

Allens

Deutsche Bank Place
Corner Hunter and Phillip Streets
Sydney NSW 2000 Australia

T +61 2 9230 4000

F +61 2 9230 5333

www.allens.com.au

GPO Box 50
Sydney NSW 2001 Australia
DX 105 Sydney

ABN 47 702 595 758

Allens > < Linklaters

13 November 2014

Dr Richard Chadwick
General Manager, Adjudication
Australian Competition and Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601

By email

Dear Dr Chadwick

**Medicines Australia: Application for Revocation and Substitution
A91436-A91440**

As you know, we act for Medicines Australia in respect of its application for authorisation of Edition 18 of the Medicines Australia Code of Conduct (the **Code**). The purpose of this letter is to apply for interim authorisation of Edition 18 of the Code, as currently drafted.

We refer to your letter of 6 November 2014 advising that, as a result of the new submission deadline and the pre-decision conference date, the ACCC proposes that it will not make a final Determination in this matter before the authorisation of Edition 17 of the Code expires on 11 January 2015.

As a result of the above, Medicines Australia seeks interim authorisation of Edition 18 of the Code pursuant to s 91(2) of the *Competition and Consumer Act 2010* (Cth). Interim authorisation is sought for a period starting from the date authorisation of Edition 17 expires to 21 days following the ACCC's final Determination on Edition 18.¹

In support of its application for interim authorisation for Edition 18 of the Code, Medicines Australia:

- reiterates the comments made in its letter of 31 October 2014, that Medicines Australia member companies have expressed a diversity of views in respect of the draft Determination and Medicines Australia requires additional time to consult further with member companies and reach a concluded position;
- notes that Medicines Australia and its members will require time to consider any third party submissions made in respect of the draft Determination – which are now due to the ACCC on or before 21 November 2014;
- notes that Medicines Australia and its members may seek to provide further submissions to the ACCC following the pre-decision conference scheduled for 28 November 2014; and
- is aware that the review process will therefore likely coincide with the Christmas closure period. This may make it difficult for Medicines Australia, its member companies and third parties to provide final

¹ The 21 days accounts for the period during which Medicines Australia or interested parties may apply to the Australian Competition Tribunal for a review of the ACCC's final Determination.

Our Ref FVCS:CHBS:206029656

Iris A0131215809v2 206029656 13.11.2014

submissions to the ACCC with sufficient time for the ACCC to consider those submissions before 11 January 2015, when the current authorisation for Edition 17 expires.

In support of its request for interim authorisation of Edition 18 of the Code as currently drafted, Medicines Australia:

- notes that the new transparency reporting requirements outlined in Edition 18 of the Code do not commence until 1 October 2015 and, as a result, if interim authorisation of Edition 18 of the Code as drafted is granted there will be little difference, if any, to the current position under Edition 17 of the Code in respect of transparency reporting until that time; and
- reiterates its initial submissions seeking authorisation of Edition 18 of the Code insofar as those submissions outline the numerous public benefits associated with Edition 18 of the Code.

Yours sincerely

Fiona Crosbie
Partner
Allens
Fiona.Crosbie@allens.com.au
T +61 2 9230 4383

Catherine Bembrick
Senior Associate
Allens
Catherine.Bembrick@allens.com.au
T +61 2 9230 5167