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## JUDGMENTS

## Victoria

28 November 2014 - *Finding into Death with Inquest of Zachary Stanley Harvey* COR 2009 001426 (see interrelated findings below)

On 28 November 2014, Judge Gray handed down interrelated findings as to the deaths of five Victorian youths. Each youth committed suicide by hanging in 2009, was aged 18 years or under and resided in the City of Greater Geelong. Three had attended the same secondary school, two of whom had been in a relationship until shortly before their deaths.

These deaths brought the City of Greater Geelong's suicide count among under 18s in the year 2009 to seven, as compared to one in 2007, 2008, 2011 and 2012, none in 2010 and two in 2013.

The Coroner commented that there had been a "suicide cluster" in the City of Greater Geelong in 2009. After investigating the pattern of contributing factors which precipitated the five deaths in question, Judge Gray made extensive recommendations relating to suicide prevention.

Among other things, he recommended that the Department of Health, Victoria Police, the Municipal Association of Victoria, the Royal Australian College of General Practitioners and the Chief Psychiatrist together develop a policy framework for national suicide prevention. Judge Gray asked that a response to his findings be provided by the Secretary of the Department of Health, the Chief Commissioner of Victoria Police and the Chief Psychiatrist.

28 November 2014 - Finding into Death with Inquest of Taylor Page Janssen COR 2009 001767

Death as a result of hanging and multisystem organ failure and cerebral hypoxia - recommendations regarding World Health Organisation and Department of Health.

28 November 2014 - Finding into death with inquest of Chanelle Amy Rae COR 2009 003500

Death as a result of compression of the neck in circumstances of hanging - recommendations regarding World Health Organisation and Department of Health.

28 November 2014 - Finding into death without inquest of Taylah Geordon Mahon COR 2009 003966

Death as a result of hanging.

28 November 2014 - Finding into death without inquest of Stephanie Jean Winberg COR 2009 004922

Death as a result of compression of the neck in circumstances of hanging.

27 November 2014 - Finding into death without inquest of Eric Horace Julien COR 2012 4819

Death as a result of acute on chronic renal failure, rhabdomyolysis and drug interaction.

28 November 2014 - As by her litigation guardian Marie Teresa Arthur v Minister for Immigration and Border Protection and Commonwealth of Australia [2014] VSC 593

Practice and procedure - group proceeding - plaintiff asylum seeker in detention on Christmas Island - claim for damages in tort alleging injuries due to lack of reasonable health care in detention - application to strike out parts of Amended Statement of Claim Rule 23.02 of the *Supreme Court (General Civil Procedure) Rules 2005* - whether claim properly pleaded – application that proceeding not continue as group proceeding - whether group sufficiently defined - whether any substantial common questions of fact or law - *Supreme Court Act 1986* (Vic) Part 4A ss 33C, 33H, 33N.

## New South Wales

4 December 2014 - Health Care Complaints Commission v Dr Son [2014] NSWCATOD 145

The Civil and Administrative Tribunal of NSW (NCAT) found a complaint of unsatisfactory professional conduct against Dr Son, a dentist, proved. The complaint had been referred by the Australian Health

Practitioner Regulation Agency (AHPRA) to the Health Care Complaints Commission (HCCC), which brought disciplinary proceedings against Dr Son at NCAT.

The conduct specifically complained of included Dr Son's:

- prescription of a restricted substance which was not an appropriate treatment for the clinical condition in question;
- prescription of a restricted substance which was otherwise than for dental treatment; and
- failure to appropriately manage a patient's chronic pain by considering or recommending other treatments such as referral to a neurologist or other specialist.

In making orders against Dr Son, NCAT gave consideration to its own jurisdiction in relation to health practitioners generally. The Tribunal accepted that its jurisdiction is prima facie protective rather than punitive. Nevertheless, the Tribunal held that due to Dr Son's significant breaches of professional standards there was some utility in a punitive order. The Tribunal accordingly issued a public reprimand against Dr Son, in addition to making protective orders by way of imposing conditions on Dr Son's registration.

3 December 2014 - AQO v Gregory Pearce MLC [2014] NSWCATAD 210

Health Records and Information Privacy - jurisdiction - whether the Minister is a public sector agency.

## REPORTS

#### Australia. Department of Health

Media releases

1 December 2014 - 2014 - A Year of HIV Leadership For Australia. World AIDS Day 2014 marks a year of global leadership on HIV for Australia.

1 December 2014 - Expert panel to consult on rural health incentives and training. The Australian Government has appointed an independent expert panel to consult on how the GPRIP can best encourage doctors to towns in rural, regional and remote areas where they are needed most.

Private Health insurance (PHI) Circulars

3 December 2014 - PHI 71/14 Private Health Insurance Amendment Act (No. 1) 2014.

2 December 2014 - PHI 70/14 August 2014 Prostheses List Amendment.

1 December 2014 - PHI 69/14 Payment of the 2014 Private Health Insurance Complaints Levy.

#### Australia. Department of Social Services

4 December 2014 - 2014 Aged Care Approvals Round (ACAR) results. Senator Mitch Fifield, the Assistant Minister for Social Services, announced the results of the 2014 Aged Care Approvals Round (ACAR) this morning.

1 December 2014 - My Aged Care Regional Assessment Service (RAS) Tender Closes 19 December. The Department of Social Services is undertaking an open approach to market for organisations interested in delivering aged care assessment services to people requiring low intensity, basic support at home.

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

1 December 2014 - **Tribunal reprimands, disqualifies nurse and cancels registration**. The South Australian Health Practitioners Tribunal has reprimanded Ms Jayne Morley, cancelling her registration as a nurse and disqualifying her from applying for registration until 1 January 2018.

## Australia. National Blood Authority

1 December 2014 - **Point of Care Coagulation Testing Case Study**. This case study illustrates efforts undertaken by clinical staff at The Prince Charles Hospital in detecting, managing and monitoring critical bleeding in cardiac surgery patients through the use of Point of Care Coagulation Testing.

## Australia. National Health & Medical Research Council

3 December 2014 - Healthy, wealthy and affordable. There is much to do and that's why QIMR exists. Cancer is not cured, Alzheimer's threatens to overwhelm our economies and our carers. We can hardly do anything useful for an injured brain, or an ailing kidney, or an ailing heart, and for most mental illnesses. It only takes a disease like Ebola to make us aware of the need for research. Of course, the immediate responses to Ebola are rapid public health responses and clinical responses. But just think how helpless we are at the moment because have no therapy for those who are affected by Ebola and no vaccine to prevent it.

Australia. Therapeutic Goods Administration (TGA)

4 December 2014 - List of evaluated registered complementary medicines. Added Maltofer products.

3 December 2014 - Updates to the list of designated orphan drugs. Added Defactinib.

3 December 2014 - Meningitec meningococcal serogroup C conjugate vaccine suspension for injection, single dose syringe - update. Recall - potential for particulate contamination.

2 December 2014 - Advisory Committee on Prescription Medicines (ACPM). ACPM and ACPM Pharmaceutical Subcommittee 2015 meeting dates now available.

2 December 2014 - Adverse event reporting - online learning modules for health professionals. The TGA and NPS Medicinewise have worked together to create two interactive online learning modules.

2 December 2014 - **Safety through reporting: online learning modules for health professionals**. New online modules for all health professionals.

2 December 2014 - Submissions and TGA response: Esomeprazole: proposed advisory statement for medicines. Submissions and TGA response in relation to Esomeprazole: proposed advisory statement for medicines.

1 December 2014 - Compositional guideline: Alanylglutamine. The TGA notes that the recent publication of the second supplement to the United States Pharmacopeia 37 - National Formulary 32 (USP 37- NF.

1 December 2014 - Medicines Safety Update, Volume 5, Number 6, December 2014. In this issue: Epoetin alfa (Eprex) and increased risk of pure red cell aplasia with subcutaneous administration; Pregabalin and suicidality; Online reporting form for consumers; Topiramate and visual field defects.

#### Australian Institute of Health & Welfare

5 December 2014 - Indigenous health check (MBS 715) data tool.

4 December 2014 - Analysis of bowel cancer outcomes for the National Bowel Cancer Screening Program | media release.

3 December 2014 - Suicide and hospitalised self-harm in Australia: trends and analysis | media release.

2 December 2014 - Stronger Futures in the Northern Territory: oral health services July 2012 to December 2013 | media release.

### Australian Law Reform Commission

24 November 2014 - Equality, Capacity and Disability in Commonwealth Laws (ALRC Report 124) Final Report. This final report was tabled on 24 November 2014. A Summary Report is also available.

Australian Commission on Safety and Quality in Health Care

4 December 2014 - New clinical standard to improve care to patients with heart attacks or suspected heart attacks. Thousands of Australians are affected by acute coronary syndromes (heart attacks and suspected heart attacks) every year. Despite well-developed management guidelines, there are regional variations in treatment interventions across Australia. Improving early, accurate diagnosis and management of acute coronary syndromes is the focus of a new standard for clinical care which was launched today by the Australian Commission on Safety and Quality in Health Care (Commission).

1 December 2014 – On the Radar – Issue 202 (PDF 143KB) (Word 183KB).

## Australia. The Pharmaceutical Benefits Scheme (PBS)

1 December 2014 - PBS Website Update. The Schedule of Pharmaceutical Benefits was updated on 1 December 2014 and the Summary of Changes can be found on the New, Amended and Deleted Items page. **Read More**.

1 December 2014 - New Conditions of Approval for Approved Pharmacists - Amendments to the National Health (Pharmaceutical Benefits) (Conditions of approval for approved pharmacists) Determination 2007 are effective from 1 December 2014. Read More.

1 December 2014 - PBS Hospital Medication Charts - Phase One Trials - The Commission have invited public and private hospitals to submit a formal Expression of Interest (EOI) to participate in Phase One. **Read More**.

#### Australian Capital Territory. Health Directorate

3 December 2014 - **Sod turned on new respite centre for children with disability**. Rugby league legend Ricky Stuart and ACT Minister for Disability Joy Burch today joined forces to turn the first sod on a new respite centre for children with disability, including autism. The centre at Chifley is a joint venture between the ACT Government and the Ricky Stuart Foundation and will cater for between 30 and 40 families a year.

2 December 2014 - Institute of Child Protection Studies celebrates ten years. Minister for Children and Young People Mick Gentleman today attended the Institute of Child Protection Studies 10th anniversary celebrations. The Institute is a joint initiative between the Australian Catholic University and the Community Services Directorate.

1 December 2014 - World AIDS Day: Getting to zero - Minister for Community Services Mick Gentleman today attended a breakfast held by the AIDS Action Council of the ACT to mark World AIDS Day. The day is recognised each year as an opportunity to raise awareness across the world and in the community about the issues surrounding HIV and AIDS. World AIDS Day is also a time for people to show their support for people living with HIV and to our loved ones who we have lost.

1 December 2014 - New Canberra Hospital visiting hours. Visiting hours at Canberra Hospital have changed to 0600 to 2100, except for Mental Health and the Alcohol & Drug Service.

## New South Wales. (NSW) Ministry of Health

## Media Releases

4 December 2014 - Healthy Outlook: NSW Hospitals Deliver Enhanced Patient Care. Hospitals across NSW are continuing to strive for further improvements in patient care, figures in the latest Bureau of Health Information (BHI) Quarterly Report (July-September 2014) demonstrate. Health Minister Jillian Skinner today congratulated staff at hospitals in the city and country for their commitment to driving enhancements in both emergency and elective surgery.

2 December 2014 - Liverpool Hospital Home To Advanced Dissection Training. Health Minister Jillian Skinner and Member for Menai Melanie Gibbons today inspected a new dissection table at Liverpool Hospital which allows medical staff and students to slice and manipulate digital bodies then put them back together with the press of a button.

1 December 2014 - First Permanent Rapid HIV Testing Shopfront For Taylor Square. To mark World AIDS Day, Health Minister Jillian Skinner today launched the first permanent rapid HIV testing shopfront in NSW in Taylor Square, Darlinghurst. Policy Directives & Guidelines.

## **Queensland. Department of Health**

## Media releases

3 December 2014 - Local control for Cape TB services. Tuberculosis services in the Torres Strait and Cape York regions will be transferred to local regional control from 1 July 2015.

1 December 2014 - Novartis flu vaccine not used in Queensland.

## South Australia. (SA) Department for Health & Ageing

#### Media releases

2 December 2014 - New \$2 million Men's Health Strategy. SA Health is partnering with South Australian workplaces to raise awareness about the importance of men making healthy lifestyle choices.

2 December 2014 - When a mosquito leaves more than an itch. SA Health is reminding South Australians to protect themselves this summer from serious diseases mosquitos can spread.

1 December 2014 - Adelaide Oval supports people living with HIV. Adelaide Oval will be lit up in red on World AIDS Day, Monday 1 December, to signify support to people living with HIV.

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

#### Media releases

4 December 2014 - Celebrating Early Support for Parents. Early Support for Parents volunteers are true quiet achievers in the community and social services sector, providing help in Southern Tasmania for those who have the most important job of all – parents.

4 December 2014 - Exciting Study into Innovative Stroke Rehabilitation. The Liberal Government is committed to fixing Tasmania's health system and putting the patient at the forefront of every decision – where they belong. Today at the Launceston General Hospital (LGH) I was delighted to officially open a new study project working to assist stroke survivors to gain a better recovery. The project is funded by the National Stroke Foundation and is being delivered through a collaboration between staff in the Faculty of Health at the University of Tasmania, and allied health, nursing and medical staff at the LGH.

2 December 2014 - New Advocacy Service to Support Parents and Families. The Liberal Government is committed to reforming the child protection system in Tasmania to deliver better outcomes for vulnerable children, parents and families. The Red Cross Parents and Families Advocacy Service will provide advice, information and support to parents and families. The service is based on a peer advocacy model where a professional advocate recruits, trains and coordinates a pool of community volunteers who will be paired with parents and family members referred to the service.

#### Victoria. Department of Health

2 December 2014 - Illicit drugs safety warning.

2 December 2014 - Unpasteurised milk health warning.

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

Media Releases

2 December 2014 - WA Health receives top award from Royal Lifesaving.

1 December 2014 - **Seizures prompt synthetic drug warning**. WA Health has issued a warning about synthetic drugs following a number of similar presentations to metropolitan emergency departments caused by an as-yet unidentified illicit drug.

#### New Zealand. Ministry of Health

4 December 2014 - Mental Health annual report released. The ninth annual report by the Office of the Director of Mental Health has been released today by the Ministry of Health. The annual report is part of the Office's accountability to the sector and is always of great interest to many people involved in mental health care including mental health service users and their families and whānau, those who work in the sector, and advocacy groups.

4 December 2014 - Every baby needs a sober caregiver. Enjoy the Christmas cheer but ensure babies and young children have a designated sober caregiver – is the Ministry of Health message for Safe Sleep Day (Friday 5 December 2014). Ministry of Health Chief Advisor Child and Youth Health Dr Pat Tuohy says that is particularly true when babies are being put to sleep. "Infants need a designated sober caregiver, just like we have designated sober drivers" says Dr. Pat Tuohy, Chief Advisor Child & Youth Health. "By working together, we can make sure that every infant has a safe sleep every sleep."

#### **Canada Department of Health**

3 December 2014 - Minister Ambrose takes part in Canadian Blood Services' "Wrap It Up Red" Campaign. The Honourable Rona Ambrose, Minister of Health today teamed up with Canadian Blood Services (CBS) and other Members of Parliament to rally Canadians to wrap up the holidays in red this year by rolling up their sleeves and donating blood at a local clinic and/or registering to become organ and tissue donors.

1 December 2014 - Statement from the Honourable Rona Ambrose - Meeting with Executive Director of the Thalidomide Association of Canada. All Canadians empathize with the pain and suffering these survivors have endured since this tragic event in the 1960's. In 1991, the Government of Canada offered a settlement to Thalidomide survivors. However, over 20 years later it is clear their health needs have changed and they require ongoing support.

**United Kingdom. Department of Health** 

3 December 2014 - Full decision published in care home medicine cartel case.

1 December 2014 - Monitor responds to comments on the recording of the treatment of non-English patients in the NHS.

1 December 2014 - Better information for private patients moves closer.

1 December 2014 - Simon Hughes speech at the compassion in dying conference.

1 December 2014 - Making it easier for carers to get government help.

28 November 2014 - £32 million of compensation available for victims of asbestos related cancer.

28 November 2014 - Vaccinate toddlers against flu advises Chief Medical Officer - Parents should get their toddlers vaccinated against flu now to protect them from severe illness the Chief Medical Officer has advised.

28 November 2014 - Chief Medical Officer Sally Davies describes NHS preparedness should Ebola reach the UK - Watch Dame Sally Davies talk about the plans the NHS has in place should there be a case of Ebola in the UK.

United States of America. Department of Health & Human Services

4 December 2014 - Report shows more options and savings for consumers who shop in the Health Insurance Marketplace in 2015.

2 December 2014 - Efforts to improve patient safety result in 1.3 million fewer patient harms, 50,000 lives saved and \$12 billion in health spending avoided.

2 December 2014 - 35 U.S. hospitals designated as Ebola treatment centers.

Australian Medical Association (AMA)

4 December 2014 - Media Alert - AMA President A/Prof Brian Owler, Doorstop, Senate Courtyard Parliament House. Co-Payments/ Bulk Billing Incentives. Read more.

3 December 2014 - **AMA applauds action on cyber bullying**. The AMA applauds action by the Government to crack down on cyber bullying of children, with legislation introduced to Parliament today. **Read more**.

1 December 2014 - The Government's co-payment model – the facts and a possible "plan B." AMA President, A/Prof Brian Owler, said today that the Government's hardline defence of its flawed and unfair co-payment model is creating a health policy vacuum. Read more.

28 November 2014 - **AMA welcomes deployment of Australian health workers to West Africa**. The AMA welcomes today's Government-funded deployment of Australian health workers to help tackle the Ebola outbreak at its source in West Africa. **Read more**.

#### **British Medical Association (BMA)**

3 December 2014 - **BMA GP committee chair response to the government's announcement of extra investment in GP services.** Commenting on the announcement of extra investment for GP infrastructure in the chancellor's autumn statement, BMA GP Chair Dr Chaand Nagpaul said: "It is a step forward that after substantial lobbying from the BMA, the government has finally acknowledged that GP infrastructure is in dire need of investment. Many GP practices across England are in a declining state and completely unsuitable for the modern demands of 21st century medicine.

3 December 2014 - **BMA response to Autumn Statement**. Responding to the Autumn Statement, BMA council chair Dr Mark Porter said that extra funding is a step in the right direction but NHS must not be used as a political football.

3 December 2014 - Additional NHS funding "step in the right direction." NHS funding increases are welcome but politicians must invest for the future and not treat the health service like a political football. The BMA issued the warning in response to the chancellor's autumn statement today, which formally announced more than £2bn of additional funding to frontline services over the next financial year.

3 December 2014 - **BMA investigates junior pay methods**. The BMA is investigating whether any NHS employers use a pay calculation method that may have led to junior doctors being underpaid. The association has written to a selection of NHS hospital organisations across the UK this week asking how they calculate pay for their junior doctors.

3 December 2014 - **Praise for Indian doctors' NHS role**. The prime minister and health secretary praised the contributions of Indian doctors in the health service ahead of a conference. David Cameron expressed his huge "respect and admiration" for doctors of Indian origin ahead of this year's BAPIO (British Association of Physicians of Indian Origin) conference in Manchester last weekend.

3 December 2014 - **Call to lead hospital out of cultural difficulty**. The BMA has called on a troubled Scottish health board to work with doctors to find a way forward through engaged medical leadership. A report into the quality of care at Aberdeen Royal Infirmary, published yesterday, identified a range of concerns regarding leadership, governance, culture and inappropriate behaviour.

2 December 2014 - NHS Workforce statistics don't capture the full scale of consultant vacancies in hospitals, says BMA Scotland (BMA Scotland). Doctors' leaders have today [Tuesday 2 December] called on the Scottish Government to work with the BMA to improve the information collected on consultant vacancies across the Scottish health service to inform and support work to address the ongoing recruitment and retention problems in hospitals.

2 December 2014 - Invest in long-term NHS plan, says BMA. Extra NHS funding is welcome but needs to be part of a long-term investment plan to secure the NHS for the future, the BMA said. The association was responding to the announcement this week of an additional £2bn in funding for the health service.

2 December 2014 - **One in ten consultant posts remain vacant**. More than one in 10 consultant posts in Scotland are unfilled — almost double the official vacancy rate. Figures obtained by the BMA, show that 11.3 per cent of consultant posts are actually vacant, compared to the ISD (Information Services Division) Scotland figure of 6.5 per cent.

2 December 2014 - **BMA seeks health spending clarity**. The BMA has echoed calls by politicians for greater clarity on health spending in Wales. In October, the Welsh Government announced an extra £425m in healthcare funding over the next two years.

1 December 2014 - **Call to balance primary care resources**. A balance of resources is needed to enable everyone access to GP services in Wales, doctors leaders have said. The call follows the publication of the National Survey for Wales, which showed employed people found it difficult to get an appointment with their GPs.

1 December 2014 - **BMA response to reported funding boost for GP premises in the autumn statement**. Commenting on reports at the weekend of a £250 million annual funding boost for the next four years for GP premises, BMA GPs committee chair, Dr Chaand Nagpaul said: "It is encouraging that politicians are beginning to listen to the concerns that the BMA's General practitioners committee has been voicing through the Your GP Cares campaign about the incredible pressures on general practice. We have continually highlighted that GPs simply don't have the space to care - with inadequate impoverished GP premises which have received no national investment for over a decade, leaving many GPs working in premises designed for a past era, unable to meet current patent needs, and with no capacity to accommodate the government's ambition of moving further care out of hospitals.

## **Canadian Medical Association (CMA)**

2 December 2014 - Use of EMR escalating significantly in Canada. Use of electronic medical record systems (EMRs) for keeping patient records has become the norm rather than the exception in Canada, and doctors are getting more value from them. These conclusions can be drawn from recently released data from the 2014 National Physician Survey (NPS) showing 75% of physicians report using electronic records to enter or retrieve clinical patient notes on a laptop or desktop. This level of usage is up from 26% in 2007.

## American Medical Association (AmMA)

3 December 2014 - AmMA Calls for Overhaul of Recovery Audit Process. In a letter to the Centers for Medicare and Medicaid Services (CMS) today, the AMA provided recommendations for overhauling the flawed Recovery Audit Contractor (RAC) program an

# **ABOUT US**

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