



Australian
Competition &
Consumer
Commission

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

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

27 January 2006

Ms Carolyn Oddie
Partner
Allens Arthur Robinson
GPO Box 50
SYDNEY NSW 2001

Dear Ms Oddie

**Re: Medicines Australia applications for revocation and substitution A90994-6
- request for interim authorisation**

In am writing to you in respect of Medicines Australia's request for interim authorisation. The Australian Competition and Consumer Commission (the ACCC) has decided to deny interim authorisation in respect of the applications for revocation and substitution lodged on 30 November 2005.

Summary of considerations

While the ACCC has decided to deny interim authorisation at this stage, it will reconsider whether to grant interim at the draft determination stage (unless changing circumstances warrant reconsideration at an earlier stage).

In assessing the request for interim authorisation, the ACCC considered that there did not appear to be any particularly compelling argument that interim authorisation is required urgently. While the ACCC noted that a number of legislative and administrative changes are proposed, these are not due to take effect until mid-2006.

Further, the ACCC also noted that Medicines Australia requested interim authorisation to provide its members with certainty that they will not be at risk of breaching the TPA when they comply with Edition 15 of the Code in preparing their advertising campaigns etc. However, interim authorisation can be revoked at any time. The ACCC did not consider that this was an appropriate situation in which to grant interim, as should the ACCC later decide to revoke or amend interim, member companies could faced with significant costs in retracting or adjusting their campaigns.

Please be advised that the ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

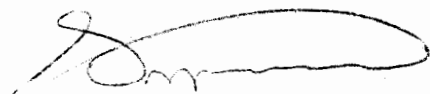


Next steps

As you would be aware, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from Medicines Australia and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will provide both Medicines Australia and interested parties with the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

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

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping loop at the end.

Scott Gregson
General Manager
Adjudication Branch