



**Australian
Competition &
Consumer
Commission**

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By email

Dear Sir/Madam

Medicines Australia Limited application for revocation and substitution A91316-A91320 - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for reauthorisation (application for revocation and substitution) lodged by Medicines Australia Limited (**Medicines Australia**) on 4 July 2012.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Medicines Australia seeks reauthorisation for its Code of Conduct (**Code**) Edition 17. The Code sets standards for the advertising and promotion of pharmaceutical products.

Background

The Code was first authorised by the ACCC in 2003.

Edition 15 of the Code (applications A90994 – A90996) was authorised by the ACCC subject to a reporting condition in 2006. The condition imposed by the ACCC required the public disclosure of hospitality provided by pharmaceutical companies to healthcare professionals at educational events. The authorisation was subject to a review by the Australian Competition Tribunal which granted authorisation subject to a similar reporting condition in 2007.

In 2009 the ACCC granted authorisations A91150, A91155, A91156, A91183 and A91184 to Medicines Australia for the 16th edition of its Code.

Edition 17 of the Code was adopted by members of Medicines Australia on 26 June 2012 and is the subject of the current applications for authorisation. If authorisation, it will become effective on 1 January 2013.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for three years.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **9 November 2012**.

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

In the event a pre-decision conference is requested, it will be held on **12 November 2012**. Video conferencing facilities will be available in most of the ACCC's offices.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **9 November 2012**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

The ACCC will continue to progress its assessment of the applications in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
4 July 2012	Lodgement of applications and supporting submission.
9 July 2012	Public consultation process begins.
26 October 2012	Draft determination.
October/November 2012	Public consultation on draft determination including any conference if called.
December 2012/ January 2013	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Tess Macrae on (03) 9290 1835.

Yours sincerely

A handwritten signature in blue ink that reads "DChanning". The signature is stylized with a large, sweeping flourish at the end.

Darrell Channing
Director
Adjudication Branch