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

Dear Mr Holland

**AMA submission – Therapeutic Goods Amendment (2013 Measures No. 1) Bill**

The AMA appreciates the need for the TGA to focus its efforts on the regulation of therapeutic goods. However we have concerns that consumers may be less protected from false or misleading claims about the therapeutic benefit of products that will be expressly excluded from the regulatory scheme for therapeutic goods under the *Therapeutic Goods Act 1989* (TG Act).

The explanatory memorandum suggests that the health and well being claims made in relation to some products is a consumer protection issue. While the Australian Competition and Consumer Commission (ACCC) is responsible for administering relevant parts of the *Competition and Consumer Act 2010* (CAC Act) and asserts ‘all complaints are carefully considered’, the ACCC also states it ‘cannot pursue all the complaints it receives about the conduct of traders or businesses’ and ‘exercises its discretion to direct resources to the investigation and resolution of matters that provide the greatest overall benefit for consumers’ (source: [www.accc.gov.au/about-us/australian-competition-consumer-commission/compliance-enforcement-policy](http://www.accc.gov.au/about-us/australian-competition-consumer-commission/compliance-enforcement-policy)).

Consumers could be more certain that they will be protected from false claims if:

- the Bill is amended to clarify that goods that are not ‘therapeutic goods’ for the purposes of the TG Act, are subject to Volume 3, Schedule 2, Part 4.1 of the CAC Act; and

- the Government provides an assurance that sufficient resources will be allocated to the ACCC to deal with false and inaccurate claims about the therapeutic effects of products or services that will no longer be dealt with by the TGA.

If the Committee has further queries, please contact Ms Georgia Morris, Senior Policy Advisor

Yours sincerely

Dr Steve Hambleton  
President

2 May 2013

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