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## JUDGMENTS

### New South Wales

17 September 2014 - [Southern Radiology Nuclear Medicine v Environmental Protection Authority \(EPA\) \[2014\] NSWCATAD 145](#)

Southern Radiology (the Applicant) is a medical imaging provider. One of the Applicant's practices was inspected by EPA officers. An undisclosed third party sought documents from the EPA evidencing reports on lost radiation sources and unauthorised radiation practices. The EPA advised Southern Radiology that it was proposing to release some of these documents that related to Southern Radiology. Southern Radiology objected under the *Government Information (Public Access) Act 2009*.

The Applicant submitted that the documents had the potential to prejudice its legitimate business, commercial, professional or financial interests. It argued that if the documents were released to the third party, its previous non-compliance with relevant legislation would be used to damage its reputation and its business would consequently be at a disadvantage.

The Applicant accepted that there is a general public interest in providing individuals with access to government information in order to achieve a number of legitimate ends. However, it contended that in this case, disclosure of the documents could reasonably be expected to prejudice the Applicant's legitimate business, commercial, professional and financial interests. It submitted that the public interest considerations in favour of disclosure do not outweigh those against disclosure as is required by the Act.

The Respondent argued, amongst other things, that the documents proved that Southern Radiology had rectified its former non-compliance with legislation and it is now fully compliant. The Court agreed and held that the Applicant did not establish an overriding public interest against disclosure of the information. It was not contrary to the Act to release the documents.

### Victoria

10 September 2014 - [Finding into Death with Inquest of John William Macfie COR 2014 1261](#)

At the time of his death, Mr Macfie was a prisoner in Victoria. This matter was therefore a mandatory inquest. Mr Macfie had a past medical history of chronic obstructive pulmonary disease, hypertension, hyperlipidemia, ischaemic heart disease and two coronary artery bypass graft surgeries. He was also a chronic smoker.

From late September 2011 until the time of his death in March 2014, Mr Macfie experienced significant ongoing pain in relation to his lungs. He presented to the nurse clinic at Port Phillip Prison on a number of occasions during that period, however he refused to undergo CT scans as recommended. He refused to attend over ten medical appointments, and despite significant efforts by his treating practitioners to warn him of the risks of non-compliance with his treatment plan and non-attendance at medical appointments, on occasion he also refused to engage in these discussions.

On 1 October 2013, Mr Macfie stated that he did not 'want further investigations, ICU admission and CPR' and he signed a 'Not for Resuscitation' form. He then commenced palliative care.

The Coroner was satisfied that the medical management and care provided by St Vincent's Hospital and the relevant correctional facilities was reasonable and appropriate in the circumstances. Mr Macfie had made an independent decision not to have further medical investigation or intervention despite the health staff having taken all necessary steps to make Mr Macfie aware of the risks of non-compliance with his treatment plan and non-attendance at medical appointments. The Court made no recommendations in this case.

11 September 2014 - [Finding into Death with Inquest of Lloyd Felman COR 2008 2867](#) Death from amitriptyline toxicity.

11 September 2014 - [Finding into Death with Inquest of Llona Elizabeth Doolan COR 2012 220](#) Death from complications of progressive dysphagia in a woman with down syndrome and dementia.

11 September 2014 - [Powney v Kerang and District Health \[2014\] VSCA 221](#). Negligence – causation – allegedly negligent medical treatment causing personal injury – jury trial – factual causation – necessary

condition of the occurrence of harm – scope of liability – whether negligence cannot be established as a necessary condition of the occurrence of harm – whether appropriate for jury to determine s 51(2) issue – whether defendant negligent – whether negligence caused injury – whether evidentiary gap bridged – why responsibility for harm should be imposed where factual causation cannot be established – whether an appropriate case – whether in accordance with established principles – importance of pleadings – *Wrongs Act 1958*, pt X, ss 51, 51(2), 52.

## Queensland

10 July 2014 (published 12 September 2014) - [Hassan v Australian Health Practitioner Regulation Agency \[2014\] QCAT 414](#). Freedom of information – public interest – where respondent conducted an investigation into the conduct of the applicant – where investigation report contained names of patients – where investigator conducted an analysis of the evidence, made findings and recommendations – whether the investigation report is exempt under the *Freedom of Information Act 1982* – whether sections 36 and 41 of the Act apply – consideration of public interest.

## LEGISLATION

### Commonwealth

17 September 2014 - [Private Health Insurance \(Benefit Requirements\) Amendment Rules 2014 \(No. 4\)](#) F2014L01235.

17 September 2014 - [Private Health Insurance \(Complying Product\) Amendment Rules 2014 \(No. 6\)](#) F2014L01234.

### New South Wales

[Health Services Amendment \(Guaranteeing Free Public Hospital Services\) Bill 2014](#).

### Victoria

[Drugs, Poisons and Controlled Substances Amendment \(Clinical Trials\) Bill 2014](#) - Provides for clinical trial permits for Schedule 8 and Schedule 9 poisons for approved clinical trials.

## REPORTS

### Australia. Department of Health & Ageing (DHA)

Media releases

18 September 2014 - [Government Announces Funding Available for Soliris](#) The Pharmaceutical Benefits Advisory Committee (PBAC) has recommended to the Australian Government that Soliris be subsidised on the Pharmaceutical Benefits Scheme (PBS).

18 September 2014 - [Healthy bodies need healthy drinks](#) Indigenous communities throughout Australia are being encouraged to reach for water instead of high sugar drinks in an effort to cut obesity rates and prevent chronic disease.

16 September 2014 - [New Treatment for Cancer Approved For PBS Listing](#) Pancreatic cancer drug Abraxane will be listed on the Pharmaceutical Benefits Scheme (PBS) from November 1.

15 September 2014 - [Government Moves on Dispensing from Unapproved Pharmacies](#) The Australian Government is moving to support pharmacists who are being undermined by a small number of pharmacists who claim payment for dispensing Pharmaceutical Benefits Scheme (PBS) medicines from unapproved premises.

Private Health insurance (PHI) Circulars

12 September 2014 - [PHI 57/14 Revoke Private Same-Day Hospital Information](#).

12 September 2014 - [PHI 56/14 Private Hospital Information](#).

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

19 September 2014 - The Chiropractic Board releases its latest communiqué. [Read more.](#)

18 September 2014 - The Dental Board and AHPRA publish the Health Profession Agreement for 2014/2015. [Read more.](#)

18 September 2014 - The Pharmacy Board and AHPRA publish the Health Profession Agreement for 2014/2015. [Read more.](#)

16 September 2014 - The Chiropractic Board and AHPRA publish the Health Profession Agreement for 2014/2015. [Read more.](#)

16 September 2014 - The Nursing and Midwifery Board of Australia and AHPRA today published the Health Profession Agreement that outlines the partnership between the National Board and AHPRA, and the services AHPRA will provide to the National Board in 2014/2015. [Read more.](#)

16 September 2014 - The Osteopathy Board and AHPRA publish the Health Profession Agreement for 2014/2015. [Read more.](#)

16 September 2014 - The Board and AHPRA publish the Health Profession Agreement for 2014/2015. [Read more.](#)

16 September 2014 - The Psychology Board of Australia and AHPRA today published the Health Profession Agreement that outlines the partnership between the Board and AHPRA, and the services AHPRA will provide to the Board in 2014/2015. [Read more.](#)

15 September 2014 - The Board and AHPRA publish the Health Profession Agreement for 2014/2015. [Read more.](#)

15 September 2014 - The Chinese Medicine Board of Australia releases its latest communiqué. [Read more.](#)

## Australia. Therapeutic Goods Administration (TGA)

18 September 2014 - [Reasons for scheduling delegate's interim decision and invitation for further comment for the ACMS, September 2014.](#) Interim decisions and reasons for scheduling decisions and invitation for further submissions.

18 September 2014 - [Scheduling news.](#) Added interim decisions and public submissions.

18 September 2014 - [Public submissions on scheduling matters referred to the ACMS#12 \(July 2014\).](#) Public submissions on scheduling matters referred to the ACMS#12, July 2014 meeting.

18 September 2014 - [Complementary medicines: Cancellations from the ARTG following compliance review.](#) Cancellation of Body & Health Essentials Maxi Organic Red Grapeseed from the ARTG.

17 September 2014 - [Consultations on adoption of European Union guidelines in Australia: Outcome of previous consultation.](#) EU/ICH guidelines that have been adopted by the TGA following external consultation ending 12 September 2014.

15 September 2014 - [Australian eCTD submissions.](#) LORENZ eValidator link has been updated.

15 September 2014 - [TGA presentations given at the 2014 ARCS Scientific Congress, 10-11 September 2014.](#) Presentations on TGA developments in OTC and prescription medicines, microbiology, risk management, consultations and more.

15 September 2014 - [Guidance 23: Nonclinical studies.](#) Updated pharmacokinetics to include information moved from EU guideline 3BS11a.

12 September 2014 - [Consultation: Draft OTC medicine monograph for loperamide hydrochloride.](#) The TGA is seeking comments from interested parties on the draft OTC medicine monograph for loperamide hydrochloride.



12 September 2014 - [Consultation: Esomeprazole: proposed advisory statements for medicines](#). The TGA is seeking comments from interested parties on proposed advisory statements for esomeprazole when included in non-prescription medicines for oral administration.

12 September 2014 - [Consultation: Draft OTC medicine monograph for mebendazole](#). The TGA is seeking comments from interested parties on the draft OTC medicine monograph for mebendazole.

12 September 2014 - [Consultation: Draft OTC medicine monograph for guaifenesin](#). The TGA is seeking comments from interested parties on the draft OTC medicine monograph for guaifenesin.

12 September 2014 - [Consultation: Draft OTC medicine monograph for ranitidine hydrochloride](#). The TGA is seeking comments from interested parties on the draft OTC medicine monograph for ranitidine hydrochloride.

11 September 2014 - [Regulation of internationally controlled drugs moves to the TGA](#). Responsibility for administering the regulations on internationally controlled drugs has moved to the Therapeutic Goods Administration (TGA), part of the Department of Health.

11 September 2014 - [Medicines scheduling secretariat has moved to the TGA](#). The Secretariat for the Advisory Committee on Medicines Scheduling (ACMS) has moved to the Therapeutic Goods Administration (TGA), part of the Department of Health.

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

18 September 2014 - [Improving dementia data in Australia: supplement to \*Dementia in Australia 2012\*](#).

17 September 2014 - [Maternal mortality: data linkage methodology National perinatal mortality data reporting project: issues paper Nomenclature for models of maternity care: a consultation report Nomenclature for models of maternity care: a literature review](#).

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

16 September 2014 - [OECD report finds variation in common procedures across Australia](#). The management of common health conditions varies considerably depending upon where people live, according to an OECD Report released today. The report, Geographic Variations in Health Care: What do we know and what can be done to improve health system performance?, examines regional variation in the rates of several common hospital interventions both within and between 13 participating countries.

On the Radar – 15 September 2014 – issue 191 ([PDF 146KB](#)) ([Word 131KB](#))

### **Northern Territory (NT). Department of Health**

19 September 2014 - [NT Disability Service Awards open in Alice Springs](#).

17 September 2014 - [Alcohol Mandatory Treatment moves to new facility in Darwin](#).

15 September 2014 - [Flu outbreak stretches hospital resources in Alice Springs](#).

13 September 2014 - [Community control talks for health clinics in the Arnhem region](#).

### **Queensland. Department of Health**

15 September 2014 - [Bigger, better health services at Capricorn Coast](#). Capricorn Coast residents will soon have access to x-ray and ultrasound services without having to leave their local area.

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

15 September 2014 - [Health boost for Adelaide Hills community](#). Mt Barker residents will have access to a broader range of community health services and better health facilities thanks to a \$300,000 grant from the Hills Area Health Advisory Council.

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

12 September 2014 - [New In-Vehicle Information System for Ambulances](#).

### Victoria. Department of Health

18 September 2014 - [Ready to respond to potential Ebola virus threat.](#)

16 September 2014 - [Victoria takes the lead in medical cannabis trials.](#)

16 September 2014 - [Tackling ice at the community level.](#)

13 September 2014 - [Mental health first aid training for local communities.](#)

### Western Australia (WA). Department of Health

Media Releases

[Read Healthview Spring 2014 \(PDF 3.11MB\).](#)

Operational Directives (OD)

18 September 2014 - [OD 0561/14](#). The purpose of the WA High Risk Medication Policy (the policy) is to improve patient safety by raising awareness amongst all clinical staff that prescribe, dispense or administer high-risk medications to establish locally-based safeguards and strategies to reduce the risk of errors with these medicines during all phases of the medication use process.

18 September 2014 - [OD 0560/14](#) Management of Patient Health Records in an Emergency. This Operational Directive (OD) aims to standardise a process for managing and transferring patient health records between health care facilities in an emergency.

### New Zealand. Ministry of Health

16 September 2014 - [Project team starts on Grey hospital design.](#)

### United Kingdom (UK). Department of Health (DH)

18 September 2014 - [Progress on premature deaths of people with learning disabilities.](#)

18 September 2014 - [New MyNHS transparency site goes live tomorrow.](#)

16 September 2014 - [First UK 'Promising Innovative Medicine' designation awarded.](#)

15 September 2014 - [Clinics authorised to carry out abortions.](#)

15 September 2014 - [Transparency in care: visible ratings for health and care providers.](#)

12 September 2014 - [Viral haemorrhagic fever: ACDP algorithm and guidance on management of patients.](#)

Part of a collection: [Ebola virus disease: clinical management and guidance.](#)

12 September 2014 - [Less smoking, more joking: Stoptober campaign launched.](#)

12 September 2014 - [Response to Health Select Committee's report on long term conditions.](#)

12 September 2014 - [Tackling Antimicrobial Resistance \(AMR\): government response.](#)

### United States of America. Department of Health & Human Services (HHS)

17 September 2014 - [HHS spurs innovation to develop next-generation portable ventilator.](#)

16 September 2014 - [New Affordable Care Act tools and payment models deliver \\$372 million in savings, improve care.](#)

16 September 2014 - [U.S. Public Health Service Commissioned Corps to help treat Ebola patients in Liberia.](#)

### Australian Medical Association (AuMA)

17 September 2014 - [Ebola support welcome but much more needed as crisis escalates. Read more.](#)

17 September 2014 - [AuMA President, A/Prof Brian Owler, ABC News Radio, 17 September 2014 Read more.](#)

## British Medical Association (BMA)

15 September 2014 - [Health secretary denies privatisation claim](#) Health secretary Jeremy Hunt has insisted his government has no desire to privatise the NHS.

15 September 2014 - [Doctors' well-being: sick and tired?](#) An investigation into sickness absence rates related to depression, stress and anxiety among hospital doctors has uncovered wide variations between trusts.

13 September 2014 - [BMA reveals four steps to a healthier nation](#). Doctors are being invited to explain how the next government should address the BMA's manifesto priorities launched today.

## Canadian Medical Association (CMA)

18 September 2014 - [Transition to residency is tough everywhere](#).

16 September 2014 - [Canadian physician health expert tells colleagues: "Be civil."](#)

15 September 2014 - [CMA online physician leadership learning – recharged and renewed](#).

15 September 2014 - [Changing world challenges physician wellness: conference](#).

## American Medical Association (AMA)

18 September 2014 - [AMA awards research grants aimed at advancing the study of women in medicine](#).

18 September 2014 - [AMA's new fact sheet for physicians aims to help ensure patients continue to have access to medically necessary treatment under New DEA Rule](#).

16 September 2014 - [AMA calls for design overhaul of electronic health records to improve usability](#).

## ABOUT US

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