

# Why there won't be an enquiry into the TGA

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In the wake of the Pan settlement, the complementary medicines sector on both sides of the Tasman is calling for an enquiry into the Therapeutic Goods Administration but, whatever the merits of the call, an enquiry almost certainly won't happen.

The problem for the CM sector is that in political terms it is not in the interest of either side of parliament to delve too deeply into what the TGA did as it went about recalling Pan-manufactured products in 2003.

Current Parliamentary Secretary for Health, Senator Jan McLucas has already ruled out an enquiry. From a political point of view there's no mileage in it for her party. Why dig deeper when any good guesser can tell you the news will only get worse and you will be expected to clean up the mess?

For the Coalition - on whose watch the mess was created - there's no value in supporting an enquiry either. Why have your own administration dragged through the mud and give buckets of ammunition to the other side? Better to ignore what happened and, with any luck, the scandal might fade away.

The CM sector, of course, is anxious to see that it doesn't fade away. One way to do this is by continuing to drag the TGA through the courts via class actions for damages arising from the recall.

But there's a twist here too. The more vocal corners of the sector are pumping out the message that more legal action is certain but it's equally certain that fear of the Tag's immense power is rife among many in CM (and not only CM).

Given the evidence in the Selim case, those whose livelihood depends on the regulator's mood could be forgiven for not wanting to give it reason to feel vengeful.

In a way, that's what lies at the poisoned heart of this rotten business.

In the five years that *Pharma in Focus* has been in publication we have often been told, "Nobody wants to get on the wrong side of the TGA", with the clear implication that the regulator would deliberately target anyone who stood up to it or its operatives.

Until the evidence in the Selim case, this was innuendo and scuttlebutt without concrete support. Now, the picture is different. Confidence has been seriously undermined. It needs to be restored.

But so long as the TGA officers implicated in the Selim scandal remain in place and any enquiry into their behavior has been ruled out, it's clear that confidence in regulatory administration is of less interest to the government and the regulator than covering the tracks, battening down the hatches and hoping the whole thing will blow over - which it probably won't.