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JUDGMENTS

New South Wales

[O'Sullivan v Medical Council of New South Wales](#) [2015] NSWCATAD 113

The New South Wales Civil and Administrative Tribunal has set aside decisions made by the Medical Council of New South Wales (Council) not to disclose certain information to Dr Brendan O'Sullivan.

Dr O'Sullivan applied to the Council under the *Government Information (Public Access) Act 2009* (NSW) for access to a number of documents, including authorship details of a document that had previously been provided to him by the Council.

While the Council disclosed some of the requested documents, it withheld other information on the basis that there was a public interest consideration weighing against disclosure. The Council considered that if Dr O'Sullivan was given certain information, it could expose Council staff to a risk of harm, harassment or intimidation.

The Tribunal held that the evidence did not indicate this consideration was so significant as to outweigh the general public interest in favour of disclosure. The Tribunal noted the long, acrimonious history between the parties. It also noted that Dr O'Sullivan had sought access to the information for a book he is writing about his dealings with the Council, so that his record is accurate and complete. The Tribunal noted that while it was possible that the publication of the book could cause embarrassment to current or former employees of the Council, Dr O'Sullivan's motivations were understandable and uncontroversial.

The Tribunal set aside decisions made by the Council to withhold, or partially withhold, a number of documents and ordered that certain requested information be disclosed.

Western Australia

[Solomon v Australian Health Practitioner Regulation Agency](#) [2015] WASC 203

The Supreme Court of Western Australia has quashed a decision made by a professional standards panel (Panel) of the Psychology Board of Australia that the applicant behaved in a way that constituted unsatisfactory professional performance. It also quashed the panel's further decision to caution the applicant and impose conditions on her registration.

The Court found multiple reasons to quash the decisions, including that the inadequacy of reasons constituted an error of law on the face of the record. The Court held that the reasons given by the Panel for their decision were not "reasons for the decision" as required by section 192(3)(b) of the *Health Practitioner Regulation National Law*. The Court found that the Panel's reasons did not explain its reasoning process in coming to its decision, and did not disclose how the Panel had resolved factual inconsistencies between the parties' evidence.

The Court found further that the Panel had misunderstood the statutory provisions of the *National Law* which were the source of its jurisdiction, and misconceived the nature of its function, which amounted to a jurisdictional error.

The Court made a number of observations about the panel's process, including that it was "highly undesirable" for the panel to receive concurrent submissions relating to whether the unsatisfactory conduct had occurred, and what the penalty should be if the conduct was established. The Court stated that in any case where the practitioner denies engaging in such conduct, the appropriate penalty should be decided at a subsequent hearing.

United Kingdom

[Good v Lanarkshire Health Board](#) [2015] CSOH 75

Medical negligence - admission of liability - quantum - parties to produce schedule of damages.

[Harman v East Kent Hospitals NHS Foundation Trust](#) [2015] EWHC 1662 (QB)

Medical negligence - admission of liability - quantum - parties to seek agreement.

LEGISLATION

Commonwealth

12 June 2015 - [Health Insurance \(ALK Gene Testing\) Determination 2015](#) - F2015L00799 - as made.

Victoria

10 June 2015 - [Adoption Amendment Bill 2015](#) - Introduced and read first time.

REPORTS

Australia. Department of Health

Review of organ and tissue donation and transplantation programme - [terms of reference](#)

Media releases

Lyme disease [Read more](#)

Private Health insurance Circulars

[PHI 35/15 Critical dates for August 2015 Prostheses List](#)

Publications

[Health Workforce Australia Annual Report](#)

[National Key Performance Indicators Data Quality Review - PDF 1405 KB large file](#)

[Ensuring National Capacity in Genomics-Guided Public Health Laboratory Surveillance](#)

Visiting Optometrist Scheme (VOS) [Grant Programme Guidelines](#) [Service Delivery Standards](#)

Australia. Department of Social Services

10 June 2015 – [Aged Care Financing Authority \(ACFA\) Update](#)

5 June 2015 – [Opening of applications for the DSS SBRT Grant Funding](#)

3 June 2015 - [Notice of Change Commonwealth HACC programme schedules](#)

June 2015 - [Aged Care Providers Newsletter #19](#)

Australia. Health Practitioner Regulation Agency and the boards

The leadership and contribution of Medical Board of Australia Chair, Dr Joanna Flynn AM, has been recognised with the prestigious 2015 AMA Woman in Medicine award. [Read More](#)

The Medical Board of Australia releases its latest newsletter. [Read More](#)

The Medical Radiation Practice Board of Australia invites applications from experienced medical radiation practitioners interested in being included on a list of approved persons for appointment to panels. [Read More](#)

The National Board has released its quarterly registration data. [Read More](#)

A revised criminal history registration standard will come in to effect for all registrants from 1 July 2015. [Read More](#)

The Aboriginal and Torres Strait Islander Health Practice Board of Australia newsletter. [Read More](#)

The Chinese Medicine Board of Australia newsletter. [Read More](#)

AHPRA, in partnership with the Chiropractic Board of Australia and Osteopathy Board of Australia, have successfully prosecuted Mr Robert Black. [Read More](#)

Tips for easy online renewal for nurses and midwives [Read More](#)

The Occupational Therapy Board of Australia releases its latest communique. [Read More](#)

Australian. National E-health Transition Authority

Assisted Registration using Zedmed software

Assisted Registration using Medical Director software

Assisted Registration using Genie software

Assisted Registration using Communicare software

Assisted Registration using Best Practice software

Australia. National Health & Medical Research Council

5 June 2015 - **Boost for mental health researcher in the development of online tool**

Australia. Therapeutic Goods Administration

10 June 2015 - **TGA key performance indicators and measures: Regulator Performance Framework**

5 June 2015 - **ACSOM meeting statement, Meeting 26, 20 February 2015**

Medicines Safety Update

Medicines Safety Update Volume 6 Number 3, June 2015

Methotrexate and hepatitis B reactivation; Ivabradine and cardiovascular events in patients with angina; Ethinylestradiol/etonogestrel vaginal ring and Thromboembolic risk

Medicines Safety Update, Volume 6, Number 2, April 2015

2015 seasonal influenza vaccines; Agomelatine (Valdoxan) - monitoring of liver function; Non-steroidal anti-inflammatory drugs and diclofenac reviews

Medicines Safety Update, Volume 6, Number 1, February 2015

Combined oral contraceptives and hormone replacement therapy - inflammatory bowel disease; Metoclopramide and neurological adverse events; Publication changes for Medicines Safety Update

Medical Devices Safety Update

Medical Devices Safety Update, Volume 3, Number 3, May 2015

Retain medical devices associated with adverse event reports; TGA laparoscopic morcellator review; Practice points - pleural catheters; Recent safety alerts

Medical Devices Safety Update, Volume 3, Number 2, March 2015

Caution advised in choosing intravenous catheters if power injection may be required; Acanthamoeba keratitis risk for contact lens users; The TGA thanks you for your medical device adverse event reports; Recent safety alerts

Medical Devices Safety Update, Volume 3, Number 1, January 2015

Safety through adverse event reporting; Recommendations for avoiding or dealing with surgical implant tool breakages; IRIS inSite pilot off to promising start; Clinical alarm issues still pose top hazard; Recent safety alerts

Australian Institute of Health & Welfare

10 June 2015 - **Maternal deaths in Australia 2008–2012 | Maternal deaths low in Australia, but Indigenous women remain at greater risk (media release)**

Australian Commission on Safety and Quality in Health Care

10 June **Ministers launch new clinical standard for improving care to patients with stroke**

9 June 2015 – On the Radar – Issue 226 (**PDF 229KB**) (**Word 136KB**)

Australian Capital Territory. Health Directorate

11 June 2015 - **Save the ED for Emergencies**

New South Wales. Ministry of Health

Media Releases

4 June 2015 - [Quality hospital performance continues in NSW](#)

Policy Directives & Guidelines

Information Bulletins

Publications

2 June 2015 - [The New South Wales Teen Dental Survey 2010](#)

New South Wales. Health Care Complaints Commission

12 June 2015 - [Webinar: End of Life Decisions](#)

5 June 2015 - [Updated Media Release: Mr Andrew Ferguson - finding of impairment by the NSW Civil and Administrative Tribunal, reprimanded and conditions imposed](#)

Northern Territory. Department of Health

11 June 2015 - [New Indigenous children's influenza vaccine program](#) - The Northern Territory Government has teamed up with Danila Dilba Aboriginal Medical Health Service to host a community fun day for children and their families to raise awareness of the new influenza vaccine program for Indigenous children.

5 June 2015 - [New Children's Commissioner announced for the Northern Territory](#) - The Northern Territory Government has recommended a former Police Commander with more than 30 years' experience in human services in the NT be appointed as the Children's Commissioner.

5 June 2015 - [First meeting of Prime Minister's Advisory Panel to reduce violence against women](#) - Minister for Women's Policy, Bess Price, has today attended the first meeting of the specially convened Advisory Panel to reduce violence against women.

5 June 2015 - [Major Water Main tender awarded](#) - Work on Palmerston Regional Hospital is progressing well with all works to be complete and open for operation in 2018 as agreed with the Australian Government.

Queensland. Department of Health

11 June 2015 - [Musical memories expand to help elderly regional Queenslanders](#) - A radio service broadcasting nostalgic musical memories for seniors has secured funding from the Palaszczuk Government to reach aged-care facilities across the state.

10 June 2015 - [Largest aeromedical movement of burns patients in Queensland](#) - There are currently 20 patients in hospitals around Queensland following the incident in Ravenshoe yesterday (9 June 2015) where a ute crashed into gas bottles at a café, causing an explosion. Two patients were aeromedically retrieved to the Royal Brisbane and Women's Hospital's Intensive Care burns unit last night and it is anticipated a further four critical care patients will be moved there.

5 June 2015 - [New Director-General for Queensland Health](#) - Mr Michael Walsh has been appointed to the role of Director-General, Queensland Health. It is expected he will commence on 6 July 2015. Mr Walsh is a well-respected and highly regarded senior executive. He is currently the Chief Executive of eHealth NSW and previously held a number of executive level roles in both the private and public sectors. These include roles in Queensland Health as Deputy Director-General and Chief Executive Officer, Major Hospitals Project Office.

South Australia. Department for Health & Ageing

10 June 2015 - [New hospital ED campaign launched](#) - A new advertising campaign to encourage South Australians to visit emergency departments only in an emergency has been launched today. Health Minister Jack Snelling said the state's hospitals managed unprecedented demand last winter and were preparing to manage similar levels of activity this winter. "Last year's record flu numbers placed added pressure on the health system", Mr Snelling said. "Between June and August in 2014 our metropolitan

emergency departments saw more than 2500 additional patients than the year before". The new ad campaign launched today encourages people who don't require urgent medical assistance to consider alternatives to emergency departments.

Tasmania. Department of Health & Human Services

11 June 2015 - **World Elder Abuse Awareness Day** - Monday 15 June is World Elder Abuse Awareness Day, a day to promote respect and dignity for older people, and a day to wear purple – the internationally recognised colour for raising awareness of elder abuse.

9 June 2015 - **Additional elective surgery funding delivers real results** - The Hodgman Liberal Government's investments in frontline health and elective surgeries are delivering real results for Tasmanians

7 June 2015 - **Liberal Government provides electricity concession for medical heating** - The Hodgman Liberal Government continues to invest in essential services and supporting vulnerable Tasmanians.

5 June 2015 - **Tasmanian Health Service about patients, not regional parochialism** - The Tasmanian Health Service will focus on patients, not regional politics.

Victoria. Department of Health

10 June 2015 - **Labor repeals cruel adoption penalties** - Laws that discriminate against natural parents who attempt to contact their adult adopted children will be repealed by the Andrews Labor Government under changes to the *Adoption Act 1984* that were introduced into Parliament today. Shortly after making an apology to those who were impacted by the forced adoption practices of the past, the previous Liberal Government introduced "contact statements" that restricted natural parents from contacting their adult adopted children, if the child lodged a statement specifying "no contact". But the statements are only available to adult adoptees, not natural parents. And it is a criminal offence to breach a no contact statement. Natural parents, particularly women who had their children forcibly removed, regarded the contact statements as hurtful and discriminatory as they only targeted parents. Under the changes introduced to Parliament today, adult adoptees, natural parents and other parties will still be able to express their wishes regarding contact and the sharing of personal information, and have those wishes recorded on the Adoption Information Register.

10 June 2015 - **Warning for patients of unregistered dentist** - Patients of a man purporting to be a dentist in Melbourne's northern suburbs have been urged to contact the Department of Health & Human Services. This follows charges laid by the Australian Health Practitioner Regulation Agency (AHPRA) against the man, who has allegedly been providing dental treatment without being registered. The alleged "practice" was located at a residential property in Rocklands Rise, Meadow Heights. "We are concerned that patients who received dental care from this individual at this premises may have contracted a blood borne infection as a result of poor infection control practices", Victoria's Acting Chief Health Officer, Dr Finn Romanes, said.

10 June 2015 - **Northern health hub chosen for Barwon Health-North** - The new \$33 million Barwon Health-North facility will be built in Norlane as part of Geelong's new Northern Arts, Recreation and Community Health and Wellbeing Hub. Barwon Health-North will provide a range of community-based health care services, and will include medical imaging services including x-ray facilities, a CT scanner, a pathology centre, a pharmacy, and consulting suites. It will also include an urgent care centre, offering non-emergency patients with an alternative to a hospital emergency department, and will provide same-day medical services such as renal dialysis.

9 June 2015 - **Boost to family violence counselling services** - Survivors of family violence will receive more support as the Andrews Labor Government's \$3.5 million boost to counselling services across the state begins to flow this week, Minister for Families and Children, Jenny Mikakos, announced today. The funding will see the recruitment of an additional 22 full-time equivalent counselling staff who will provide an extra 40,000 hours of counselling across Victoria. This will make it easier for women and children who have experienced family violence to access timely therapeutic support, helping them to recover.

7 June 2015 - **Planning starts on Australia's first heart hospital** - The Andrews Labor Government will build a specialist heart hospital at Monash University in Clayton, bringing together the world's best in cardiovascular care, research and training. The Victorian Heart Hospital will treat cardiac diseases from early childhood to advanced adult life, and will include an emergency department, cardiac cath labs, specialist surgical and imaging facilities, and telehealth services for patients across Victoria, interstate and around the world.

Western Australia. Department of Health

Media Releases

11 June 2015 - **Minister for Health: Program at SCGH offers trainees new potential** - A partnership between the State Government and the WA Chamber of Commerce and Industry will soon see more Aboriginal people given the opportunity to join the WA Health workforce, giving them a greater role in bridging cultural differences between patients, staff and providers.

11 June 2015 - **Minister for Health: Key unlocks next stage of Midland hospital** - The \$360 million St John of God Midland Public Hospital (SJGMPH), jointly funded by the State and Australian governments, reached a significant milestone today with Brookfield Multiplex completing construction and handing the key to the State Government.

10 June 2015 - **WA Social Worker of the Year named** - Graylands social worker Fran McGrath has been awarded the title of 2015 WA Social Worker of the Year at the sixth annual statewide awards.

9 June 2015 - **Minister for Health: Footprints lead way to better Aboriginal health** - An independent report by preeminent health services expert Emeritus Professor D'Arcy Holman into the State's Aboriginal health programs has found more than 90 per cent of the 184 programs evaluated (representing 88 per cent of funding) to be "outstanding", "very good" or "good", with a small number not providing services to a satisfactory level.

9 June 2015 - **Minister for Health: \$3.9 million top up for community care program** - Older people and people with disability in Western Australia will benefit from a one-off funding increase of \$3.9 million for new centres, projects and vehicles to support the delivery of expanded Home and Community Care (HACC) services in the State.

8 June 2015 - **WA researcher identifies new rare disease** - A WA Health clinician has discovered a new and rare genetic disease.

8 June 2015 - **Award to help researcher make visible difference** - A WA Health clinician researcher working to improve outcomes for patients with retinal and macular degeneration – the most common causes of irreversible blindness – is one of seven researchers to share in \$70,000 of State Government research support funding.

5 June 2015 - **WA researcher identifies new rare disease** - A WA Health clinician has discovered a new and rare genetic disease.

Operational Directives

4 June 2015 - **OD 0606/15** - Guidelines for Protecting Children 2015 - The Guidelines for Protecting Children 2009 have been reviewed in consultation with key stakeholders and have been replaced with the Guidelines for Protecting Children 2015.

Canada. Department of Health

11 June 2015 - **Harper Government Takes Action to Improve Drug Control** - The Honourable Rona Ambrose, Minister of Health, along with Roxanne James, Parliamentary Secretary to Canada's Minister of Public Safety and Emergency Preparedness, today announced a series of proposed enhancements to the *Controlled Drugs and Substances Act* (CDSA); updating Health Canada's nearly two-decade-old rules for drug control.

11 June 2015 - **Key Features Of The Protection Of Communities From The Evolving Dangerous Drug Trade Act** - As part of the Government of Canada's comprehensive approach to addressing illicit drug

production, distribution and use, a series of amendments have been proposed to update the CDSA, which originally came into force in 1997 as Canada's federal drug control statute.

10 June 2015 - [New rules will enhance oversight of marijuana for medical purposes authorizations - Increasing information sharing by licensed producers with Canadian healthcare licensing bodies](#) - Today, the Honourable Rona Ambrose, Minister of Health, announced the coming into force of amendments to the Narcotic Control Regulations and the Marijuana for Medical Purposes Regulations to further strengthen public health and safety.

New Zealand. Ministry of Health

12 June 2015 - [Oranga niho me ngā tangata whaiora: Oral health and Māori mental health patients](#)

11 June 2015 - [Interim Evaluation Report of the Bowel Screening Pilot: Screening Round One](#)

5 June 2015 - [Indicators for the Well Child/Tamariki Ora Quality Improvement Framework March 2015](#)

United Kingdom. Department of Health

11 June 2015 - [Government announces Monitor and Trust Development Authority move to single leadership to deliver increased support to hospitals](#)

11 June 2015 - [Hospital productivity report shows how NHS can make large savings](#)

Australian Medical Association

4 June 2015 - [AMA ramps up pressure over asylum seeker health](#) - Mounting evidence about the serious and far-reaching physical and psychological harm being suffered by detained asylum seekers.

British Medical Association

11 June 2015 - [BMA demands progress on alcohol misuse](#) - The BMA wants coordinated action on alcohol.

11 June 2015 - [Funds cut could "gut" public health](#) - Public health services face a £200m funding cut as part of Government plans to reduce debt.

10 June 2015 - [Tobacco firms must help end smoking, says report](#) - Tobacco companies should be required by law to fund anti-smoking initiatives.

10 June 2015 - [Licensing exam raises stress fears](#) - A national licensing assessment for UK medical students could be introduced.

8 June 2015 - [Unfilled consultant posts continue to rise](#) - The BMA has warned of a major recruitment and retention problem among Scotland's consultants.

ABOUT US

Caroline Atkins



Caroline Atkins is the Office Managing Partner for the Canberra office of DLA Piper and has worked extensively in the health sector for Australian Government agencies. Her experience includes the conduct of major technology projects for the health sector, such as in the e-health and aged care sectors, and in advising the Commonwealth on the implementation of policy programs in contractual arrangements (including for medical indemnity insurance and for CSO arrangements for PBS funding). She has also advised the National Blood Authority on major Commonwealth contracts for the supply of blood products including with the Red Cross and CSL. Caroline's commercial experience extends over 30 years and also includes significant experience in ICT outsourcing, whole-of-government technology procurements, intellectual property rights licensing, contract management, procurement strategy and dispute resolution.

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