



MEDICAL  
PRACTITIONERS  
BOARD

of Victoria

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10 March 2009

~~Private & Confidential~~ BB

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

By facsimile: 9663 3699

Dear Mr Jones

**re: Australasian College of Cosmetic Surgery application for authorisation  
A91106 – draft determination**

I acknowledge receipt of your letter dated 20 February 2009 advising that the Australasian College of Cosmetic Surgery ('ACCS') has sought authorisation of its Code of Practice ('Code') and some provisions of its Bylaws pursuant to section 88(1) of the *Trade Practices Act 1974* ('TPA').

Thank you for forwarding a copy of the draft determination of the Australian Competition & Consumer Commission ('ACCC') to the Medical Practitioners Board of Victoria ('the Board').

I note that the ACCS currently has an application before the Australian Medical Council ('AMC') for the area of Cosmetic Medical Practice to be recognised as a specialty.

In consideration of the application for authorisation, the ACCC expressed concerns that a number of the provisions:

- are inconsistent with provisions of the *Health Professions Registration Act 2005* (e.g. the use of testimonials and superlatives);
- did not require members to provide sufficient information about their qualifications and training;
- did not adequately address the issue of informed consent;
- did not have the sufficiently robust complaints handling procedure; and
- did not provide a transparent appeals process in respect of decisions of the ACCS regarding complaints.

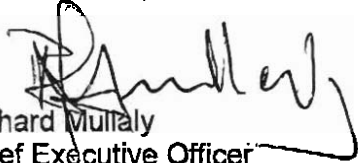
The ACCC did not identify a public benefit in the provision of the applied for authorisation.

The ACCC further noted that arrangements that promote the provision of accurate and complete information to consumers, and ethical and professional conduct of parties to the arrangements are likely to produce a public benefit. The ACCC considers that the Code is underdeveloped in this regard.

The ACCC in its draft determination indicates it will refuse the application for authorisation. I write to advise that the Board is in agreement with the ACCC draft determination regarding ACCS application for authorisation.

Please contact me if you require any further information in this regard.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Muffaly', written over a horizontal line.

Richard Muffaly  
Chief Executive Officer  
Medical Practitioners Board of Victoria