

I read the Medicines Australia (MA) response to the submissions on the Code published by the ACCC website. The main points of interest to me are in 'Section 2.4 Consent to disclosure' (page 10).

1. MA says that my earlier submission (19) claims transfers of value will be "hidden from public view" if MA companies do not refuse to deal with health care professionals (HCP) who will not consent to disclosure. MA claims this is incorrect because transfers of value will be published in aggregate for those HCP who do not consent to disclosure. MA are trying to avoid the specific issue raised in my submission - that in their proposed Code transfers of value will not be reported for each individual HCP unless the HCP agrees to disclosure. Transfers of value to HCP who do not agree to disclosure will indeed be "hidden from public view" with respect to the amounts allocated to each individual in this situation.

2. MA misinterprets the Privacy Commissioner's advice. The advice makes it clear that consent is not required for disclosure of personal information when the information is a secondary disclosure as long as the individual is aware of the disclosure policy and expects it to apply.

3. MA wants to continue to provide transfers of value to HCP who do not agree with disclosure. Reasons stated are that stopping transfers of value in these situations would impede facilitating medical education for these HCP, and that MA companies would be put at disadvantage compared to generic manufacturers who do not have a similar code of practice. Both these claims are unsubstantiated. And these claims do not take into consideration the public benefits of disclosure that have been recognised by the ACCC in asking for MA to develop an individual disclosure arrangement and the public benefits of disclosure recognised by the Sunshine Act in the USA.

As well there are multiple opportunities for MA to contribute to non-industry controlled medical education events to assist HCP with their continuing professional development. These events are run independently through medical colleges, specialist societies and other medical education providers. The MA companies can choose which educational organisation to support with an unconditional grant. An unconditional grant of monetary support or transfer of value is where the company has no control or say over the topics or speakers selected and provides no direct transfer of value funding to individual presenters.

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