research Tracker**

Australia. Therapeutic Goods Administration

9 October 2014 - **TGA international engagement strategy 2013-2015** Updated Annex 1 and Annex 2

9 October 2014 - **VigRX Plus tablets** The TGA has tested four samples of a product labelled VigRX Plus tablets and found that two of those samples contained the undeclared substance tadalafil. The two samples tested by the TGA that contained tadalafil are counterfeit versions of VigRX Plus tablets.

8 October 2014 - **Electronic funds transfer agreement** Updated fax number and bank details on EFT forms.

8 October 2014 - **Payment options** Updated payment option details.

7 October 2014 - **Review of cardiovascular safety of non-steroidal anti-inflammatory drugs** A review of the relevant medical literature published since 2005 and other relevant data relating to the cardiovascular risks associated with the use of the eight non-steroidal anti-inflammatory drugs (NSAIDs).

7 October 2014 - **Consultation: Review of cardiovascular safety of non-steroidal anti-inflammatory drugs and Safety review of diclofenac** The TGA is seeking comments from interested parties following a Review of cardiovascular safety of non-steroidal anti-inflammatory drugs (NSAIDs) and a Safety review of diclofenac. Closing date: 6 November 2014.

7 October 2014 - **NSAIDs and cardiovascular risks: questions and answers** Questions and answers about non-steroidal anti-inflammatory drugs (NSAIDs) and cardiovascular risks.

7 October 2014 - **Safety review of diclofenac** The Office of Product Review conducted a full safety review of diclofenac.

7 October 2014 - [Non-steroidal anti-inflammatory drugs and diclofenac reviews](#) TGA has completed a review of the cardiovascular risks associated with the use of the non-steroidal anti-inflammatory drugs (NSAIDs).

7 October 2014 - [ACSOM meeting statement, Meeting 21, 7 March 2014](#) Advisory Committee on the Safety of Medicines meeting statement.

7 October 2014 - [Documents released under Section 11C of the Freedom of Information Act 1982](#) Added FOI 302-1314 documents.

3 October 2014 - [Accu-Chek Spirit Combo insulin pumps](#) It has been identified that patients using an Accu-Chek Spirit Combo insulin pump may experience a loss of the date and time settings.

2 October 2014 - [Listing notices](#) Added link to Therapeutic Goods (Listing) Notice 2014 (No. 5).

Australian Institute of Health & Welfare

7 October 2014 - [Key performance indicators for the National Bowel Cancer Screening Program: technical report](#) .

Australian Commission on Safety and Quality in Health Care

7 October 2014 - On the Radar – Issue 194 ([PDF 108KB](#)) ([Word 128KB](#))

3 October 2014 - [Mental Health: The elephant in the room](#) It's time to start talking about mental health. There remains a stigma about mental illness in mainstream Australia. The Australian Private Hospital's Association (APHA) has launched a campaign to address the stigma head on, in a confronting and yet non-threatening way. Coinciding with Mental Health Week (5-12 October 2014), 'The Elephant in the Room' campaign aims to raise awareness of the prevalence of mental illness and encourage all Australians to speak openly about the issue.

National Statement on Health Literacy

Australia. National Mental Health Commission

7 October 2014 - [National Mental Health Commission congratulates Women of Influence](#)

New South Wales. Ministry of Health

Media Releases

- 10 October 2014 - [New flexi fleet for NSW Ambulance](#)
- 8 October 2014 - [New patient menus for John Hunter Hospital](#)

Policy Directives & Guidelines

- 2 October 2014 - [Visiting Medical Officers - Rural Doctors Settlement Package Hospitals Indexation of Fees - 1/8/2014](#) PD2014_034
- 1 October 2014 - [Pension Based Scale of Fees - Charging Arrangements and Scale of Fees](#) PD2014_033

Northern Territory. Department of Health

6 October 2014 - [NT moves ahead with first Mental Health Strategic Plan](#) Minister for Health Robyn Lambley has announced that the Northern Territory's first ever Mental Health Strategic Plan will soon be completed after successful consultation with stakeholders, consumers and carers.

South Australia. Department for Health & Ageing

3 October 2014 - [New medical imaging rollout begins](#)

Victoria. Department of Health

9 October 2014 - [Coalition to deliver new Monash Heart Hospital](#)

7 October 2014 - [Celebrating Victoria's centenarians](#)

5 October 2014 - [Victorian Seniors Festival launches 1,500 events](#)

Western Australia. Department of Health

Media Releases

- 4 October 2014 - [Premier and Minister for Health: Premier opens Perth's new flagship hospital](#)

Operational Directives

- 9 October 2014 - [OD 0563/14](#) Acceptance of Gifts Policy This procedure sets out minimum mandatory requirements that must be followed if a gift is offered to ensure that the integrity and responsibilities of WA Health employees are not compromised or perceived to be compromised.
- 9 October 2014 - [IC 0202/14](#) Amendment – Public Service Award 1992 Travelling, Transfer and Relieving Allowance Amendment to Travel Allowance rates applying to WA Health Employees
- 9 October 2014 - [IC 0201/14](#) Public Service and Government Officers General Agreement 2014 Registration of the Public Service and Government Officers General Agreement 2014

United Kingdom. Department of Health

8 October 2014 - [First ever NHS waiting time standards for mental health announced](#)

5 October 2014 - [Boost for carers from rise in allowance threshold](#)

United States of America. Department of Health & Human Services

9 October 2014 - [National Health Service Corps expands the primary care workforce in communities that need them most](#)

Australian Medical Association

10 October 2014 - [AMA Media Alert - Doorstop - A/Prof Brian Owler, Stamford Sydney Airport Hotel, 1:15 pm, Ebola Update](#) MEDIA ALERT - DOORSTOP EBOLA UPDATE [Read more](#)

9 October 2014 - [AMA URGES CALM AS AUSTRALIAN NURSE TESTED FOR EBOLA](#) AMA President, A/Prof Brian Owler, today urged people to be calm as an Australian Red Cross nurse in Cairns is tested for the Ebola virus, having recently returned from working with Ebola patients. [Read more](#)

9 October 2014 - [AMA Transcript - AMA President, A/Prof Brian Owler, 2GB Sydney, 8 October 2014](#) Transcript: AMA President, A/Prof Brian Owler, 2GB Sydney, 8 October 2014. [Read more](#)

British Medical Association

8 October 2014 - [BMA demands international effort to defeat Ebola](#)

8 October 2014 - [More women entering male-dominated specialties, finds GMC](#)

8 October 2014 - [Government announces parity of healthcare outcomes commitment](#) The BMA has welcomed plans to improve the parity of mental and physical health.

7 October 2014 - ['Breaking-point' NHS can't go on](#)

Canadian Medical Association

8 October 2014 - [Ebola a global crisis: WMA](#) Ebola is a global crisis and not simply a problem for West Africa, according to the World Medical As...

7 October 2014 - [CMA president leading way with social media](#) Canadian Medical Association President Chris Simpson considers Twitter and other forms of social med...

American Medical Association

9 October 2014 - [AMA Study Finds WellPoint to be the Largest Health Insurer in Many Local Markets](#)

7 October 2014 - [AMA Applauds U.S. Preventive Services Task Force Steps to Improve Diabetes Screening and Help Detect Patients with Prediabetes](#)

ABOUT US

Anthony Willis



Anthony Willis is recognized as one of Canberra's leading government commercial, contracting, information technology and intellectual property lawyers, having spent over 20 years advising on some of Australia's largest commercial and government transactions.

Although he maintains a government focus, Anthony also advises corporate clients, particularly in the technology and research and development (R&D) sectors. He advised the government on proposed changes to Australian patent legislation concerning pharmaceuticals in the context of the US Australia Free Trade Agreement.

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