



Consumers  
Health Forum  
of Australia

2 July 2010

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

Dear Dr Chadwick

**Re: Generic Medicines Industry Association Pty Ltd applications for authorisation  
[A91218 & A91219] – request for interim authorisation**

Thank you for your correspondence requesting a submission from the Consumers Health Forum of Australia (CHF) on the Generic Medicines Industry Association (GMiA) Code of Practice (Code) interim authorisation request.

CHF understands the importance of dealing with complaints expediently, and notes that the issues identified in our original submission to the Australian Competition and Consumer Commission (ACCC) on 29 April 2010 will be considered in the interim authorisation process.

CHF notes that several of the areas in our original submission are not relevant to the interim approval of the Code for the purpose of responding to an existing complaint, as they consider issues such as who is subject to the Code and the process for making complaints.

However, CHF would like to draw attention to the issue of sanctions identified in our original submission. We noted that the financial penalties set out under the Code were very low in comparison to those in the Medicines Australia Code of Conduct. CHF questions whether these penalties are sufficient to discourage further breaches of the Code. Further, if there is a possibility that sanctions might be increased in a revised Code, we question whether it is appropriate for the existing complaint to be addressed based on the sanctions in the current draft of the Code.

The timeline given indicates that interim authorisation would be completed in July, with the final determination in August/September. While, as noted above, CHF recognises the importance of timely complaints resolution, we question whether providing interim approval so soon before the final determination is necessary or valuable.

Please do not hesitate to contact me if you would like to discuss any aspect of these comments further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carol Bennett', is written over a horizontal line.

**Carol Bennett**  
**EXECUTIVE DIRECTOR**