



19 February 2015

Mr Rami Greiss
Executive General Manager
Merger and Authorisation Review Division
Australian Competition and Consumer Commission
23 Marcus Clarke Street
CANBERRA ACT 2601

By email to: adjudication@acc.gov.au

Dear Mr Greiss

Re: A91436-A91440 – Medicines Australia Limited – proposed conditions of authorisation

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) welcomes the opportunity to provide feedback to the Australian Competition and Consumer Commission's (ACCC) proposed conditions of authorisation on Medicines Australia's draft *Code of Conduct, Edition 18* (Code of Conduct).

Based on our [previous submissions in August 2014](#) and [November 2014](#), the RANZCP welcomes and supports the ACCC's proposed imposition of a condition to ensure that all relevant transfers of value by pharmaceutical member companies to individual healthcare professionals are reported and that individual healthcare professionals are identified by name.

We note that the ACCC is now proposing to remove one requirement of that condition - that Medicines Australia members, prior to making a relevant transfer of value to healthcare professionals, must obtain the consent of those healthcare professionals to the disclosure of their information. This is based on concerns that healthcare professionals could consent to the publication of their transfer of value information at the time of receiving that transfer of value but could later withdraw their consent prior to the time the information was to be published in a transparency report. In other words, this transfer of value information would not end up being published, undermining the public benefit and transparency value of the Code of Conduct.

Consistent with our previous submissions, the RANZCP considers that – to maximise the public benefit of the Code of Conduct – it is appropriate that healthcare professionals do not have a choice under the Code of Conduct about whether or not they are identified by name in transfer of value reports. This position is also in line with the RANZCP's [ethical guidelines](#), which emphasise the importance of openness and transparency in dealings between individual psychiatrists and pharmaceutical companies, including disclosure of financial or any other arrangements. Currently, under the Code of Conduct, healthcare professionals can refuse to give their consent to their names being included in transfer of value reports and, if they do so, the relevant transfer of value is reported in aggregate form.

Our August 2014 submission also called for transparency reports to be published in one central location rather than on Medicines Australia company websites to maximise the accessibility of the transparency regime.

We, therefore, welcome the ACCC's new proposed conditions of authorisation that require Medicines Australia to implement a centralised database of transparency information and that Medicines Australia member companies must report that data in a standard template and an identical, accessible format.

The RANZCP supports the idea of a central database to enable meaningful analysis, evaluation and tracking of transfer of value data, however, we would prefer to see the transparency reports being published and made available on an independent website to enhance the public benefit of the transparency regime. In our August 2014 submission, the RANZCP suggested that an appropriate body could be the Australian Institute of Health and Welfare. Nonetheless, as also indicated in our previous submissions, the creation of a central database would be a step forward and it would be a solution more likely to be acceptable to Medicines Australia member companies and so we also endorse this proposed condition of authorisation as a way of further enhancing public access to information about transfers of value.

If you would like to discuss any of the issues raised in this letter, please contact Rosie Forster, Senior Manager, Practice, Policy and Partnerships via [REDACTED] or by phone on [REDACTED]

Yours sincerely



Dr Murray Patton
President

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