

Blanch, Belinda

From: **EXCLUDED FROM PUBLIC REGISTER**
Sent: Thursday, 19 March 2009 11:18 AM
To: Rouw, John
Subject: Supplementary Submission for Authorisation Application - A 91106

John Rouw
Project Officer
Adjudication Branch
Australian Competition and Consumer Commission
GPO BOX 520
Melbourne VIC 3001

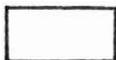
Dear Mr. Rouw,

Please find following a Supplementary Submission for Authorisation Application A 91106.

I request exclusion of my personal details and a section of the submission as indicated.

Thank you for the opportunity to make a submission and I hope it is of assistance.

Regards,



EXCLUDED FROM PUBLIC REGISTER

Supplementary Submission after draft determination: Australasian College of Cosmetic Surgery – Authorisation – A 91106

Fiduciary obligations:

The members of the College are in a fiduciary relationship with their patients and potential patients.

This means that they owe a duty of utmost good faith to their patients and potential patients.

In *Hospital Products v United Surgical Corporation* (1984) 156 CLR 41 Mason J stated:

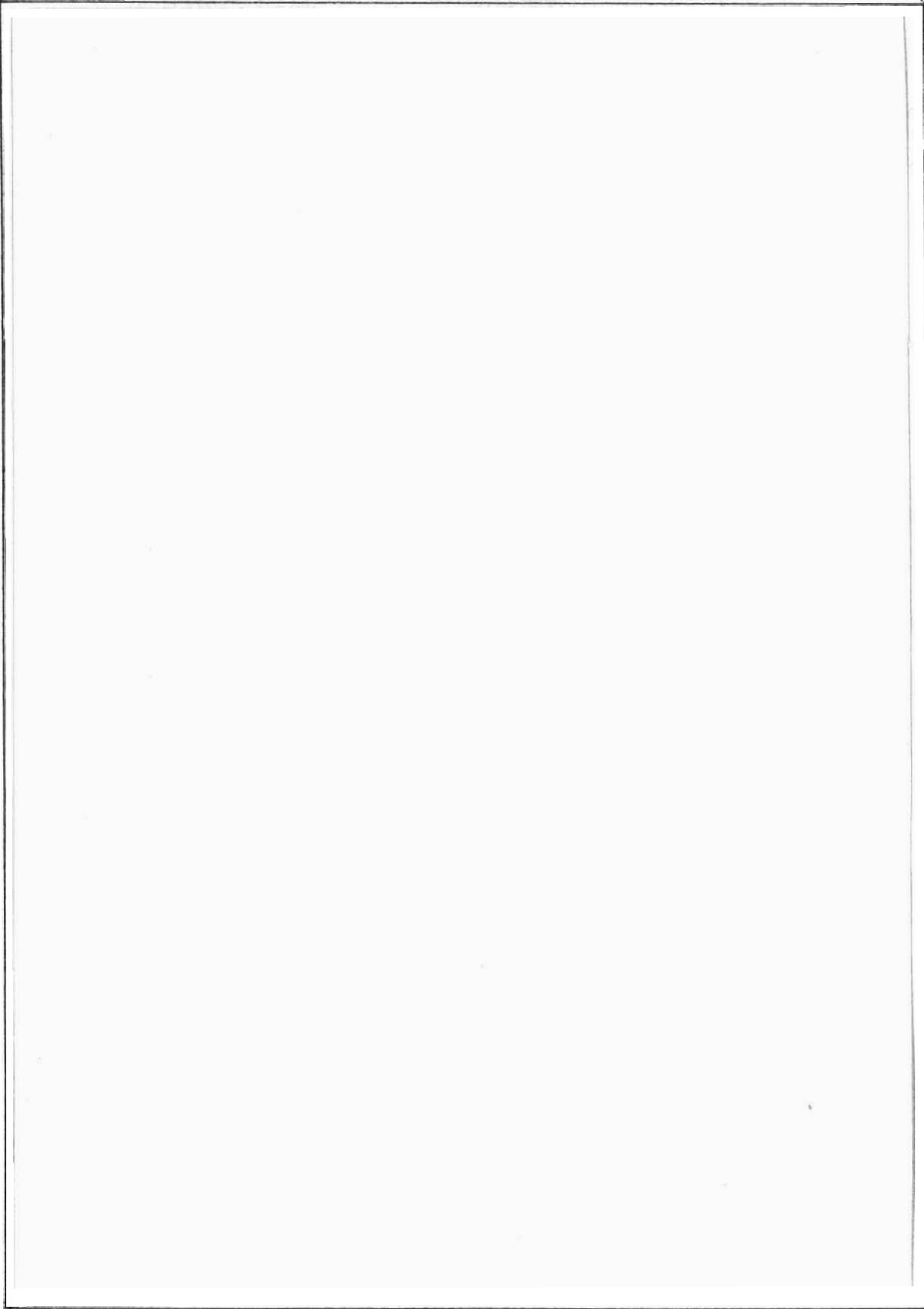
The accepted fiduciary relationship referred to as relationships of trust and confidence relations or confidential relations..... The critical feature of these relationships is that the fiduciary undertakes or agrees to act for or on behalf of or in the interests of another person in the exercise of a power or discretion, which will affect the interests of that other person in a legal or practical sense.

In *Daly v Sydney Stock Exchange* (1986) 160 CLR 371 at 385, Brennan J expressed the principle that:

Whenever a stockbroker or other person who holds himself out as having expertise in advising on investments is approached for advice on investments and undertakes to give it, in giving that advice the adviser stands in a fiduciary relationship to the person whom he

advises.

From a reading of the amended Code the fiduciary obligations of the members is not clearly, concisely and effectively outlined.



EXCLUDED FROM
PUBLIC REGISTER

EXCLUDED FROM
PUBLIC REGISTER

EXCLUDED FROM
PUBLIC REGISTER

EXCLUDED FROM
PUBLIC REGISTER

**EXCLUDED FROM
PUBLIC REGISTER**

**EXCLUDED FROM
PUBLIC REGISTER**

EXCLUDED FROM
PUBLIC REGISTER

