



**Australian Competition & Consumer Commission**

PO Box 1199  
Dickson ACT 2602  
470 Northbourne Ave  
Dickson ACT 2602  
Australia  
Ph (02) 6243 1111  
Fax (02) 6243 1199

Our Ref: C2000/1078  
Your Ref: 148/1517350  
Contact Officer: Greg Outzen  
Contact Phone: 02 6243 1227

19 July 2000

Mr Rodon King  
Partner  
Clayton Utz  
PO Box H3  
Australia Square  
Sydney NSW 1215

Dear Mr King

**THE AUSTRALIAN COLLEGE OF COSMETIC SURGEONS  
NOTIFICATION APPLICATION N90799**

Thank you for the notification lodged on behalf of the Australian College of Cosmetic Surgery (ACCS) pursuant to subsection 93(1) of the *Trade Practices Act 1974* (the Act).

I have considered the submission provided by ACCS and, based on the information contained in that submissions, do not intend to recommend to the Commission that it should issue a notice under subsection 93(3A) at this time. Accordingly immunity in respect of the notification will stand.

The Commission may at any time act to remove immunity in respect of third line forcing conduct if it is satisfied that the likely benefit to the public will not outweigh the likely detriment to the public arising from the conduct.

It should also be noted that allowing this notification to stand should not be interpreted or promoted as Commission approval of the ACCS code of conduct or credentialing proposal. Immunity under the notification will only extend to conduct set out in Attachment 1 to the notification from ACCS of 21 June 2000 which meets the definition of third line forcing appearing in subsections 47(6) and 47(7) of the Act.

The notification does not provide protection for any other ACCS conduct or arrangements that may raise issues under the Act. The code of conduct, for example, may give rise to issues under section 45 of the Act. It is noted in this respect that Attachment 1 does not provide for an industry based forum for complaint arbitration or an appeal mechanism. The



Commission considers such provisions to be important elements of an industry code or practice or self regulation scheme.

Please note that immunity would not extend to any variations to the proposed conduct set out in the Attachment to the notification, even if foreshadowed, such as in the area of examinations. Immunity only applies to the conduct as submitted for notification purposes.

Yours sincerely



Ian Searles  
A/g General Manager  
Adjudication Branch