

19 February 2015

Australian Competition & Consumer Commission
GPO Box 3131
Canberra ACT 2601

Via Email: adjudication@acc.gov.au

ACCC Ref: 55039

Re: Medicines Australia Limited application for revocation of authorisations A91316 – A91320 and substitution of new authorisations A91436-A91440 – proposed conditions of authorisation

Thank you for the opportunity to respond to the ACCC proposed conditions of authorisation A91436-A91440, dated 6 February 2015.

We support all the amendments proposed by the ACCC. In particular, we fully support the following recommendations:

Attachment A: Reporting of all relevant transfers of value

This amendment to section 41.3.2 is the single most important amendment to Edition 18 of the code, because without it, we do not believe that transparency would have meaningfully improved compared to Edition 17.

Attachment B: Reporting in common accessible format

The Excel format is reasonable.

Attachment C: Centralised database

We support Medicines Australia in their commitment to develop a central reporting system, which will greatly increase the ease with which any interested party can look up information regarding individual transfers of value.

We partially support the following recommendation:

Attachment D: Public disclosure of reports and retention of records for three years

We continue to believe that the interests of the public and of our college members would be better served if section 41.3.4 was amended to indicate that disclosures should remain available to the public for five years. However, we agree that the proposed amendment to three years is an improvement on the two years originally proposed by Medicines Australia.

Timeline for implementation

While we would have preferred the process to have kept to the original timeline, we accept that the imposition of that earlier timeline may have increased the likelihood of Medicines Australia withdrawing from the Edition 18 authorisation process, due to concerns of its member companies. Thus, we do not object to the proposal that:

“The transparency regime currently contained in edition 18 of the Code should be allowed to be implemented for a 12 month period from 1 October 2015 to 1 October 2016, with the amendments required by the ACCC’s proposed condition in Attachment A coming into effect on 1 October 2016.”

We note Medicine Australia’s estimation that the vast majority of doctors will not disallow the publication of their name for transfers received between Oct 2015 and Oct 2016, and we also hope that this is the case. It will be of interest to note the aggregate sum of transfers to those doctors who have requested not to be named.

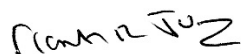
Conclusion

We thank the ACCC for facilitating a healthy debate among all parties, prior to proposing the conditions outlined in Attachments A to D.

We feel the process has been a fair one, and we support the outcome.

I would like to thank you for this opportunity to provide feedback. If you have any questions regarding this document, I encourage you to contact Mr Stephan Groombridge, Manager e-health and Quality Systems, via email at stephan.groombridge@racgp.org.au or by calling 03 8699 0544.

Yours Sincerely



Dr Frank R Jones
President