



Date 4 May 2006
From Fiona Crosbie / Emma Marsh
To **Bronwyn Davis**, Australian Competition and Consumer
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Dear Ms Davis

Medicines Australia - application for authorisation

Thank you for your letter of 26 April 2006 advising that the Commission has issued its Draft Determination, and interim authorisation, in respect of Medicines Australia's applications for revocation and substitution A90994-A90996.

Medicines Australia (**MA**) notes that the Commission proposes to grant authorisation in respect of Edition 15 of the MA Code of Conduct subject to a condition that the MA Monitoring Committee shall continue to review details of educational meetings and symposia held or sponsored by MA member companies and provide a detailed annual report on its compliance with this condition.

MA wishes to provide an initial response to the Commission in respect of the Draft Determination and proposed condition, prior to making a more detailed response in respect of the Draft Determination in accordance with the timeframes described in your letter.

1. Proposed Condition

Under the proposed condition, the Monitoring Committee will, each year, conduct a review of educational meetings and symposia held or sponsored by member companies during a defined one month calendar period to be chosen at random. MA appreciates that the Commission has sought to reduce the burden on the Monitoring Committee by shortening the reporting period.

MA proposes that the report of the review of company sponsored educational meetings to be produced by the Monitoring Committee, and published on the MA website and in the Code of Conduct Annual Report, will include detail along the lines of that set out in the

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table in the attached schedule. This is consistent with the scope of the Monitoring Committee's former reviews (the numbers included in the table are indicative only).

MA further notes the continuing requirement to report any concerns that the Monitoring Committee identifies and forwards to the Code of Conduct Committee as a complaint, identifying the name of the member company and the date it was referred. This would be included in the Monitoring Committee's annual report in the following manner, as an example:

The review of company sponsored educational meetings across all therapeutic classes (30 companies) was undertaken over two Committee meetings. For detailed information on the educational meetings examined please refer to the table below (a table as proposed in the attached schedule would be included) . In relation to one educational meeting, the Monitoring Committee identified a potential breach of Section 6.2.2 of the Code by [Company Name] due to the provision of entertainment in the form of a harbour cruise. This complaint was referred to the Code of Conduct Committee on 29 September 2006. For further information concerning this complaint refer to complaint number 123 in the Code of Conduct quarterly report for September – December 2006.

MA trusts that a detailed report of this kind is the type of report envisaged by the Commission.

2. Draft Determination

MA also wishes to respond to the Commission's comment that it is concerned that Edition 15 of the Code appears to reduce the Monitoring Committee's role (para 6.133 of the Draft Determination). The Commission notes that Edition 15 of the Code provides for the Committee to review three therapeutic classes and three different promotional activities each year, compared to a review of promotional activities across seven therapeutic classes in Edition 14.

MA's intention is that under Edition 15, the Monitoring Committee will undertake as a minimum:

- the review of one type of promotional material in three different therapeutic classes;
- a review of three different promotional activities covered by the Code across all therapeutic classes, which would include the review of company sponsored educational meetings and symposia.

It is certainly not MA's intention to reduce the Committee's role. Rather, the amendment to the Monitoring Committee's role included in Edition 15 is intended to reflect the greater breadth of activities to be reviewed each year.

MA hopes that this has clarified the position and would be grateful if the Commission could reflect MA's explanation in its final Determination.



Please let us know if you have any comments or queries in relation to any of the above.

Yours sincerely

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Schedule

Summary of Invitations to Company Sponsored Educational Meetings

Venues for educational meetings	No of Meetings	Hospitality provided in association with education (symposia, conference, congress and satellite meetings or other educational meetings)	No of Meetings	Entertainment
Conference centre, function centre or hotel	56	Full day or weekend meeting (morning tea, lunch, afternoon tea and dinner with non alcoholic and alcoholic beverages - dinner only)	35	Nil
		Breakfast or lunch meeting with non alcoholic beverages	10	Nil
		Part day meeting with morning or afternoon tea with non alcoholic beverages	1	Nil
		Evening meeting with dinner with/without alcoholic beverages	10	Nil
Restaurant	231	Breakfast or lunch meeting with non alcoholic beverages	5	Nil
		Evening meeting with dinner with/without alcoholic beverages	225	Nil
		Meeting with drinks and light refreshments	1	Nil
Hospital or institution meeting room	242	Full day or weekend meeting (morning tea, lunch, afternoon tea and dinner with non alcoholic and alcoholic beverages - dinner only)	1	Nil
		Breakfast or lunch meeting with non alcoholic beverages	100	Nil

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		Part day meeting with morning or afternoon tea with non alcoholic beverages	130	Nil
		Meeting with no hospitality	10	Nil
		Meeting with drinks and light refreshments	1	Nil
Medical practice meeting room	111	Breakfast or lunch meeting with non alcoholic beverages	50	Nil
		Part day meeting with morning or afternoon tea with non alcoholic beverages	50	Nil
		Meeting with no hospitality	10	Nil
		Meeting with drinks and light refreshments	1	Nil
Other venues (stakeholder premises, government or semi-government facility, golf club etc)	5	Part day meeting with morning or afternoon tea with non alcoholic beverages	2	Nil
		Meeting with no hospitality	2	Nil
		Meeting with drinks and light refreshments	1	Nil
TOTAL	645		645	