

1. Members with complaints against other Members are expected to attempt resolution of a complaint through mediation in the first instance.
2. IVD Australia, through the CEO, offers *IVD Australia Assisted Mediation* to all members. Although alternative resolution avenues are available, use of the Code as the basis of a complaints requires that the Complainant follow the procedure as described in the Code. See also the Information Sheets and the *Guide to the Code*.

3. IVD Australia Assisted Mediation Process

This is a voluntary mediation procedure, however, if you refuse to participate, the complaint may become formal and referred to the CCC. Where the CEO is notified of a complaint that may potentially require mediation between the parties to the complaint, the CEO will discuss the matter with the complainant and provide advice on any relevant issues.

Prior to taking further action in relation to the complaint, the CEO will request information in writing from the complainant about the issues in dispute. Once information has been provided in writing, the CEO will seek information from the other party to the complaint.

At this point, the CEO may decide to meet with one or other of the parties, to discuss the issues of concern further. The CEO may then decide to bring the parties together on a voluntary basis to try and effect a resolution by mediating between the parties.

Where the CEO decides to mediate a complaint, they must have the complainant's agreement to do so and cannot continue to mediate if the complaint is withdrawn.

If you have not been involved in a mediation process before, refer to the *Code Information Booklet - IVD Australia Assisted Mediation* that can be found on the IVD Australia website (<http://ivd.org.au/about-us/code-of-conduct/>).

4. On conclusion of the process, Clause 15 of the Code states that outcomes of enquiries for advice and mediation should be given to the Code Administration Committee, and may also be presented as evidence to the CCC. The mediation outcomes will not be displayed on the IVD Australia website.
5. Clause 16.f states that the CCC may require publication of the result of the Committee's deliberations on the IVD Australia website.
6. It should be noted that the lodgement of a Complaint, for mediation, does not preclude the undertaking of litigation in regard of the Complaint, however the CEO will not mediate any complaint that is the subject of legal action.
7. The CEO or their delegate is authorised to provide advice to Members on the interpretation of the Code of Conduct and its application to actual or proposed activities. The CEO may seek an opinion from the Chair, individual members of CAC or a meeting of CAC convened for this purpose before providing advice to the Member. The provision of such advice does not exempt the Member or the situation from subsequently being subject to a complaint.
8. Members who have received an interpretation of the Code and have chosen to act in contravention of the advice given may be referred by the CAC to the CCC by lodgement of a Complaint in accordance with Clause 13.3i.
9. The CEO, in consultation with the Chair of the CCC and other expert advice, where applicable, reserves the right to dismiss any Complaint that is considered to be frivolous or vexatious or which is considered to be misinformed or lacking in substance or outside the CCC's scope to determine. In such cases the Complaint may be referred to another Authority such as the Therapeutic Goods Advertising Code Council. Where a complaint is dismissed or referred in this manner, the complainant will be given a response detailing the reasons for the dismissal.

10. Professional Assistance

You must not rely on the information on this website as an alternative to legal advice from your solicitor or other professional legal services provider. If you have any specific questions about any legal matter you should consult your solicitor or other professional legal services provider. You should never delay seeking legal advice, disregard legal advice, or commence or discontinue any legal action because of information in this information sheet or on the IVD Australia this website.