

Membership Selection for Code of Conduct Committees

Medicines Australia ensures the fair and equitable selection of members for the Code, Appeals and Monitoring Committees, which is articulated in the [Medicines Australia Code of Conduct at Section 16](#). This document outlines the guiding principles and procedures for selecting and appointing Committee members.

Guiding Principles

- **Advertise and promote** any vacancies, and ways to be involved in the committees
- **Foster a culture of respect and inclusion** by incorporating the values of equity and diversity in the committee membership
- **Accountability** in the selection process
- **Transparency** of committee membership; publishing membership names and biographies on the Medicines Australia website

The Context

The Code of Conduct establishes the Code of Conduct Committee, The Appeals Committee, and the Monitoring Committee. Authority to these Committees is delegated under the Constitution of Medicines Australia that provides that each Member Company must conform to and be bound by the Code of Conduct, including submitting to the complaints handling process. These Committees provide a robust and independent mechanism to hear and manage complaints made under the Code of Conduct, and to proactively monitor Member Company conduct.

For the Code and Appeals Committees, members for a particular meeting are appointed from a panel of committee members. A member is allocated to a meeting 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 attend either a Code Committee or an Appeals Committee, however no member on an Appeals Committee meeting can have been a member of the Code Committee meeting that heard the original complaint.

For the Monitoring Committee, members are usually consistent, rather than allocated from a panel or any rotational basis. Their function is different, their annual meetings are determined in advance and all Monitoring Committee members are invited to each of these meetings.

The Composition of the Committees

Each Committee needs to have a variety of people representing different fields and expertise, as relevant to the function of the Committee, and in accordance with what is stated in the Code. The Code also

recognises a number of institutions and associations which represent groups of expertise, and thus membership of the committees is drawn from these. These include the Australian Medical Association (AMA), the Australian General Practice Network (AGPN), the Royal Australian College of General Practitioners (RACGP).

The Code also states that members terms will be three years, and members will be eligible for nomination to a maximum of 2 terms. Chairs terms are not limited, but reviewed every three years.

Chair positions

A Panel of Chairs is established. As prescribed in the Code, the Chair of the Code/Appeals Committees needs to be a Lawyer with competition and consumer law experience. When there is a vacancy for a Chair, Medicines Australia will advertise the role through a number of communication channels, as well as approaching relevant professional organisations such as the Law Council of Australia, and those in the states/territories.

Nominations from recognised organisations

When there is a vacancy on a committee, and that vacancy needs to be filled by a nominee from a

prescribed organisation, the relevant organisation will be approached to put forward a nominee. A minimum of one month will be provided to the organisation, to enable sufficient time for them to seek interest from constituents. Medicines Australia will provide that organisation with ample information about the role, including items such as position description, expected time commitments, and remuneration, as well as assisting with any promotional content where required.

Member representatives

Each committee enables representative/s from a member company to attend a committee meeting, as relevant to the complaint or the material being reviewed. They are considered 'full members' of the Committee meeting and have voting rights.

A panel of members is established, collating interested people who fulfil the requirements of the Code in Section 16. A member is invited to a meeting in accordance with the nature of the complaint/appeal/material being reviewed, their availability as well as ensuring no conflicts of interests exist. Whilst each committee meeting is required to have at least one member company representative in attendance, it is less likely that the representative will be consistent, as their appointment to a meeting will be on a rotational basis and in accordance with the meeting content.

Non-member Company representatives

Where a committee is adjudicating a complaint involving a non-member company, there may be one representative from a non-member company (not party to the complaint) which would convene as a full member with voting rights. This non-member representative will be invited to the meeting in accordance with the nature of the complaint/appeal/material being reviewed, their availability as well as ensuring no conflicts of interests exist. The appointment is not ongoing.

Medicines Australia will contact a non-member company on an as-needs basis, and will rotate the opportunity to enable diverse participation over time. Conflict of interest remains critical to the appointment of any Committee member.

Selection considerations

Where Medicines Australia are able to choose a committee member, the following considerations will shape the selection:

- Gender equality and diversity within a committee Although there are no quotas on representation of gender or diversity, each Committee meeting should strive to be as balanced as possible. Where there is a significant gender imbalance, this should be considered in the recruitment strategies and the selection criteria for any committee meeting.
- Knowledge of the Code of Conduct and how it is implemented in the pharmaceutical industry
- Merit of the candidate as per their application.

Note that there will be times that Medicines Australia will be limited in its choice of committee members, especially if they are a nominee from a recognised organisation.

Selection and Appointment

Chairs: Should Medicines Australia receive a number of applications for the role of Chair, the Code Secretariat will consult with at least another existing Chair to determine the suitability of the applicant and together they will decide on the preferred candidate.

Nominees: Should Medicines Australia be offered multiple nominees from an organisation, the Code Secretariat may decide to appoint multiple people, and have them attend Committee members on an alternate-basis.

Member company representatives: The Code Secretariat will ensure that opportunities for engagement with the Code and its committee mechanisms are frequently promoted to membership. From these callouts, interested persons who fit the requirements in the Code can go onto a panel. The Code secretariat will then select and invite a member/s to attend a meeting as relevant to the content and their expertise.

Nominees are appointed through a formal process which includes a formal agreement, for their 3-year term. Chairs terms are not limited. Member company representatives, observers, and any specialists invited to provide expertise on the subject area, will not be formally engaged via an agreement, as their attendance is more ad-hoc and in response to the meeting content. However, all meeting attendees are bound by a confidentiality agreement issued by Medicines Australia.

Transparency of Committee Membership

The Medicines Australia will be transparent about who serves on their Code of Conduct committees. On the Medicines Australia website, Committee members names will be made available, along with a short biography of each member. No contact details will be provided, as the Code Secretariat remains the conduit for all Committee-related business.