

# Released under FOI

## Consumer Health Regulators Group Meeting Minutes

<b>Meeting time and date</b>	9 am, 12 October 2017		
<b>Meeting number</b>	CHRG 2017/03	<b>Issue number</b>	1
<b>Locations</b>	Canberra - 23 Marcus Clarke Street Sydney - Level 20, 175 Pitt Street Melbourne - Level 17, Casseiden, 2 Lonsdale Street		
<b>Members</b>	Australian Competition and Consumer Commission (Chair) (ACCC)	Scott Gregson, Richard Fleming, Sharon Clancy, Kerin Callard, Wynette Neil (Secretariat)	
	Australian Health Practitioner Regulation Agency (AHPRA)	Camilla Worsnop, Helen Townley, Amel Toubani	
	Department of Health (Therapeutic Goods Administration) (TGA)	Ross Hawkins	
	NSW Health Care Complaints Commission (HCCC)	Sue Dawson	
	Private Health Insurance Ombudsman (PHIO)	David McGregor	
<b>Apologies</b>	Pio Cesarin (TGA), Lynne Gillam and Ros Bauer (Department of Health); David Salisbury (ACCC)		

### 1. Welcome from Chair

Mr Gregson welcomed everyone to the meeting. All participants introduced themselves.

### 2. Minutes

Minutes of the meeting held on 27 July 2017 were accepted.

### 3. Standing Items

#### a) Updates from members

##### ***AHPRA forum on responsible advertising in healthcare on 9 August***

Ms Townley reported on the forum.

**Action:** AHPRA will prepare and publish a report about the forum and will provide a copy to the group.

i



ii ***Hearing Health and Wellbeing of Australia Report – ACCC***

Mr Fleming provided a summary on the recommendations contained in the report which include regulation of the audiology and audiometry professions and prohibiting the use of commissions within the Australian Government Hearing Services Program.

iii ***AHPRA's prosecution of Australian Male Hormone Clinic (AMHC) with regard to unlawful advertising of regulated health services – AHPRA***

Ms Worsnop advised the group that AMHC has been fined \$127,500 plus costs after being found guilty and convicted of 17 charges related to unlawful advertising of regulated health services. This is the first time that a corporation, not an individual health practitioner, has been convicted following advertising charges brought by AHPRA. AHPRA and the HCCC continue to work together in relation to the individual health practitioners associated with AMHC. AHPRA will write to publishers about the outcome and put them on notice about publishing unlawful advertising.

The group agreed that matters such as AMHC provide an opportunity for public messaging about how group members work together.

**Action:** AHPRA will check as to whether it can distribute copies of the letters to publishers to the Group.

iv ***Medibank appeal to the Federal Court – ACCC***

Mr Gregson advised that on 21 September 2017, the ACCC had lodged an appeal of the Federal Court's decision dismissing the ACCC's proceedings against Medibank Private Limited.

**Action:** The ACCC will update the group from time to time on the progress and outcome of the appeal.

v ***Seminar recap: The Advertising of Therapeutic Goods and Services – ACCC***

There was general discussion about the Seminar. The group discussed options for engagement with [REDACTED] with a view to demonstrating the coordination between consumer health regulators and facilitating referral of matters that may be pursued as part of a strategic enforcement and compliance approach. The possibility of a letter from group members about the group and its purpose was discussed.

**Action:** Mr Hawkins undertook to provide the group with a copy of the presentations from the Seminar. ACCC to draft a letter to [REDACTED] for the group's consideration.

b) **Register of matters**

There was a brief discussion of those matters on the register that had not already been discussed at the meeting.

[REDACTED]

[REDACTED] HCCC issued a public warning about unsafe and illegal practices at beauty and cosmetic clinics on 28 September 2017.

[REDACTED]

## 5. Triaging and Prioritising of matters – ACCC lead discussion

Mr Gregson provided an explanation of the ACCC's approach to setting priorities through an annual strategic review process in which current priorities are evaluated and new priorities are identified. Each year, the ACCC releases a compliance and enforcement policy setting out its priorities.

[REDACTED]

**Action:** The ACCC will provide a copy of its evaluation of its consumer health priority to the group. Mr Hawkins will speak about TGA's triaging and prioritisation processes at the next meeting.

## 6. Other Business

### a. Chemist Warehouse Grand Final promotion

There was discussion about a complaint by Dr Ken Harvey around the supply of a range of samples of complementary health products to attendees of the AFL grand final in Melbourne. Mr Hawkins confirmed that the TGA will look at the matter.

**Action:** TGA will circulate a copy of the complaint received from Dr Ken Harvey to group members.

### b. Rescheduling of codeine

Mr Hawkins advised that from 1 February 2018, medicines containing codeine will be available by prescription only.

[REDACTED]

### d. ACCC meeting with ASMi

The ACCC briefly reported on its meeting with a representative from the Australian Self Medication Industry on the issue of the advertising of therapeutic goods to healthcare professionals.


The meeting closed at 10.50am (Canberra time).

**Next meeting** –The next meeting will take place during February 2018.

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## Consumer Health Regulators Group

### Register of Matters

<b>Date</b>	<b>Description</b>	<b>Lead</b>	<b>Future Action</b>
May 2017	Chiropractic profession	AHPRA	AHPRA to provide more detail about its learnings from this work – done at CHRG meeting in July 2017
May 2017			
July 2017			
July 2017			