Brief report on ANU Public Hearing

A public forum was held at the ANU on 24 January to air concerns about the impact on the regulation and advertising of complementary medicines under the Federal Government's Therapeutic Goods Amendment (2017 Measures No. 1) Bill, introduced late last year and currently with the Senate. It was sponsored by Choice, Access 2, Monash University and RegNet.

Katinka Day (Choice) wanted pre-approval of advertisements to continue until the other measures in the Bill (increased post-marketing reviews and more stringent penalties for regulatory violations) had shown pre-approval was no longer necessary. She pointed out that pre-approval is the only defence against seriously misleading advertisements appearing on prime-time television or national newspapers. Post-marketing surveillance and complaints take a long time to remove bad advertisements. Meanwhile, the damage has been done. Prevention is better than cure. It's also more economically efficient given that fraudulent therapeutic claims create unnecessary health expenditure and diverts scarce health resources from remedies that work, to ones that don't.

Allan Asher (Access 2) was concerned the Bill was silent on both the objectives and the need for regulatory transparency for the new complaint system. Unlike other consumer protection laws, the Bill provides no mechanism for private rights of action or to compensate consumers who suffer injury through misleading or deceptive advertising, nor restitution for economic loss. The Therapeutic Goods Advertising Code, central to the whole regulatory scheme, is badly out of date; so far there is no agreed timetable or process for updating it. The TGA has not yet even discussed a revision with the key policy body, the Therapeutic Goods Advisory Council. The TGA has been criticised for many years about its lack of transparency about hundreds of complaints sent to them. He believed it would take several years for the TGA to properly implement the proposed new enforcement and complaints system and there was no way it could be functioning by 1 July 2018. Transitional arrangements were required, and the current advertising provisions need to be removed from the Bill.

Ken Harvey (Monash) pointed out that the 879 'traditional' indications permitted by the TGA encouraged industry to evade the need to have scientific proof that their products work, endorsed pseudoscience and will confuse consumers. Two of Harvey's Monash University Summer Vacation Scholarship students (**Amy Vaux** & **Michael Dong**) also spoke at the forum, amplifying the concern about the TGA's endorsement of 'traditional' indications. Amy also addressed the regulatory loop-hole of the food-medicine interface. The latter problem was reiterated by **Michael Moore**, CEO, Public Health Association of Australia, who also emphasised that advocacy is a crucial component of public health.

The forum ended with a panel discussion involving **Jo Root** (Consumers' Health Forum of Australia), **John Dwyer** AO (Friends of Science in Medicine), **Tim Mendham** (Australian Skeptics), **Tony Zappia** MP (Shadow Assistant Minister for Medicare) and the audience. There was agreement that the many excellent provisions of the Bill should be passed, but the three aspects of the Bill debated at the Forum should be excised so they can receive more detailed consideration. Tony Zappia MP said that he valued attending the forum and he would take the views expressed back to his parliamentary colleagues.