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JUDGMENTS

New South Wales

3 July 2014 - [Porter v Le; Porter v Western Sydney Local Health District \[2014\] NSWSC 883](#)

This was an interlocutory decision by the New South Wales (NSW) Supreme Court in a matter involving a claim of negligence against a doctor and a hospital. The issue to be determined by the Court was how the evidence of experts should be presented at trial. The parties were unable to agree on whether the experts would give evidence at joint conferences and, if so, how these should be ordered.

The plaintiff submitted that there should be no order for joint conference, except in relation to breach of duty. The doctor submitted there should be joint conferences and concurrent expert evidence and opposed the serial giving of evidence from expert after expert. The hospital submitted that there be three joint conferences of experts - a separate conference regarding the plaintiff's case against the doctor and the hospital on the question of breach of duty and a joint conference on the question of causation of the plaintiff's loss and damage.

The Court agreed with the hospital's submission and made orders to that effect. The Court did not accept that it is practical or beneficial to arrange a multiplicity of sub-conferences on different issues because this could result in a manifold of competing answers to an unwieldy set of questions and costs becoming out of proportion to the matter. The Court also considered that medical experts bound by the code of conduct would refrain from expressing opinions outside their relevant field of study or acquired experience and expertise.

Victoria

27 June 2014 - [Finding into death without inquest of Caroline Courtenay Webster COR 2012 1388](#)

The finding without inquest into the death of Caroline Courtenay Webster was held in the Coroner's Court of Victoria.

The deceased was a 53 year old registered nurse with an extensive medical history including an essential tremor, smoking, depression and previous suicide attempts. After the deterioration of her mental health, the deceased engaged in doctor shopping for medications between different clinics. After treating doctors became aware, a Crisis Assessment and Triage (CAT) team assessment was arranged and a doctor shopping alert was made. During assessments by the CAT team, the deceased was noted to have impaired judgment but was not assessed as psychotic. After a number of failed attempts by treating practitioners to contact the deceased after this assessment and a received suicide letter, she was found to have committed suicide in her home.

The cause of death was a combined drug toxicity of propranolol and insulin in circumstances where the deceased intended to take her own life.

The Coroner recommended that the Therapeutic Goods Administration consider issuing an alert to prescribers of Propranolol to advise caution to patients at risk of self-harm, particularly through overdose. If clinically appropriate, a safer beta-blocker could be substituted and scripts could provide for smaller quantities. Currently, a patient can access up to 600 tablets at once. The Coroner also made comment that a real time prescription monitoring system would have reduced the duration of prescribers being unaware of the deceased's doctor shopping and repeated previous recommendations made in this respect.

The Coroner made no adverse findings in relation to the health care practitioners involved in the deceased's care.

2 July 2014 - [Finding of inquest into the death of Anthony Mahoney COR 2013 2296](#)

Death from haemopericardium and ruptured right coronary artery aneurysm while a resident in a community residential unit.

LEGISLATION

20 June 2014 - [Amendment Statement of Principles concerning myeloma No. 72 of 2014](#) F2014L00936 • No. 72 of 2014 as made.

20 June 2014 - [Amendment Statement of Principles concerning myeloma No. 73 of 2014](#) F2014L00935 • No. 73 of 2014 as made.

20 June 2014 - [Statement of Principles concerning malignant neoplasm of the stomach No. 58 of 2014](#) F2014L00939 • No. 58 of 2014 as made.

20 June 2014 - [Statement of Principles concerning malignant neoplasm of the stomach No. 59 of 2014](#) F2014L00938 • No. 59 of 2014 as made.

20 June 2014 - [Statement of Principles concerning melioidosis No. 60 of 2014](#) F2014L00940 • No. 60 of 2014 as made.

20 June 2014 - [Statement of Principles concerning melioidosis No. 61 of 2014](#) F2014L00934 • No. 61 of 2014 as made.

20 June 2014 - [Statement of Principles concerning lumbar spondylosis No. 62 of 2014](#) F2014L00933 • No. 62 of 2014 as made.

20 June 2014 - [Statement of Principles concerning lumbar spondylosis No. 63 of 2014](#) F2014L00930 • No. 63 of 2014 as made.

20 June 2014 - [Statement of Principles concerning thoracic spondylosis No. 64 of 2014](#) F2014L00931 • No. 64 of 2014 as made.

20 June 2014 - [Statement of Principles concerning thoracic spondylosis No. 65 of 2014](#) F2014L00929 • No. 65 of 2014 as made.

20 June 2014 - [Statement of Principles concerning cervical spondylosis No. 66 of 2014](#) F2014L00928 • No. 66 of 2014 as made.

20 June 2014 - [Statement of Principles concerning cervical spondylosis No. 67 of 2014](#) F2014L00932 • No. 67 of 2014 as made.

20 June 2014 - [Statement of Principles concerning hiatus hernia No. 69 of 2014](#) F2014L00925 • No. 69 of 2014 as made.

20 June 2014 - [Statement of Principles concerning warts No. 71 of 2014](#) F2014L00927 • No. 71 of 2014 as made.

20 June 2014 - [Statement of Principles concerning warts No. 70 of 2014](#) F2014L00926 • No. 70 of 2014 as made.

REPORTS

Australia. Department of Health & Ageing

Media releases

3 July 2014 - [Fighting mosquito-borne diseases in Queensland](#). A partnership between the Australian and Queensland Governments is targeting the spread of mosquito-borne diseases such as dengue fever, Japanese encephalitis and chikungunya at the source.

3 July 2014 - [Improved primary health care for south-east Queensland indigenous patients](#). Two new Australian Government-funded clinics in the rapidly growing South-East Queensland region will provide essential primary health care services to Indigenous Australians.

1 July 2014 - [Funding to improve health and safety of farmers](#). Assistant Minister for Health Fiona Nash and Member for Wannon Dan Tehan announced one-off funding for the National Centre for Farmer Health (NCFH) in Victoria of \$375,000.

Private Health insurance (PHI) Circulars

2 July 2014 - [PHI 40/14 Public hospital information](#).

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

3 July 2014 - The podiatry Board of Australia releases its latest communiqué. [Read Article](#)

2 July 2014 - The psychology Board of Australia has released the June 2014 communiqué. [Read Article](#)

1 July 2014 - All Boards and AHPRA have launched refreshed regulatory principles for regulating in the public interest. Today also marks our 4th birthday and new arrangements in Queensland. [Read Article](#)

1 July 2014 - Call for applications for dental practitioners to join the dental Board of Australia's list of approved persons for appointment to panels. [Read Article](#)

1 July 2014 - The dental Board of Australia's revised scope of practice registration standard is in effect from today. [Read Article](#)

1 July 2014 - Are you an internationally qualified nurse or midwife? Find out how we assess applications under the new model. [Read Article](#)

1 July 2014 - The Osteopathy Board releases its latest communiqué. [Read Article](#)

30 June 2014 - The Board releases its latest newsletter. [Read Article](#)

27 June 2014 - Call for applications for appointment to the Queensland Board of the medical Board of Australia. [Read Article](#)

27 June 2014 - Call for applications for appointment to the medical Board of Australia. [Read Article](#)

Australia. National Health & Medical Research Council (NHMRC)

30 June 2014 - [Low-fat milk recommendations for children aged 2+](#). The National Health and Medical Research Council (NHMRC) wishes to dispel any confusion arising from recent media articles regarding milk recommendations for children over the age of two years. NHMRC aims to help people make informed choices about their diet, but does not make recommendations about low fat diets or the consumption of specific low fat products. [Read Article](#)

[27 June 2014 - NHMRC research tracker](#).

Australia. Therapeutic Goods Administration (TGA)

3 July 2014 - [Advisory Committee on the Safety of Vaccines \(ACSOV\)](#). Meeting No. 5 rescheduled to 25 July 2014.

3 July 2014 - [Scheduling news](#). News about scheduling medicines and poisons.

3 July 2014 - [Public submissions on scheduling matters referred to ACMS #11](#). Further public submissions made in response to the invitation for public submission on the proposed amendments to the Poisons Standard.

3 July 2014 - [MSA hip system - femoral hip replacement with modular neck](#). Global Orthopaedic Technology is issuing a hazard alert for the MSA hip system due to it having a higher than expected revision rate

3 July 2014 - [Reasons for scheduling delegates' final decisions, July 2014](#). Reasons for decisions by the Delegate of the Secretary to the Department of Health for amendments to the Poisons Standard

1 July 2014 - [Medical Devices Safety Update, Volume 2, Number 4, July 2014](#).

27 June 2014 - [Seeking TGA statutory advisory committee members](#). Expert advisors are being sought from a range of fields.

Australian Institute of Health & Welfare

25 June 2014 - [Australia's health 2014 Australia's health 2014—in brief | Australia's health 2014 online version media release](#).

4 July 2014 - [Disability support services: services provided under the National Disability Agreement 2012-13. Read Article](#)

1 July 2014 - [Radiation oncology areas of need: cancer incidence projections 2014-2024.](#)

Australian Commission on Safety and Quality in Health Care

30 June 2014 - On the Radar – Issue 180 ([PDF 170KB](#)) ([Word 365KB](#)).

Australia. Private Health Insurance Administration Council (PHIAC)

4 July 2014 - [Approval to convert to for-profit status – Transport Health PTY LTD](#). This circular is to advise the approval to convert to for-profit status.

4 July 2014 - [Approval to convert to for-profit status – CUA Health Limited](#). This circular is to advise the approval to convert to for-profit status.

2 July 2014 - [2013-14 End of year reporting requirements](#). This circular is to inform registered private health insurers (Insurers) of their reporting requirements to PHIAC for the year ended 30 June 2014.

27 June 2014 - [Introduction of PHIAC Extranet Automated Returns Lodgement \(PEARL\). For PHIAC Returns](#). This circular to advise insurers about the Introduction of PEARL for PHIAC returns.

Australian Capital Territory. (ACT) Health Directorate

3 July 2014 - [Government announces assistance package for Mr Fluffy households](#) (Mt Fluffy asbestos).

1 July 2014 - [New era for people with disability in the ACT](#).

1 July 2014 - [Emergency department website goes live to provide real-time information to community](#).

New South Wales. Ministry of Health

Media Releases

30 June 2014 - [NSW government launches get healthy at work program](#).

Policy Directives & Guidelines

2 July 2014 - [Pregnancy - Framework for terminations in NSW public health organisations PD2014_022](#).

1 July 2014 - [Prosecution Policy and Guidelines PD2014_021](#).

30 June 2014 - [Health Services Act 1997 - Scale of fees for hospital and other services PD2014_020](#).

Information Bulletins

2 July 2014 - [Junior medical officer 2015 recruitment campaign - Policy and process information IB2014_038](#).

30 June 2014 - [National Aboriginal and Islander Day Observance Committee \(NAIDOC\) Week 2014](#).

Northern Territory. (NT) Department of Health

1 July 2014 - [12 months of alcohol mandatory treatment puts NT on the right track](#).

1 July 2014 - [National disability insurance scheme trial begins in the territory](#).

30 June 2014 - [New era for territory health services](#).

30 June 2014 - [Community control plan for health clinic in Wadeye](#).

29 June 2014 - [Progress in the rate of Indigenous territorians accessing cancer treatment](#).

27 June 2014 - [Chemotherapy services to soon operate in Katherine](#).

Queensland. Department of Health

2 July 2014 - [Long waits for surgeries eliminated at Townsville hospital and health service \(HHS\)](#). North Queensland public hospital patients are receiving their surgery on time every time as the Townsville HHS achieves a major performance benchmark.

1 July 2014 - [Labor's axeman a poor advocate for better health](#). Health Minister Lawrence Springborg has challenged Labor apologists, including the Queensland nurses union, to speak out against the author of savage cuts that cost hundreds of health jobs across Queensland.

South Australia. Department for Health & Ageing

1 July 2014 - [Advance care directives](#). From today (1 July) South Australians can make clear legal arrangements for their future health care and personal affairs with one simple form.

30 June 2014 - [South Australia leads the way in bowel screening](#). South Australia has the highest bowel screening participation rate in the country with more than 28,000 people returning a completed bowel cancer test during 2012/13.

Tasmania. Department of Health & Human Services

2 July 2014 - [New ambulance laws](#).

Victoria. Department of Health

1 July 2014 - [Doors open on stage one of Echuca hospital redevelopment](#).

1 July 2014 - [Funding for national centre for farmer health](#).

Western Australia. Department of Health

Media Releases

1 July 2014 - [More towns to benefit from southern inland health initiative general practitioner \(GP\) incentives](#).

1 July 2014 - [\\$8.6m Broome health campus emergency department upgrade starts](#).

30 June 2014 - [Kidney research to benefit from state funding](#).

Operational Directives (OD)

3 July 2014 - [IC 0192/14](#) Advice of district allowance rate adjustments for 2014.

1 July 2014 - [OD 0533/14](#) Procurement delegation schedule and procurement delegation schedule business rules outlines the new health procurement delegation schedule and provides a set of business rules to support it.

New Zealand. Ministry of Health

3 July 2014 - [Act ensures hospital rebuild will keep to schedule](#).

1 July 2014 - [New vaccines introduced in national immunisation schedule change](#).

30 June 2014 - [Chair of national health Board steps down](#).

United Kingdom. (UK) Department of Health

2 July 2014 - [Prime Minister warns of global threat of antibiotic resistance](#).

1 July 2014 - [Expanding choice and improving the quality of end of life care](#).

1 July 2014 - [Healthcare UK is holding its first open strategy consultation](#).

27 June 2014 - [Antibiotics wins the Longitude Prize](#). Part of a collection: [Antimicrobial Resistance \(AMR\): information and resources](#).

27 June 2014 - [Jeremy Hunt: message to national health scheme staff on strengthening patient safety](#).

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

1 July 2014 - [HHS grants bolster health care and public health disaster preparedness.](#)

27 June 2014 - [Affordable Care Act helps 76 million Americans with private coverage access free preventive services.](#)

27 June 2014 - [Observing national HIV testing day.](#)

Australian Medical Association (AuMA)

4 July 2014 - [Medicare benefits schedule health assessment advice still unclear - AuMA.](#) AuMA President, A/Prof Brian Owler, said today that general practices remain uncertain about whether practice nurse time can be counted for health assessments, with the latest advice this week from the Department of Health adding more confusion rather than clarification. [Read Article](#)

1 July 2014 - [Unclear health assessment items advice undermines team-based primary health care](#) AuMA President, A/Prof Brian Owler, said today that recent advice from the Department of Human Services (DHS) that practice nurse time does not count in MBS Health Assessment items undermines team-based primary health care arrangements. [Read Article](#)

1 July 2014 - [Woolworths' health "checkouts" belong in the bargain bin.](#) AuMA President, A/Prof Brian Owler, today called on Woolworths to scrap plans to introduce in-store health checks in its supermarkets. [Read Article](#)

British Medical Association

3 July 2014 - [Cautious approach to willful neglect offence.](#) Doctors have shown cautious support for the introduction of an offence of willful neglect that would affect healthcare professionals.

3 July 2014 - [Call to involve patients in how data is shared.](#) Public conversations are needed about the 'trade-offs' required to realise the benefits of patient-data sharing, MPs were told.

2 July 2014 - [BMA reiterates opposition to assisted dying.](#) The BMA has reiterated its firm opposition to legalising assisted dying in the face of renewed calls for a change in the law.

2 July 2014 - [New bill aims to repeal NHS marketisation.](#) A new bill will seek to rewrite the rules that introduced greater market forces into the health service.

1 July 2014 - [Medical negligence bill patient safety threat.](#) The BMA has reiterated its concerns about the Medical Innovation Bill, calling for professional guidance "rather than the rigid statute."

27 June 2014 - [Doctors must be well trained to implement end-of-life care plan, says BMA.](#) Doctors must be fully resourced and trained to implement new end-of-life care guidelines, the BMA insisted.

Canadian Medical Association

27 June 2014 - [Online course helps MDs address poverty.](#) A new online continuing medical education (CME) course raises awareness about poverty as a health risk and provides physicians with practical advice on interventions for their practice.

American Medical Association (AMA)

2 July 2014 - [AMA statement on centers for disease control and prevention vital signs report regarding prescription drug abuse and prevention.](#) "The AMA strongly agrees with the Centers for Disease Control and Prevention (CDC) that we need to put a stop to pill mills and illegal prescribing practices."

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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