

Review of Code of Conduct Edition 18

Terms of Reference

The Terms of Reference for the Review of the Code of Conduct, commencing in June 2013, are as follows:

1. Purpose of the Review
2. Conduct of the Review
3. List of Stakeholders to be consulted
4. Membership of the Code Review Panel
5. Timeline for the Review

1. Purpose of Review

The primary purpose of the review is to ensure that the provisions of the Code and its administration remain appropriate and relevant to the current Australian and international environment, taking into consideration the interests of consumers, government, healthcare professionals and the industry.

The objective of reviewing and revising the Code of Conduct is to ensure that the Medicines Australia Code remains the pre-eminent standard for the conduct of pharmaceutical companies in all facets of their relationships and communication with healthcare professionals and members of the general public. Through demonstrably ethical conduct supported by a rigorous and effective Code the industry's reputation and trust with key stakeholders, including healthcare professionals, government and consumers, will be enhanced.

In ensuring this objective is achieved, the Review will ensure the following principles are reflected in the Code:

- The protection of patient safety through the provision of timely, current, accurate and balanced information
- That industry conduct will be able to withstand public and professional scrutiny
- The right and responsibility of the industry to disseminate information about its products in an appropriate manner to healthcare professionals and the general public
- Recognition of the role of industry in enhancing the practice of medicine and pharmacy and supporting the Quality Use of Medicines
- The right and responsibility of industry to provide and support ongoing education for health professionals
- Ensuring compliance with current State and Federal legislation

2. Conduct of the Review

Medicines Australia will establish a Code of Conduct Review Panel, which will have overall responsibility for conducting and directing the Code review, reporting to the Medicines Australia Board. It will direct and engage in consultations widely and comprehensively with all relevant stakeholders about potential revisions to the Code and develop the amendments to create revised Edition 18.

The Code Review Panel will undertake the following activities:

- Consult on the inclusion in the Code of the transparency model recommended by the Transparency Working Group
- Identify any new or emerging issues/trends from other countries or areas that may impact our operating environment
- Draft Edition 18 of the Code ready for consultation with member companies and other stakeholders; and in readiness for submission to the ACCC for authorisation.

- Participate in meetings and consultations with Members and external stakeholders as the review progresses, to test proposed amendments and provide feedback to stakeholders if their recommended changes are not accepted
- Provide regular reports to the Medicines Australia Board on the progress of the Review and any specific issues that arise.

In addition to any issues which may arise as a result of consulting with members and other stakeholders, the following issues will need to be considered:

- The ACCC Final Determination on Medicines Australia Code of Conduct Edition 17, and in particular the discussion of implementation of further transparency measures at paragraphs 160 and 161. Communication with the ACCC about particular amendments to the Code will be considered if the Review Panel considers it necessary and appropriate.
- Relevant recommendations from the Advisory Group on Codes of Conduct, established by the Parliamentary Secretary to the Minister for Health
- Other industry and health professional Codes of Conduct or Codes of Practice. The Code Review Panel will consider the following:
 - International pharmaceutical organisations' Codes of Practice, including the International Federation of Pharmaceutical Manufacturers and Associations (IFPMA) Code of Marketing Practice
 - Healthcare professional organisations' position statements and guidelines on the relationship between with healthcare professionals and the pharmaceutical industry.
 - Advice from the MA HCOWG and Consumer groups on the relationship between Health Consumer Organisations and the pharmaceutical industry.

It is anticipated that the Review Panel will meet approximately monthly between June 2013 and June 2014.

3. Stakeholder consultation

The following is a list of stakeholders with whom Medicines Australia will directly consult, in addition to public announcement of and advertising the Review:

- ACCC
- Advertising Federation of Australia Healthcare Communications Council
- AMA
- ASCEPT
- Australian Medical Writers Association
- Australian Nursing Federation
- CHF
- Code of Conduct, Appeals and Monitoring Committee Members
- CHOICE
- Doctors Reform Society
- DoHA – eg Regulatory Policy and Governance Branch and Pharmaceutical Benefits Division
- Generic Medicines Industry Association
- Medical Publishers
- Minister for Health and Ageing
- Parliamentary Secretary to the Treasurer (responsible for Consumer Affairs)
- Monitoring Committee Members
- National Medicines Policy Committee
- National Prescribing Service (NPS)
- Pharmacy Guild of Australia
- Pharmaceutical Society of Australia
- RACGP
- RACP – and some key individual medical colleges and societies

