



*Generic Medicines Industry
Association Pty Ltd*

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28 February 2013

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

By email – Richard.Chadwick@acc.gov.au

Dear Dr Chadwick,

Generic Medicines Industry Association (GMiA) – Code of Practice

I am writing to you about the GMiA Code of Practice (Code). As you know, the ACCC authorised the 2nd Edition of the GMiA Code on 3 November 2010 for a period of three years.

For a variety of reasons, the GMiA Board has decided not to seek re-authorisation of the Code.

I have recently been appointed by the Parliamentary Secretary for Health, the Hon Catherine King MP, to the Codes of Conduct Advisory Group for the period from December 2012 to June 2016. The Advisory Group will guide and support work to improve self-regulation, design and develop shared communications systems and a common complaints portal, and evaluate the effectiveness of the industry's self-regulatory framework.

As at March 2013, the GMiA Code will have been in operation for three full years. In this period GMiA has received five complaints. One complaint required the convening of the Code Complaint Committee and was satisfactorily resolved. One complaint, which was subsequently deemed not to be a complaint by the Code Administration Committee, was satisfactorily resolved without the need to convene the Code Complaint Committee. Three complaints pertained to the activities of non-members of GMiA.

Details of the complaints can be found in the annual report of the Code Administration Committee. This report provides a comprehensive review of the administration of the Code and can be found on the GMiA website at:

<http://gmia.com.au/gmia-code-of-practice/annual-review/annual-review-of-code-2012/>
<http://gmia.com.au/gmia-code-of-practice/annual-review/annual-review-of-code-2011/>

Whilst GMiA does not intend to apply for re-authorisation of the Code, it is proposing to maintain the Code in an amended form. To this end, GMiA will be making a range of amendments to the Code to ensure that its provisions do not raise any concerns under the *Competition and Consumer Act 2010 (CCA)*.

For example, GMiA will be:

- changing Clause 12 of the Code to remove all industry representatives from the Code Complaints Committee and to replace these members with independent persons with no affiliation to GMiA or its members; and
- making the event reporting principles, set out in Clause 10 of the Code, an optional commitment which signatories to the Code can agree to observe, rather than a mandatory obligation which GMiA members are bound to follow once they become signatories to the Code.

GMiA and its members remain highly committed to the ongoing administration of, and compliance with, the amended GMiA Code of Practice.

In the event that the ACCC requires more detail of the changes which GMiA will be making to the Code, please contact me on 0432 500 308.

Kind regards,



Kate Lynch
Chief Executive Officer
Generic Medicines Industry Association Pty Ltd