

COSMETIC PHYSICIANS SOCIETY of AUSTRALASIA INC



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Thursday, 11 July 2013

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SUBMISSION BY THE COSMETIC PHYSICIANS SOCIETY OF AUSTRALASIA TO THE TGA's CONSULTATION REGULATION IMPACT STATEMENT (RIS) REGULATING THE ADVERTISING OF THERAPEUTIC GOODS TO THE GENERAL PUBLIC

The Cosmetic Physicians Society of Australasia (CPSA) is pleased to make a submission to the Therapeutic Goods Administration (TGA) consultation *Regulation Impact Statement (RIS) Regulating the advertising of therapeutic goods to the general public*.

The CPSA welcomes the opportunity to comment on options that will enhance investigation and enforcement powers as well as improve the current complaints handling process under the *TGA Act 1989*. In this regard, we are particularly concerned with the way that Schedule 4 medicines are at times illegally advertised and promoted to the public.

About the CPSA

The CPSA represents the largest group of doctors in Australia with a special interest in minimally-invasive cosmetic medicine. One of the CPSA's primary endeavours is to safeguard the public by ensuring regulations are adhered to and standards are upheld in this evolving area of medicine.

The CPSA has played a significant role in the development of standards to protect the public in recent years and actively works to highlight and eradicate bad practices. For example, it was involved in formulating the NS10010 National Standard – Accreditation of Cosmetic Clinics which caters for cosmetic medicine practices where minimally invasive procedures are performed. The CPSA is also represented on the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) working group that is examining the use of lasers and IPLs for cosmetic purposes.

The objectives for reform in the regulation of advertising

The CPSA concurs with objectives of reform considered in this consultation RIS, that is to:

- improve the timeliness and simplicity of advertising controls;
- ensure the regulatory framework for advertising is adequate to manage public health risks;
- achieve compliance and efficiently resolve complaints;

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- Improve transparency of advertising decision-making by government;
- provide timely, effective and efficient response to breaches of advertising; and
- improve public confidence and trust in the system.

The CPSA's main focus in this submission will be on how the proposed changes in the RIS will impact the sections of the *TGA Act 1989*, the *Therapeutic Goods Regulations 1990* and *Advertising Code 2007* that deal with Schedule 4 medicines.

The areas of specific interest for the CPSA are:

- complaints handling process; and
- investigation and enforcement powers.

The Complaints handling process

The CPSA supports Option 2 that all complaints about advertising of therapeutic goods to the general public are to be handled by a single body. The CPSA recommends that the single body to handle complaints should be the TGA, which is currently the administrator of the Act and has expertise in the area.

The CPSA is of the view that there is a need for clarity in the complaint handling process and that the TGA can act as a one stop shop for complaints and mediate where there may be ambiguity in interpreting the regulatory framework, which will inevitably arise from time to time.

Investigation and enforcement powers

The CPSA supports Option 2, that investigation and enforcement powers need to be enhanced for the current regulatory framework to be effective and efficient. These provisions should help the regulatory framework to efficiently and effectively deal with incidents of non-compliance.

The CPSA also supports the introduction of civil penalty provisions for offences under the current regulatory framework and increasing the power of the Secretary with the aim of achieving greater compliance and more timely enforcement.

The CPSA is supportive of the above options as recommended in the consultation RIS because we believe they will enhance and improve the current regulatory framework for the advertising of therapeutic goods.

Yours sincerely,



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