

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

Dear Dr Chadwick

Generic Medicines Industry Association Pty Ltd (GMiA) applications for authorisation (A91218 & A91219) – interested party consultation

I refer to your letter to the Director-General dated 7 April 2010 in which you invited comment on the likely public benefits and the effect on competition, or any other public detriment, from the Code of Practice for which the GMiA has sought authorisation.

It is noted that GMiA is seeking to formalise the commitment of GMiA members to a system of self-regulation and ethical supply of generic medicines to the Australian community in compliance with applicable laws and standards.

NSW Health provides the following comments concerning the applications for authorisation of GMiA's Code of Practice.

- While it could be argued that if the Code places various restrictions on the way in which educational events are conducted it will lessen competition between members for attendance at their events, the general benefits of a code of conduct which sets high standards of behaviour and sanctions for non-compliance outweigh any significant detriment to competition.
- The Code has the potential to provide health and financial benefits to the public through the responsible promotion of generic medicines.

Given the above, NSW Health considers that public benefits will flow from the Commission's authorisation of the Generic Medicines Industry Association's Code of Conduct.

If you have any further queries in relation to this matter, please contact Ms Deborah Hyland, Director, Clinical Safety, Quality and Governance on tel: 9424 5921.

Yours sincerely



Dr Tim Smyth
Deputy Director-General
Health System Quality, Performance and innovation

26.5.10