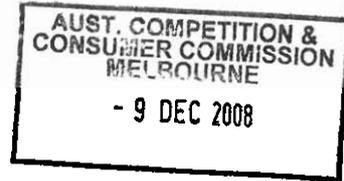


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NSW HEALTH



Mr Gavin Jones
Director, Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 520
MELBORNE VIC 3001

Dear Mr Jones

Australasian College of Cosmetic Surgeons application for authorisation A91106

I refer to letter to Professor Picone dated 14 November 2008 inviting comment on the above application for authorisation. Prof Picone has asked that I respond on her behalf.

The content of the Australasian College of Cosmetic Surgeons Bylaws and Code of Practice do not appear to be inconsistent with the competition provisions of the Trade Practices Act 1974 and it is not clear why 'authorisation' of these documents from the ACCC is required.

The advertising provisions of the Bylaws (section 6.6) merely re-state existing legal requirements for advertising. They prohibit advertising that may be defamatory (a), misleading (b) and in breach of statutory provisions (c).

The provisions in section 10 which allow for the expulsion of members of the College are typical provisions for a professional association. Exclusion from the Australasian College of Cosmetic Surgeons does not affect a member or former member's ability to practice medicine. Furthermore, this College is not the only professional association operating in this field of medicine.

I am concerned that, should provisions such as these require authorisation, the ACCC may be required to authorise the Bylaws for all colleges of health professionals, and indeed the professional associations for other professions, which may be unnecessary in terms of ensuring that the objects of the legislation are achieved.

Please contact Blaise Lyons, A/Principal Legal officer, telephone 93919612 should you wish to discuss this letter. Thank you for the opportunity to comment.

Yours sincerely

Leanne O'Shannessy
Director, Legal & Legislative Services
& General Counsel

2 December 2008

NSW Department of Health
ABN 92 697 899 630
73 Miller St North Sydney NSW 2060
Locked Mail Bag 961 North Sydney NSW 2059
Tel (02) 9391 9000 Fax (02) 9391 9101
Website www.health.nsw.gov.au