



The ACCC and the health sector

The health sector—including the professionals themselves, professional associations, health funds and private hospitals—is not immune from the Trade Practices Act.

Like other businesses across Australia, those within the sector have to comply with the Act, which aims to ensure fair play—between professionals competing for business, and between professionals and their customers.

This means that all health professionals (except those who are employees) are liable if they engage in anti-competitive conduct. They are also liable under consumer protection provisions for misleading or deceptive conduct.

Since advertising restrictions for health products and services were lifted, professionals in the industry must now be extremely vigilant in how they represent themselves to the public. The same vigilance applies to health funds in promoting their products.

This special health issue of *ACCC update* will give professionals, funds and hospitals information that will help them avoid breaching the Act and understand the ACCC's role and obligations in enforcing the Act.

It also aims to give consumers information to help them avoid being taken advantage of by unscrupulous traders.

ACCC update also takes a look at what the ACCC has been up to in recent times in regard to the health sector, including some of the cases it has been involved with and the important work it has undertaken for the Commonwealth Government.



On 23 October 2002 the Prime Minister announced a new medical indemnity framework that would address rising medical indemnity insurance premiums and ensure a viable and ongoing medical indemnity insurance market.

As part of that package the PM has asked the ACCC to monitor medical indemnity premiums to determine whether they are actuarially and commercially justified.

The ACCC intends to provide its first report to the government by the end of 2003.