



Additional Committee Support
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Canberra ACT 2600

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Dear Madam/Sir

Accord is pleased to provide this submission to the Senate Community Affairs Legislation Committee's inquiry into the Therapeutic Goods Amendment (2017 Measures No.1) Bill 2017 and Therapeutic Goods (Charges) Amendment Bill 2017.

Key point on Accord's position

Accord supports the Therapeutic Goods Amendment (2017 Measures No. 1) Bill to implement eight key recommendations of the Medicines and Medical Devices Review. While not all of the measures in this Bill are directly relevant to Accord members, we nevertheless support the Bill in its entirety. Of particular relevance to Accord members are the proposed reform measures to modernise the advertising of therapeutic goods. These measures are strongly supported.

About us:

Accord is the peak national industry association representing the manufacturers and marketers of formulated hygiene, cosmetic and specialty products, their raw material suppliers, and service providers.

Accord member companies make and/or market fast-moving consumer and commercial goods including hygiene, cosmetics and specialty products, sunscreens, food contact sanitisers, industrial and agricultural sanitisers, household pesticides, disinfectants and specialty commercial products.

Member companies include large global consumer product manufacturers as well as small dynamic Australian-owned businesses with 57 percent of members operating as SME (<200 employees). A list of Accord member companies is available on our website: <http://accord.asn.au/about/members>.

Accord's comments

Accord member products are mostly considered consumer goods rather than medicines per se, given their risk profile and market positioning. These products, while regulated as therapeutic goods, are recognised more generally by consumers as either cosmetic, personal care or consumer goods, for example sunscreens and anti-ageing products containing SPF, personal lubricants and household disinfectants such as toilet cleaners. Many of Accord members produce and/or market ranges of products at the consumer/therapeutic interface which are generally low risk, well characterised, fast moving consumer goods.

Accord supports a stronger role for industry self-regulation in the advertising of therapeutic goods, which this Bill introduces. Given the nature of our members' products, Accord has always supported a self-regulatory model over other forms of regulatory intervention. We continue to support this approach.

The development of the new requirements proposed in the Bill provide an opportunity for a more balanced approach and shared responsibility in advertising controls.

Accord does not hold the same reservations as other submitters have expressed, in that we do not believe that the removal of pre-approval for certain therapeutic goods advertisements will necessarily result in consumer detriment. It is important to note that the Bill introduces a number of additional changes which will strengthen rather than diminish consumer protection and enhance consumer access to information:

- *Introduction of a list of permitted indications*
These new arrangements will ensure that listed medicines may only make pre-approved, low level claims for the conditions that the medicine can treat.
- *Increased penalties and sanctions*
The new penalties which have been proposed are quite severe and will act as a suitable deterrent for inappropriate and misleading advertising. For example, the power of the Secretary to cancel the registration or listing of therapeutic goods if they are noncompliant with the advertising requirements is quite significant.
- *Enhanced compliance, monitoring and industry education.*
The development of a single complaints handling body within the Department of Health will increase transparency and improve complaint handling; an education programme will assist industry and advertisers to understand their obligations and improve compliance; and increased post-market monitoring by the Department will address non-compliance in a timely manner.

We trust our comments are of assistance. The contact person for this matter is Ms Dusanka Sabic, Accord's Director of Regulatory Reform. Ms Sabic can be contacted on 02 9281 2322 or by email [REDACTED]

Yours sincerely

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Bronwyn Capanna
Executive Director

4 January 2018