



Health Bulletin 26 March 2021

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[ATO Releases its Proposed Approach to the Allocation of Profits by Professional Firms](#)

On 1 July the Australian Taxation Office (ATO) will introduce a ruling outlining how partners in professional firms, such as medical firms, should split profits.

The draft Practical Compliance Guideline PCG 2021/D2 (PCG), combines three previously separate risk assessment measures into a single methodology. The framework within the PCG will be used to differentiate risk and tailor the ATO's engagement with individual professional practitioners (IPP).

On application of the three risk assessment measures, an IPP will be rated as 'low risk' where all the following apply:

- greater than 50% of their profit entitlement from the whole of firm group is returned in their personal income tax return;

the effect of the ruling will be the IPP and their associates or their

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- the effective tax rate paid by the IPP and their associates on their profit entitlement from the firm is greater than 30%; and
- the IPP returns an amount of income in their personal income tax return which reflects at least an appropriate return for their services to the firm.

The ATO is encouraging IPP's to seek independent professional advice if they are an IPP who:

- does not pass the gateways provided in the draft PCG;
- are medium or high risk on self-assessment of the risk framework.

To read the ATO's announcement click [here](#). To read the Draft Practical Compliance Guideline PCG 2021/D2 click [here](#). To read Medical Republic's article entitled "Doctors' trusts and companies and in ATO's sights" click [here](#).

[Victorians continue to access compassionate VAD options](#)

The fourth report from the independent Voluntary Assisted Dying Review Board (**Board**) was tabled in Victorian Parliament on 3 March 2021. The Board oversees the safe operation of the *Voluntary Assisted Dying Act 2017* (Vic) (**Act**) which came into effect on 19 June 2019.

The Board found that in the six months to 31 December 2020:

- Access to voluntary assisted dying increased grew;
- The number of medical practitioners involved grew;
- The Statewide Pharmacy Service experienced greater demand;
- Applications were rarely withdrawn due to the applicant deciding not to proceed; and
- Compliance with the Act remained high.

The Board found six cases to be non-compliant with the Act, but there were no concerns for public safety. The Board urged the Commonwealth to reconsider making an exemption from the Commonwealth Criminal Code for Victorians wishing to access voluntary assisted dying via a carriage service such as telehealth.

The full report can be accessed [here](#). To read the Victorian Government's announcement about the fourth report, click [here](#).

Tasmania has passed a similar *End of Life Choices (Voluntary Assisted Dying) Bill 2020*, which is expected to commence in 18 months.

The Queensland Law Reform Commission has also been tasked with recommending to its Parliament a legal framework for a voluntary assisted dying regime. Its original reporting date was 1 March 2021, however due to the size and complexity of the task, in addition to COVID-19 delays, this has been extended to 10 May 2021.

[Buy now, pay later: Elective surgery](#)

Three hospitals have recently announced a partnership with credit lender, Openpay, to allow patients to set up payment plans for elective surgeries.

St John of God hospitals in Murdoch, Mt Lawley and Berwick will permit patients who do not have private health insurance and are undergoing elective surgeries such as knee or hip replacements to pay for their surgeries over twelve months, provided the loan is for less than \$10,000. Cosmetic surgeries have been excluded from the list of buy now, pay later options.

The chief operating officer from St John of God Health Care hospitals has said that this partnership will increase access to private health care for patients, allowing them “to choose their doctor and hospital, and to avoid long delays in accessing specialist care”.

The buy now, pay later industry has recently released a [Code of Practice](#) to set standards for consumer protection following an ASIC report in November 2020 which reported that over one-fifth of users had missed a payment.

You can read the ASIC report [here](#).

[Queensland to review whether consent education is 'adequate'](#)

Queensland Education Minister, Grace Grace has ordered that the Queensland Department of Education conduct a review into sexual education in the State, particularly considering whether the current school curriculum adequately addresses the issue of sexual consent.

In announcing the review, the Minister noted that the review was prompted by stories of young Queenslanders experiences with sexual violence following the recent “Teach Us Consent” campaign for sexual consent education, initiated by Sydney based Chantal Contos.

The Director-General conducting the review will consider Queensland's Respectful Relationships Education Program (**RREP**), whether it addresses sexual consent and if the physical education curriculum is meeting the needs of students. The review will take into account the non-government and state education sector, as well as P&Cs and school communities and also the views of students and young people, through the Minister's Student Advisory Council.

Queensland state schools are currently required to provide the RREP as part of their curriculum. However, the program is not compulsory as parents may opt to exclude their child from lessons, and the word consent is not specifically stated within the curriculum.

To read more about the review into consent education in Queensland, click [here](#).

[Russell Kennedy Community Health Webinar: “Tips and Falls” when managing community and health contracts - Tuesday 30 March 2021](#)

Please join our panel for this free webinar to explore topical contract management issues arising in the community health sector. Using several case studies, our presenters will cover new and emerging contract challenges, as well as contracting principles to minimise risk and liability.

You can register for the webinar [here](#).

Learn more about Russell Kennedy's expertise in the Health sector [here](#).

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Health Alert - Medical Colleges deal with bullying, discrimination and sexual harassment

15 Feb 2024

Much has been made in recent years of the pervasive nature of bullying, discrimination and sexual harassment (BDSH) in the medical profession, and in particular in medical training.

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Health Alert - Reform of mental health systems: what does the future look like and how to get there?

1 Feb 2024

A recent article in the International Journal for Quality in Healthcare (2024,36(1)), by Michael and David Greenfield (School of Population Health, UniNSW), highlights the challenges for improving the ...

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