



**Australian
Competition &
Consumer
Commission**

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

Our Ref: C2005/1917
Contact Officer: Bronwyn Davis
Contact Phone: 02 6243 1363

«Name»
«company»
«Address1»
«Address2»

26 April 2006

Dear «Sal»

**Re: Medicines Australia
Applications for revocation and substitution A90994-A90996
Draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the applications for authorisation lodged by Medicines Australia on 30 November 2005.

Medicines Australia is seeking authorisation of Edition 15 of its Code of Conduct (the Code). The Code seeks to regulate certain activities of pharmaceutical companies, including their promotion of prescription medicines.

A copy of the ACCC's draft determination is attached. For the reasons outlined in the draft determination, the ACCC proposes to grant authorisation for three years, subject to a condition.

Interim authorisation

Medicines Australia also sought interim authorisation for Edition 15 of the Code. On 25 January 2006, the ACCC denied the request for interim authorisation, but indicated it would reconsider the matter when it issued its draft determination.

The ACCC has decided to grant interim authorisation to the Code until the date the ACCC's final determination comes into effect, or if circumstances warrant revocation or amendment of interim authorisation at an earlier stage, until such date as interim authorisation is revoked or amended.



Next steps

Once the ACCC issues a draft determination, the applicant or any interested party who may be dissatisfied with the ACCC's draft determination may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Under the *Trade Practices Act 1974*, the ACCC must set a date within 14 days of which any pre-decision conference must be requested.

Accordingly, if you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **cob Tuesday 16 May 2006**. Conferences are conducted informally, without the participation of legal or other professional advisers. If a conference is called, it is likely to be held in Canberra in late May.

Alternatively, you are also invited to make a written submission in response to the ACCC's draft determination. Written submissions should be lodged by **Tuesday 23 May 2006** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

Submissions can also be lodged by email to adjudication@accc.gov.au or by facsimile on 02 6243 1211.

Any submission you make will be placed on the ACCC's public register. You may request that information you provide in a submission to the ACCC be treated as confidential and not placed on the public register. Information excluded from the public register for reasons of confidentiality will still be considered by the ACCC when reaching its decision. Guidelines for seeking confidentiality are attached for your information.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Bronwyn Davis on (02) 6243 1363.

Yours sincerely

Isabelle Arnaud
Director
Adjudication Branch

company	Address1	Address2
Chair, Pharmaceutical Health and Rational Use of Medicines	PHARM Secretariat, Department of Health and Ageing MDP 38 GPO Box 9848	CANBERRA ACT 2601
Therapeutic Goods Administration	PO Box 100	WODEN ACT 2606
Healthy Skepticism Inc	34 Methodist St	WILLUNGA SA 5172
School of Public Health	La Trobe University	VIC 3086
Australian Consumers' Association	57 Carrington Road	MARRICKVILLE NSW 2204
Novo Nordisk Pharmaceuticals Pty Ltd	PO Box 7586	BAULKHAM HILLS BUSINESS CENTRE NSW 2153
Consumers' Health Forum of Australia	PO Box 3099	MANUKA ACT 2603
Australian Medical Association	PO Box E115	KINGSTON ACT 2604
Queensland Health	GPO Box 48	BRISBANE QLD 4001
Department of Human Services	GPO Box 1670N	MELBOURNE VIC 3001
Chief Executive	GPO Box 825	CANBERRA ACT 2601
Pfizer Australia	38-42 Wharf Road	WEST RYDE NSW 2114
Australasian Society of Clinical and Experimental Pharmacologists and Toxicologists	4/184 Main Street	LILYDALE VIC 3140
Department of Health & Human Services	GPO Box 125B	HOBART TAS 7001
Wyeth Australia Pty Ltd	Locked Bag 5002	BAULKHAM HILLS BC NSW 2153
NSW Health	PO Box 103	GLADESVILLE NSW 2111
First Assistant Secretary Medical and Pharmaceutical Services Division Department of Health and Ageing	GPO Box 9848	CANBERRA ACT 2601
Merck Sharp & Dohme (Aust) Pty Ltd	PO Box 79	GRANVILLE NSW 2142
Director General Department of Health	PO Box 8172 Perth Business Centre	PERTH WA 6849
Doctors' Reform Society	PO Box 992	GOSFORD NSW 2250
Sanofi-aventis	Locked Bag 2067	LANE COVE NSW 2066
Department of Health	PO Box 287, Rundle Mall	ADELAIDE SA 5000
Australian Nursing Federation	PO Box 4329	KINGSTON ACT 2604