



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/346
Contact Officer: Tess Macrae
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8 September 2010

Ms Kate Lynch
CEO
Generic Medicines Industry Association Pty Ltd

EMAIL: kate.lynch@gmia.com.au

Dear Ms Lynch

**Re: authorisations A91218 & A91219 lodged by the Generic Medicines Industry
Association Pty Ltd (GMiA) –
request for extension to be granted under section 90(10A)**

I refer to the above applications for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 31 March 2010 and to your request on 6 September 2010 that the ACCC extend the relevant period for the ACCC to consider the applications.

As you are aware, the *Trade Practices Act 1974* (the Act) provides that if the ACCC does not determine an application for authorisation within the relevant period, then it is taken to have granted the application at the end of that period. The relevant period in relation to the GMiA's application ends on 30 September 2010.

Section 90(10A) of the Act provides that the relevant period may be extended where:

- the ACCC has prepared a draft determination under subsection 90A(1) in relation to the application
- the ACCC determines in writing that the period is extended by a specified period of not more than six months
- the applicant agrees to the period being so extended.

The purpose of this letter is to advise you that in accordance with subsection 90(10A)(b) of the Act the ACCC has determined that the relevant period for

consideration of the GMiA's applications has been extended until 11 November 2010 and to seek the GMiA's agreement that the relevant period is so extended.

At a meeting on 2 September 2010, the ACCC asked the GMiA to provide information regarding the types of non-price incentives provided by GMiA members to pharmacists and the extent of these incentives. Further, in response to the GMiA's concern about the costs of complying with the proposed conditions of authorisation, the GMiA was invited to provide information about how the transparency provided by the proposed conditions could be achieved while minimising the compliance costs on GMiA members, should the ACCC consider conditions of this type remain necessary.

You have indicated that the GMiA requires three weeks to collect and provide this information to the ACCC. To enable the ACCC to consider the information and to consult with interested parties, if necessary, can you please provide the further information by 27 September 2010.

To enable the request for the extension of the relevant period for the ACCC to consider the applications to be dealt with expeditiously, I would appreciate receiving your response to this letter by 13 September 2010.

A copy of this letter will be placed on the ACCC's public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Joanne Palisi on (02) 6243 1323 or Tess Macrae on (03) 9290 1835.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Richard Chadwick', with a long horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch