

Position Description

Medicines Australia's Code of Conduct and Appeals Committee Member

About Medicines Australia

Medicines Australia leads the research-based pharmaceutical industry of Australia. Our members discover, develop and manufacture medicines and vaccines that help people live longer, healthier lives and bring social and economic benefits to Australia. Our members invest in Australian medical research and take local discoveries and developments to the world. More information can be accessed via [Medicines Australia website](#).

Australia's innovative pharmaceutical companies support the quality and safe use of medicines. As the custodians of these medicines, our members conduct themselves ethically, appropriately communicating relevant information to those relying on their medicines, including patients, their carers and families, healthcare professionals and the broader community. Through its Code, Medicines Australia members ensure their conduct is of the highest standard and that the environment in which they provide access to medicines is sustainable and fair.

Medicines Australia's Code of Conduct sets the standards for the ethical marketing and promotion of prescription pharmaceutical products in Australia, and provides a principles-based framework for appropriate and ethical decision making. It complements the legislation requirements of the Therapeutic Goods Regulations and the Therapeutic Goods Act. The Code of Conduct, which was established in 1960, has been revised on a regular basis, with the current Edition 20 being available on Medicines Australia website.

Adherence to the Code of Conduct is a requirement of membership of Medicines Australia, and non-member companies are also required to comply through a condition of marketing approval of their prescription medicine products. It has been internationally recognised for its effectiveness in regulating the marketing and promotion of prescription medicines.

Role of the Code and Appeals Committee

The Code Committee provides a robust and independent mechanism to hear and manage complaints made under the Code of Conduct.

role the Code Committee plays in receiving, considering, and determining complaints. The Committee is also the sole authority in making a decision whether there has been a breach of the Code. As such, it has the power to impose sanctions where applicable.

The Appeals Committee convenes if a complainant or subject company chooses to appeal a decision made by the Code Committee, in relation to a complaint or any breach of the Code. It has the authority to overturn or uphold any decisions or sanctions imposed in the original complaint, and works within the processes outlined in the Code at Section 15.6.

The aims of both Committees are to ensure compliance with the Code of Conduct and provide an independent and transparent mechanism to governing compliance.

Committee Membership

The composition of the Code Committee is prescribed in Section 16.1 of the Code of Conduct. It includes a Chairperson with competition and consumer law experience, three general practitioner representatives, a nominated specialist physician, a nominated ASCEPT Representative, consumer representative/s, a pharmacy representative (if relevant to the complaint) and up to five representatives from Medicines Australia members (as relevant to the complaint).

The composition of the Appeals Committee is prescribed in Section 16.2 of the Code of Conduct. It is very similar to the Code Committee, but a smaller number of people.

Both Committees may also have non-voting observers in accordance with the Code. Both Committees are assisted in administering its business by a Code Secretariat from Medicines Australia.

Committee members will be appointed for a period of three years and will be eligible for re-nomination at the completion of their term for a maximum of two (2) terms.

Key Responsibilities

The key responsibility for a Committee member is to actively contribute to the Committee, so that it can provide a robust and independent mechanism to hear and manage complaints made under the Code of Conduct, whether it be a complaint or an appeal.

Committee member responsibilities include:

- Being fully conversant of all provisions of the Medicines Australia Code of Conduct as set out in the latest edition;
- Participating in the scheduled Committee meeting, when asked:
 - ensure that you understand the procedures for the meeting;
 - read and understand the materials provided in advance of the meeting;
 - adhere to the processes established by the Chairperson of the Committee to ensure an efficient and effective meeting process;
 - contribute to the discussion in respect of your specific area of expertise and experience;
 - provide appropriate and sufficiently detailed information for discussion to enable the minutes to reflect the decisions; and
 - be mindful to ensure that matters outside the scope of the Code of Conduct are not taken into account when making a decision.

Both Committees are actively supported by the Code Secretariat, who prepare agenda papers and the material to be considered with regards to a complaint or an appeal. Meeting papers will be provided to Committee members with sufficient time for review (no less than one week prior to the meeting).

Following a meeting, Committee members are provided with an opportunity to review the minutes of the meeting, provide comment and propose amendments prior to the minutes being finalised. From these minutes, a detailed report on the complaint will be published on the Medicines Australia website within one month of completion of a complaint, to ensure transparency of the work of the Committee.

Participation Requirements

The Code Committee usually meets on the third Monday of each month, taking into account public holidays. A Code Committee meeting will be cancelled if no complaints have been received prior to the cut-off date.

The annual dates, formats and locations for the meetings will be set in December of the year prior.

An Appeals Committee is convened only once Medicines Australia receives notification of appeal in relation to a complaint. The Committee is convened at the earliest date available, taking into account the response timelines set out in the Code.

A panel of Code and Appeals Committee members is established. Not everyone participates in a Code or Appeals meeting. Individuals on this Panel are allocated to meetings in accordance with the requirements for meetings and quorum as set out in Section 16 of the Code (Committees), the nature of the complaint or appeal, their availability as well as ensuring no conflicts of interests exist. In most cases, a person from this Panel can serve on either a Code Committee or an Appeals Committee, however no member of the Appeals Committee can have been a member of the Code Committee that heard the original complaint.

Remuneration

Remuneration will be provided for:

- preparation for Committee meetings including reading time for agenda papers;
- attendance of the Committee meeting;
- finalisation of the minutes following the meeting; and
- reimbursement for parking (or taxi/ride-share within the city hosting the meeting) to attend any face-to-face Committee meeting.