

NFTHD #18: Intercompany complaints

In this Notes from the Help Desk, we explore intercompany complaints. What are your rights and responsibilities when you believe conduct does not align with the Code?

Our Medicines Australia is committed to the fair and ethical administration of the Code of Conduct, including the provision of a robust and independent complaint and appeal process. This ensures that all parties are entitled to fair and equitable treatment. For Company-initiated complaints this means that Companies will first seek to resolve all complaints through intercompany dialogue (ICD).

In Code Edition 20, the ICD process has been more clearly and specifically described. New Intercompany Dialogue Standards have been introduced and are located in the Code Resource Toolkit. Because they are referenced in the Code, they are binding. A complaint will not be accepted unless there is evidence of the ICD having occurred, and the administrative checks to evidence this are described in the ICD standards.



Responding to a formal complaint

Subject Company must respond to any issues raised by the Complainant within 10 working days

Next steps

After the Subject Company has responded, the parties must organise a meeting* to discuss any unresolved issues within 10 working days

Can't agree to a meeting?

In that case, direct contact between two company senior executive officers must occur and meeting* organised within 2 working days

**Remember, this meeting must occur before a complaint can be sent to Medicines Australia*

After the meeting



The parties have 5 working days to finalise consensus minutes and agreed outcomes from the meeting. The record of this meeting must be submitted to Medicines Australia with the complaint should it proceed.

If it is agreed that further intercompany dialogue is required, this must be undertaken within a further 10 working days

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The Complainant and Subject Company are both encouraged to initiate dialogue at any point in the process. If these general criteria are not met, any ensuing complaint may be returned for more information. These procedures may only be altered by mutual agreement of both parties.

An amendment to Section 15.5 in Code Edition 20 means that failure to follow the ICD Standards may be alleged to be a breach of the Code and can incur a fine of up to \$100k, to be adjudicated by the Code Committee.

Once the intercompany dialogue process is complete and it is clear that the matter will progress to a formal complaint, Companies are obligated to follow the procedures set out in Part F of the Edition 20 (Code Governance).

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