

Petition to ACCC on Medicines Australia Code Authorisation

To reiterate, support and expand on the changes to the draft determination advocated by Prof Peter Morris I'd like to table a petition that currently has [337 signatures](#).

While most of the signatories are Australian health professionals or concerned consumers a number of international people have also signed the attached petition. This is because Australian medicines policy is regarded as an exemplar in our region and there is international support for the ACCC to strengthen Medicines Australia Code along the lines requested.

If no changes are made to the draft determination, and the 17th Edition of Medicines Australia Code is authorised for another 3 years, then clearly Australia will fall behind the level of transparency that will come into force in the U.S. from January 2013 as a consequence of the Physicians Sunshine Payment Act.

This is unacceptable.

A recent editorial in the British Medical Journal reported that a US Senate Finance Committee investigation has found the medical device company Medtronic was “heavily involved in drafting, editing, and shaping the content of medical journal articles authored by its physician consultants,” who were paid hundreds of millions of dollars by the company through royalties and consulting fees.¹

The Committee Chairman, Senator Max Baucus, said Medtronic’s actions had “violated” patients’ trust. The president of the North American Spine Society, said, “If surgeons had known that the lead authors of the 13 original studies on InFuse (the Medtronic product) had received payments ranging from \$1.7m to \$64m from Medtronic and that its marketing employees were co-authors and co-editors, would they have been as eager to use this product on their patients?”

This is just the latest in a series of scandals that has cost the U.S. pharmaceutical industry 15 billion dollars’ worth of fines over the last few years. However, in Australia, the government believes in self-regulation!

In summary, full disclosure of the relationship between therapeutic goods companies, physicians and other stakeholders is crucial. If no changes are made to the draft determination, aggrieved petitioners will ask for a review of this determination by the Australian Competition Tribunal on the grounds that the limited public benefits do not in our view (and on expert advice) outweigh the anti-competitive detriments of the deal.

Thank you.

Dr Ken Harvey
12 November 2012

¹ <http://www.bmj.com/content/345/bmj.e7299>