

1. Members who have concerns about any perceived breaches of the IVD Australia Code of Conduct (*the Code*) may consult the CEO with a view to engaging in a mediation process.

If the complaint cannot be resolved by mediation, the Complainant may elect to submit a formal complaint to IVD Australia, using the form provided on the IVD Australia website (<http://www.ivd.org.au/about-us/code-of-conduct/>).
2. Complaints alleging inappropriate behaviour by a Member should be directed to the CEO.

Although the lodgement of a Complaint does not preclude the undertaking of litigation in regard of a Complaint the Code Complaint Committee (*the CCC*) will not consider any complaint that is the subject of legal action.
3. Anonymous complaints will not be considered, only Consumers or non-industry Complainants may request to have their name or identity suppressed in correspondence with the Respondent, or from public release.
4. Complaints should be clearly and succinctly presented and accompanied by relevant explanatory documents, other evidence and/or photographs.
5. The CEO (in consultation with the CCC Chair and/or any other expert) reserves the right to dismiss any Complaint that is considered to be frivolous or vexatious, if it is considered to be misinformed or lacking in substance, or if it is outside the CCC's scope to determine (the scope of the Code can be found in Sections 6 to 11).

Where a complaint is outside the scope of the CCC, 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 advised, in writing, detailing the reasons for the dismissal/referral.
6. All complaints will be dealt with as quickly as possible.

The CEO or their delegate will acknowledge receipt of a Complaint within five working days of receipt.

The company that is the subject of the complaint (Respondent) will be given full details of the complaint lodged with IVD Australia and invited to respond within ten (10) working days whether or not the information supporting the complaint is correct, and to give any answer or explanation which may be deemed appropriate. A Respondent who chooses not to respond should know that this will not stop the complaint being heard.
7. The CEO or their delegate will convene a meeting of the CCC to hear the Complaint.
8. The CCC shall consider and adjudicate the Complaint by:
 - a. Reviewing material previously submitted by either party; and/or
 - b. Seeking further material or information from the Complainant or Respondent; and/or
 - c. Consulting with any other persons as it shall see fit in regard of the Complaint; and/or
 - d. Referring to publicly available information.
9. Neither the Complainant nor the Respondent shall be present nor be represented during the hearing of a Complaint and the CCC shall make its determination solely on the basis of information it has been presented with by the Complainant and/or the Respondent.
10. The deliberations of the CCC are confidential and must not be disclosed by any party to the complaint or by a Member of the CCC.
11. Once a decision has been determined by the CCC, the CEO or his delegate will inform all parties within 2 working days of the CCC meeting of the final decision, the penalties imposed, if any, and any further action to be taken.