



The Australasian College of Cosmetic Surgery

Raising Standards, Protecting Patients

20 May 2012

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Senate Community Affairs Committee Inquiry: The role of the Government and the Therapeutic Goods Administration (TGA) regarding medical devices, particularly Poly Implant Prothese (PIP) breast implants

This is a supplementary submission provided to answer two questions on notice put to the College's representative Dr Daniel Fleming during his oral evidence before the Committee on 9 May 2012 and to provide additional information in support of statements he made in response to the oral evidence of Australian Society of Plastic Surgeons (ASPS) President, Dr Rodney Cooter. This submission also seeks to clarify a point concerning TGA communication made by Dr Fleming in his evidence and by the College in its previous submission.

Questions on Notice:

1. *Senator XENOPHON: Dr Fleming, your code of practice refers to inducements in respect of patients and the like. Does the code of practice cover inducements from manufacturers in terms of either special deals or a requirement to disclose any trips or conferences or anything like that? Could you please take that on notice.*

Answer: The College's Code of Practice applies primarily to conduct between doctors and their patients or potential patients. The Code of Practice covers consumer advertising and other promotional conduct, informed consent and has a monitoring and extensive governance regime. It does not apply to professional or contractual relationships between doctors and medical or pharmaceutical suppliers.

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2. *CHAIR: I have two questions which you may want to take on notice. One is, just following on from the questions of both Senator Moore and Senator McKenzie—how many complaints have you had from women about their interaction with their surgeon? Dr Fleming: Are we talking about just with this PIP issue or more generally?*¹

Answer: Since the College's Code of Practice was authorised by the ACCC in June 2009, there have been 13 complaints referred to the independent complaints panel. Two of the complaints were made by patients. The remaining 11 complaints were referred by the College itself. There have been no such complaints of doctors concerning PIP implants.

Clarification of evidence concerning TGA and government communication

The College noted concerns about TGA and government communication relating to PIP implants. The College wishes to note that it was referring not to any professional or collegial communication efforts, which the College found to be satisfactory, but rather to the management of communication through the media. In the College's view, it was due in part to a less than entirely proactive approach in the mass media that contributed to an information vacuum into which certain media entities filled with misstatement and distortions, which had the potential to inflict further emotion and other harm on women already justifiably concerned about their health.

The College welcomes the opportunity to provide this supplemental submission to the Senate Community Affairs Committee inquiry into the role of the Government and the TGA regarding medical devices, particularly Poly Implant Prothese (PIP) breast implants and thanks the Committee for affording the College the opportunity to appear before it.

The College's executive and advisors remain at the Committee's service to provide any further information or assistance.

Yours sincerely

Dr Colin Moore FRCS FRACS FACCS
President

¹ Commonwealth, Senate, Community Affairs Committee, 9 May 2012, p. 9.