



The Royal Australasian
College of Physicians

27 July 2009

Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear Dr Chadwick

**Re: Medicines Australia Ltd. Application for revocation
and substitution A91150 - submission from the Royal
Australasian College of Physicians (RACP)**

The RACP welcomes the opportunity to present feedback from College members to the Australian Competition & Consumer Commission (ACCC) for the authorisation (application for revocation and substitution) from Medicines Australia Ltd. (MA) for its Code of Conduct 16. Feedback included in this process comprises information primarily from College members from the RACP Therapeutics Expert Advisory Group and the Ethics Expert Advisory Group.

The Therapeutics Expert Advisory Group (TRACP) the Ethics Expert Advisory Group (EEAG) has taken a strong interest in the development of MA Code of Conduct. The College through these groups presented a submission raising concerns in relation to the Code of Conduct 16 and are overall very supportive of the new changes.

The issues that the College would like considered are as follows:

The use of monies collected from industry fines. One option that has been suggested is that it be used for consumer help/education. From previous correspondence in May 2009 from MA we were informed that fines will go into the Medicines Australia special Code account and that the MA Board made a decision that fine income that exceeds the cost of running the program (which includes Code, Appeals etc meetings, free distribution of books and attendance and presenting at any function or meeting at no cost) would be donated to an organisation that had no association with industry. MA members agreed that the funds should go to indigenous health projects. We would like more transparency on this issue and that the indigenous health projects are listed in the public arena.

In relation to fines we believe there are a number of additional "conditions" that the ACCC should impose on MA. These include increasing fines to a more realistic level and adding generic industry representation to the Code Committee in return for a commitment that the Code applies to the generic industry in its entirety.

The College also would like to express an interest in attending any discussions in relation to this enquiry.

If you require any further clarification of the endorsement please contact Ms Mary Osborn by email on mary.osborn@racp.edu.au.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Shane Carney', written in black ink.

Associate Professor Shane Carney
Chair Therapeutics Expert Advisory Group RACP