



## ODMA CODE OF CONDUCT APPROVED 13 OCTOBER 2010

### PREAMBLE

- 1.1 This document aims to set out the ethics for, and standards of a Code of Conduct for, the activities of ODMA member companies engaged in the marketing of optical and ophthalmic products, supplies and equipment.
- 1.2 The Ethics and Code will be supervised and administered by the Board of Directors of the Association.
- 1.3 The Board of Directors may issue determinations from time to time for the purpose of interpretation of certain sections of the Code.
- 1.4 Complaints concerning alleged breaches of the Code should be reported to the Executive Director of the Association.
- 1.5 Failure to comply with the Code may result in sanctions and/or expulsion.
- 1.6 Adherence to the Code in no way reduces member's liability to comply with the Trade Practices Act or various Commonwealth or State Acts or other requirements.
- 1.7 It is not the purpose of this Code to regulate or in any way control the products of its members as it is felt that there is now adequate legislation designed to safeguard the public by ensuring that all products marketed meet standards of quality, effectiveness and safety which are acceptable in view of present knowledge and experience.
- 1.8 There is no legislation etc that sets appropriate standards for marketing conduct and for this reason, responsible manufacturers and distributors concur in the promulgation of the Code of Conduct and submit to its constraints.
- 1.9 The members shall accept the rules and Code of Conduct as a condition of membership of the Association.

**Optical Distributors and Manufacturers Association of Australia Limited**

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- 1.10 The members acknowledge that the funding for ODMA's projects is predominantly generated by ODMAFAIR.

### **ETHICS AND OBJECTIVES**

- 2.1 To support and protect the character, status and interests of members of that section of the optical and ophthalmic industry who are engaged in the manufacture and/or distribution of supplies, goods and products associated with the optical and ophthalmic industry.
- 2.2 To give the Legislature, public bodies and other organisations the facilities of conferring with and ascertaining the views of companies and persons engaged in the optical and ophthalmic supply industry regarding matters directly or indirectly affecting that industry.
- 2.3 To provide a means of effective communication to those parties and organisations involved in the optical and ophthalmic industry of current developments, processes and products being developed by optical and ophthalmic suppliers and manufacturers.

### **CODE OF CONDUCT** **MEMBERS' OBLIGATIONS**

- 3.1 All members of the Association agree to uphold and abide by the Code of Conduct and Ethics.
- 3.2 To work with the Association and not as individuals, in relation to ODMA's objectives
- 3.3 To answer communications from the Executive Director promptly.
- 3.4 To promote ODMA's events, projects and objectives to all the optical professions including optometrists, dispensers, and ophthalmologists throughout Australia and in particular to the various branches of their professional bodies.
- 3.5 No member of the Association shall have the right to interfere with the competitive rights of any other member.

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- 3.6 In regard to members who do not participate in ODMAFAIR, at the board's discretion a charge could be levied for information given or disseminated concerning the Industry.
- 3.7 All members must use their best endeavours to encourage meeting organisers, OAA, RANZCO, ADOA representatives, etc., to notify the Association in regard to the organisation of Industry displays in conjunction with conferences, scientific meetings etc.
- 3.8 All members should participate in the quarterly survey and other research if relevant to their business, by providing fair and accurate data to ensure integrity of research and reports.
- 3.9 No member company which has declined the opportunity to exhibit on a stand alone basis at ODMAFAIR (The Fair) shall organise an event, product release or function outside the venue in which the Fair is taking place at any time during the three Fair visiting days.
- 3.10 All members must adhere to the rules and regulations set for ODMAFAIR by the organizers and Board of Directors at any time

#### **ADMINISTRATION OF THE CODE**

- 4.1 The administration of the Code shall be supervised by the Board of Directors
- 4.2 Expert advice may be sought externally by the Board of Directors in reaching a decision as to whether or not a breach has occurred.
- 4.3 On receipt of any such information the Executive Director shall acknowledge the complaint in writing within 7 days of receipt.
- 4.4 All such complaints shall be dealt with as expeditiously as possible.
- 4.5 The member who is the subject of the complaint shall be given full details of the information lodged with the Association. The Board of Directors may rule that the name of the member making the complaint need not be disclosed.



- 4.6 A company lodging a complaint may withdraw such complaint with the approval of the Board of Directors .
- 4.7 The Board of Directors may decide, if it is prudent to conduct a hearing before it and may decide as to whether or not the company lodging the complaint, and the company against whom the complaint is made, are present or not, either together or singly.
- 4.8 The subject company will be invited to state within 14 days whether or not the information supporting the complaint is correct, and to give any answer or explanation which may be deemed necessary.
- 4.9 The company shall provide to the Association whatever reference or information is deemed by the Board of Directors to be necessary to fully investigate the complaint.
- 4.10 If the Board of Directors is of the opinion that a breach of the Code has occurred it shall specify the breach that is deemed to have occurred and the reasons for its decision. It will also specify the form of sanction to be applied.
- 4.11 If the Board of Directors considers that no breach has occurred it will so advise both parties concerned, and provide information supporting the decision.
- 4.12 The sanction/s etc, to be levied by the Board of Directors will take the form of :
- ❖ The requirement that the subject company give an undertaking in writing to discontinue or modify any practice which is determined to constitute a breach, with such discontinuance to be effective within seven (7) days of being notified.
  - ❖ The issuing of retraction statements, the format, size, wording mode of publication and method of distribution of such to be subject to the approval of the Board of Directors prior to the release.
  - ❖ The limiting of choice of either or both of the size and location of booths at future ODMAFAIRs and industry displays.

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- ❖ The expulsion of the offending company from membership of the Association.
  - ❖ The issuing of a fine and any relevant conditions as may in the future be ruled on by the full Board of Directors of the Association.
- 4.13 At least 5 members of the Association may call upon the Board of Directors to give reasons for any of their decisions prior to the implementation of the decision.
- 4.14 The decision of the Board of Directors can only be reviewed with the approval and consent of at least 75% of the members.

### AMENDMENTS

- 5.1 Any member may request consideration be given to an amendment, addition or deletion to the Code and such request must be in writing.
- 5.2 The Board of Directors will then either call a special general meeting of members to consider the proposal or may circularise the membership in writing.
- 5.3 Any amendments can only be effective with 75% or more acceptances by the membership.

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