

Purpose

The purpose of this Policy is to ensure consistency of approach across all CHC ACMs¹ and that all applicants seeking advertising approval are handled in a fair and consistent manner.

Scope

This Policy is applicable to all applications for advertising approval reviewed by the CHC.

Responsibility

The ACMs have responsibility for maintaining this Policy, ensuring it is up to date, and that any changes are incorporated and assimilated as soon as possible.

Background

Therapeutic Goods Regulation 5H(s) states that, "If written notice is not given to the applicant within 60 days after the day on which the application was made, or within such longer period as may be agreed in writing between the applicant and the Secretary, the Secretary is taken to have approved the advertisement at the end of the period."

CHC ACMs set a deadline upfront for applicants to provide all submissions in support of their application, always ensuring there is adequate time remaining available for the ACM to finalise the application and notify the applicant of the final decision.

From time to time, an applicant may request an extension of time, or the ACM may find that an extension of time would be beneficial in situations where the ACM requires further compliance input after a set deadline has expired. It is crucial that there is always adequate time remaining to finalise an application without the proposed ad receiving an automatic approval.

Policy

1. Where an application for advertising approval is to receive an 'extension' to a deadline set by the ACM, whether required by the applicant or the ACM, it is the policy of the CHC that extensions can only be granted in increments of 60 days.
2. Where applicants do not agree to receiving an extension, the ACM will finalise the application based on what they have before them at that time.

¹ CHC ACMs (CHC Advertising Compliance Managers) are also referred to as ASMs (Advertising Services Managers) in the TGAC.

3. It is the policy of the CHC that applications may receive a maximum of three 60 day extensions. This provides an additional 180 days which should be more than enough time for all matters to be addressed, both by the ACM and by the applicant.
4. This policy may not be varied without the direct approval of the Chief Executive Officer.

Relevant Legislation

Therapeutic Goods Advertising Code (TGAC) - as amended from time to time
Therapeutic Goods Regulations – as amended from time to time

History of the Matter

Not applicable.

Document History

Version 1: Issued May 2016

Approved By

Carl Gibson, Chief Executive Officer

Document History

Version 1: Issued October 2015

Approved By

Carl Gibson, Chief Executive Officer