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Dear Sir or Madam.

Australasian College of Cosmetic Surgery's (ACCS) application for the authorisation of its Code of Practice and Bylaws

The **Australian Publishers' Bureau (APB)** would like to contribute to the debate on the Australian Competition & Consumer Commission's (ACCC) draft determination of the Australasian College of Cosmetic Surgery's (ACCS) application for the authorisation of its Code of Practice and Bylaws.

The comments pertain only to the advertising section of the Code of Practice. It would be entirely inappropriate for the APB to put forth or espouse an opinion on patient safety and similar issues. Others with more expert knowledge in these areas will, I am sure provide their estimation of the Code of Practice and Bylaws.

By way of background, the **APB** is an association made up of Australia's major newspaper and magazine publishers. Established 30 years ago, the principal role of the **APB** is to provide advice to members and their constituent publications on legal and other issues affecting advertising. We also represent the interests of our members to various regulatory authorities. It is the peak industry advisory body on matters relating to advertising.

At the **APB** we pride ourselves on our extensive knowledge of the estimated 160 pieces of Commonwealth, State and Territory legislation, which include requirements on advertising, the various professional and industry Codes of Practice/Ethics, along with publishers' legal obligations under the Trade Practices Act and Fair Trading Acts. We believe that with all advertisements, the more pertinent information included in the advertisement the more likely it is that readers' expectations will be met, and the less likely it is that the advertisement will be subject to any complaint.

Maintaining cordial and professional relationships with a number of Government and Regulatory bodies, the **APB** is recognised by the ACCC as the representative industry association for newspaper and magazine publishers on all advertising and related matters. The ACCC has referred to the Bureau as "a model of industry co-operation".

There is much discussion in the submissions already received by the ACCC on the proposed Code of Practice and the Bylaws; on its need and its relevance given that there is in place already legislative and other requirements governing conduct.

However, voluntary codes of practice have an important role in professional bodies and industry associations in governing conduct, claims of expertise and behavioral expectations. In the majority of cases where there are specific legislative requirements, these are outlined in the respective Codes, along with those principles embodied in the various Fair Trading Acts and the Trade Practices Act.

From a publishers perspective a Code which assists in assessing the conformity of an advertisement in relation to balanced and verifiable claims, inappropriate use of images and its likely impact on a reader could only be beneficial. Responsible marketing of such services is vital, given a consumer's vulnerability and their expectations of the results to be gained.

Whilst questions have been raised regarding the need for such a Code of Practice given there are legislative requirements in place, not all jurisdictions have the same mandatory requirements. The ACCS also reminds its members at the outset of the Code of Practice that it is to be adhered to in addition to any compliance requirements of State, Territory and Commonwealth law.

Whilst a number of State Medical Boards are in the process of developing and maintaining advertising restrictions and guidelines it appears that the provisions in the Code of Practice merely reiterate existing legal requirements for advertising and would appear to have no obvious impact on any future developments.

The APB's major concern is with section 2 which refers to:

2. *Superlatives should be used with caution in descriptions of person or procedures, and should not suggest that practitioner is superior to other qualified practitioners either through training or performance of a skill unless that can be readily proven.*

Of concern, is the use of the word "superlatives" and the objective nature of such wording. It is our view that this word should be removed from the provision. Advertisements for these services should be based on accurate information, not discretionary claims of success etc., allowing consumers to make an informed decision about the practitioner and the procedures offered.

The APB does not believe that the advertising provisions would have an adverse impact or effect on competitive advertising.

The APB believes that the services it offers are important to the ongoing development, reputation and success of its members and their clients. As we have done previously with the ACCC, the APB would be willing to join with ACCS in introducing the policy to our publisher members.

Given its history of participation on various Advertising Committees and Code Councils, the Bureau is always very keen to contribute in any forum which promotes a balanced approach to social and corporate responsibility in the role of advertising.

Yours faithfully,



Lianne Richards
Executive Director