

I thank the Commission for the opportunity today to provide evidence on behalf of the Complementary Medicines Industry.

My name is Carl Gibson and I am the Chief Executive Officer of **Complementary Medicines Australia**, and I am joined by my colleague Emma Burchell, our Head of Regulatory Affairs.

It may be helpful to the Commission if I explain a little about our organisation, so you may understand the context of our evidence and the scope of our expertise.

Until early July our organisation was previously known as the Complementary Healthcare Council of Australia and we recently rebranded to Complementary Medicines Australia. We are the peak body representing the \$3.5 billion complementary medicines industry supply chain; Raw Material Suppliers, Manufacturers, Sponsors, Importers, Exporters, distributors and retailers.

Basically we represent products; rather than practitioners.

However, without informed, knowledgeable and supportive practitioners our industry wouldn't exist and so we are extremely interested in this Inquiry into the Promotion of False or Misleading Health Related Information or Practices.

I think it's fair to say that the scope of the inquiry by this Committee has caused a great deal of concern. Many of the submissions received by the Committee warn of an attack on Freedom of Choice and Freedom of Speech.

Additionally some of the more forth-right submissions question the true motivation for this Inquiry and assert that fringe groups such as Friends of Science in Medicine are helping to drive the agenda against education and research in complementary medicines, and using this Inquiry as a vehicle to that end.

However, I hope that the Committee is acting in good faith and genuinely wants to help protect consumers and not in fact attack the complementary medicines industry.

Before providing the Inquiry with an update on Industry initiatives, I wanted to make some observations on behalf of the industry on the scope of the Commission's Inquiry.

Let me start by taking a step back, it's important that we acknowledge the low risk nature of complementary medicines. Complementary medicines are low-risk and are listed under the Australian Register for Therapeutic Goods. This was highlighted in submission Number 21, by our Regulator the Therapeutic Goods Administration.

Medicines are founded on the principal of 'first do no harm' and the plain fact is that no one has died from using complementary medicines.

However, according to the Co-Founder of the Cochrane Collaboration, pharmaceutical drugs are the third biggest killers in the USA and Europe today, after heart disease and cancer.

Now we have established the relatively low risk of complementary medicines, let's look more closely at the number of complaints against the industry.

According to Submission 62 by the Health Complaints Commission in 2012-13 the Commission received 4,554 complaints about health service providers in New South Wales.

114 of those complaints were about unregistered health practitioners and 20 complaints about previously registered health practitioners.

Complaints about both groups represented under 3% of all complaints received during that period.

In 2012-13 there were only 10 complaints about unregistered health practitioners for providing alleged incorrect or misleading information.

With two in every three people using complementary medicines in Australia today – I think it's fair to ask, with only 10 complaints recorded about provision of incorrect or misleading information, is this Inquiry a disproportionate one – should we be asking is this a good use of taxpayers money?

One could also argue that there is sufficient legislation already in place to address the issue. I refer the Inquiry to Submission 48 from NSW Fair Trading, which respectfully points out that Australian Consumer Law came into effect on 1 January 2011, and applies in New South Wales under Section 28 of the Fair Trading Act 1987. It is jointly enforced by the Australian Competition and Consumer Commission and the State Trading Agency.

Under the ACL it is unlawful for a business to make a statement in trade or commerce that are misleading or deceptive or would be likely to mislead or deceive.

It is worth me reiterating the comments in the NSW Fair Trading submission, which points out that there may be overlapping responsibilities between Fair Trading and the Health Care Complaints Commission and there may be cases where the ACL provide a more appropriate power for investigating consumer complaints.

Submission Number 30 by the Australian Osteopaths Association reiterated the very same point our own submission sort to clarify. That Schedule 3 of the Public Health Regulation 2012 made under the Public Health Act 2010 already contains provisions that directly addresses false and misleading information AND importantly applies to all health practitioners, "whether or not the person is registered under the Health Practitioner Regulation National Law".

Let me now turn to industry initiatives and existing self-regulation.

As the Communications Council in their submission number 59 advise, in respect to advertising and PR, their members have to abide by strict codes set by both Government and Industry, including Medicines Australia, Australia Self-Medication Industry, Medical Technology Association and our own Code the Complementary Medicines Australia Codes of Practice.

Complementary Medicines Australia's promotes industry best practice in relation to the publication and dissemination of technical information to complementary healthcare practitioners, with guidelines and a code of practice.

We have published guidelines in cooperation with the TGA to assist sponsors to ensure product guides and technical manuals meet the required advertising provisions. And our members subscribe to our Marketing Code of Practice, which specifically provides that no advertisement should in any way tend to discourage consumers from seeking the advice of a qualified health care professional.

By law, all advertising for therapeutic goods, including complementary medicines, appearing in specified media must be approved prior to publication. Our organisation acts as the

Delegate for the Department of Health in pre-approving print advertising for complementary medicines.

A comprehensive complaints mechanism is also in place to ensure that advertisements are truthful, appropriate and not misleading. I serve on the Complaints Resolution Panel which deals with complaints about advertisements for any therapeutic directed to consumers in TV, radio, newspapers, magazines, the internet and in cinemas.

Now let me turn to the development of a National Code of Conduct for Healthcare Workers. State Health Ministers have agreed in principle to strengthen state and territory health complaints mechanisms with a single national code of conduct for unregistered health practitioners.

The Commission will be aware that the Australian Health Ministers Advisory Council has recently undertaken a public consultation on the terms of the first national code of conduct and proposed policy parameters to underpin nationally consistent implementation of the code. The final report will inform the Standing Council on Health, a Ministerial Council made up of state, territory and Commonwealth health ministers.

Finally, let me turn to industry initiatives which are currently being developed, which may give the Commission further reassurance that the complementary medicines industry is protecting consumers and encouraging greater training and education of practitioners.

We advocate for the rights of Australians to have the freedom of choice in choosing their healthcare providers and access to qualified health professionals. Our organisation supports an independent National Registration and Accreditation scheme for naturopaths, Western Herbalists and nutritionists. We are working closely with the TGA, which maintains a Schedule 1 list of bodies to whom advertising exemptions apply, to provide a register that mirrors the Federal Government's National Registration and Accreditation Scheme for health professionals.

We are working very closely with the TGA, the Australian Register of Naturopaths and Herbalists (ARONAH) and the main practitioners associations to develop an effective independent body for healthcare practitioners. I am confident that this initiative will provide increased confidence to the Australian public that the vast majority of complementary healthcare practitioners, practise in a safe, competent and ethical manner.

Our organisation believes there are appropriate safe guards already in place to protect the consumer from false or misleading information.

Any further inquiry for increased regulatory scope, prior to the implementation of the national code of conduct and the ongoing work towards the National Registration and Accreditation Scheme would in our view be premature.

I trust that this opening statement has been helpful in providing context to the Inquiry.

Note: For accuracy check against Delivery