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MARS/PRISM:

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

Dear Dr Chadwick

**Medicines Australia Limited application for revocation and substitution A91150
– interested party consultation**

Thank you for your letter dated 7 July 2009 in which you have invited the National Health and Medical Research Council (NHMRC) to comment on the application for reauthorisation from Medicines Australia Limited (Medicines Australia) for its Code of Conduct Edition 16 (the Code).

NHMRC has no objection to ACCC's reauthorisation of Medicines Australia Code of Conduct Edition 16 in light of the following:

- there does not seem to be any apparent/material anti-competitive detriment in Edition 16 of the Code;
- the NHMRC welcomes the change in status of the TGA member to an 'observer' to preserve the independence of both the TGA from Code Committee's decisions and the Code of Conduct Committee from TGA direct influence; and
- the NHMRC supports the wording of section 23 which is a reasonable move towards 'natural justice' principles of a company's right to comment before Code of Conduct Committee discussion.

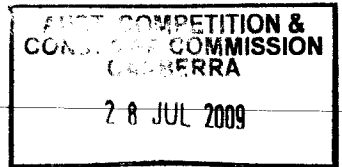
In addition to offering this support, the NHMRC would like to draw attention to the following:

- the reference to NHMRC's National Statement (on page 72) needs to be updated to read *NHMRC National Statement on Ethical Conduct in Human Research* instead of *NHMRC National Statement on Ethical Conduct in Research Involving Humans*
- the absence of a title on the front page of the Code; and
- it would be helpful to the reader to include an explanatory note to accompany section 24 - sanctions – to clarify the head of power for the Code of Conduct Committee to impose sanctions of any kind (esp monetary sanctions).

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The NHMRC encourages ACCC to support strengthening the wording of the Code so that the Code is applied to non-members of Medicines Australia.

Thank you for seeking comment from NHMRC on this issue. If you wish to discuss any aspect of this letter please do not hesitate to contact Mrs Cathy Clutton, Executive Director Coordination and Research Unit on 02 6217 9542 or email at cathy.clutton@nhmrc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'W Anderson', written in a cursive style.

Professor Warwick Anderson
Chief Executive Officer

27 July 2009