

1. Commercially significant sanctions are available to the CCC.  
Sanctions will reflect the nature, seriousness and frequency of the breach.
2. Where the CCC finds that a Member has breached the Code, the CCC must apply one or more of the following sanctions:
  - a. Censure and/or warning from the CCC. This may include a notification to Professional Associations of the nature of the breach;
  - b. Written provision of an assurance from the offending party that they will institute immediate action to remedy the breach, and an written assurance regarding ongoing observance of the Code;
  - c. Corrective advertising and/or a retraction to be published as directed by the CCC;
  - d. Destruction of offending material such as advertisements, pamphlets or brochures;
  - e. In the event of serious and/or repeated breaches, a monetary fine to a maximum of \$75,000;
  - f. Publication of the result of the Committee’s deliberations on the IVD Australia website.
3. In the event of continued or repeated breaches of the Code by a Member or failure to comply with an imposed sanction, the Board of IVD Australia reserves the right, on the recommendation of the CCC, to institute proceedings for the expulsion of such Member under clause 12c of the IVD Australia Constitution.

*12. If any member:*

...

*(c) is guilty of any conduct which in the opinion of the Board is unbecoming of a member or prejudicial to the interests of the Company, the Board will have power to suspend the member from membership for such period as it may deem appropriate or expel the member from the Company and erase his name from the Register of Members provided that at least one week before the meeting of the Board at which a resolution for the member’s suspension or expulsion is passed the member will have had notice of such meeting and of what is alleged against the member and of the intended resolution for suspension or expulsion and that the member will at such meeting and before the passing of such resolution have had an opportunity of giving orally or in writing any explanation or defence the member may think fit.*

**Note:**

Where a breach of the Code has been established, the CCC may choose to classify the severity of the breach with reference to the guidance below, or other similar parameters. Please note that this is guidance only, and may not be used in every case.

Potential Implications of the Breach	Classification
<ul style="list-style-type: none"> <li>• No safety implications to consumers</li> <li>• Little or no effect on how consumers or healthcare professionals view the product or its competitors</li> </ul>	Minor Breach
<ul style="list-style-type: none"> <li>• No safety implications to consumers</li> <li>• Will dramatically impact on the perceptions of the consumer or healthcare professionals regarding the product or competitor product</li> </ul>	Moderate Breach
<ul style="list-style-type: none"> <li>• Safety implications to consumers</li> <li>• Major adverse impact on the IVD Industry in Australia</li> <li>• Will have a major impact on how consumers or healthcare professionals view the product or competitor product</li> </ul>	Severe Breach
<ul style="list-style-type: none"> <li>• When the same or a similar breach is repeated in the promotion of either a particular product, or any product of a company, which had been found to be in breach of the Code within the preceding 24 months</li> <li>• Safety implications to consumers</li> <li>• Major adverse impact on the IVD Industry in Australia</li> </ul>	Repeat Breach