



australian  
pharmacy  
council

## Conflict of Interest Policy

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September 2018 | Version 1.4

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## Document Control

### Document Details

<b>Document ID:</b>	CS-04
<b>Status:</b>	APPROVED
<b>Classification:</b>	Unclassified
<b>File Location:</b>	Intranet
<b>Effective Date:</b>	September 2018
<b>Approved By:</b>	Council
<b>Next Review Date:</b>	September 2021

### Custodian Details

<b>Managed By:</b>	Chief Executive Officers Office
<b>Document Custodian:</b>	Chief Executive Officer
<b>Responsible Officer:</b>	Executive Officer

### Version Control History

Version	Release Date	Remarks	Revision Class (Major/Minor/No Change)	Author
0.1	Aug 2013	Policy review	Minor	B Clark
0.2	Apr 2014	Inclusion of Advanced Practice Credentialing Committee	Minor	A White
1.0	Feb 2015	Change to new template, inclusion of evaluator panels and minor revisions	Minor	A Matthews
1.1	Jan 2016	Updated control pages	Minor	J Edwards
1.2	Sep 2016	Amended scope to be generic	Minor	J Edwards

Version	Release Date	Remarks	Revision Class (Major/Minor/No Change)	Author
1.3	Oct 2016	Generalised committees and evaluators.  Removing reference to Credentialing	Minor	J Edwards
1.4	Sep 2018	Three-year review. Update of APC staff positions	Minor	J Edwards

## Glossary of Terms

Term	Meaning
<b>Actual conflict</b>	A conflict that exists in fact.
<b>Committee</b>	Includes all committees appointed by Council. Members of these committees are those appointed by Council following a selection process, and nominees of professional organisations. The function of the nominees is to provide subject matter expertise where appropriate and provide a profession-wide perspective on matters under consideration. Members and nominees may serve on more than one committee and may also be Councillors.
<b>Conflict of interest</b>	A conflict that may arise when an individual has duties, roles or relationships that may improperly influence the performance of the duties of their role with the APC. Conflicts may be actual, perceived or potential.
<b>Councillor</b>	An individual who is, for the time being, a director of the APC including, where appropriate, alternates.
<b>Fiduciary duty</b>	A duty of Councillors and committee/panel members to act in good faith, in the best interests of the company/committee and for proper purpose and to not misuse position or information to gain advantage.
<b>Non-pecuniary interest</b>	An interest involving an actual or potential financial gain or loss. It may result from a Councillor or committee member or a related party owning property, holding shares or a position in a company bidding for work, accepting gifts or hospitality, or receiving an income from a second job. Money does not need to actually change hands for an interest to be pecuniary.
<b>Perceived conflict</b>	A conflict that has been, or could be inferred.
<b>Potential conflict</b>	A conflict that may arise in future.

## List of Abbreviations

<b>Abbreviation</b>	<b>Term</b>
<b>APC</b>	Australian Pharmacy Council
<b>CEO</b>	Chief Executive Officer

# Conflict of interest

## 1. Purpose

The APC is committed to maintaining high ethical standards, honesty and transparency in everything that it does. The APC operates in an environment, and performs functions, where conflicts of interest may arise.

The APC recognises the complexities involved in the management of conflicts of interest, and seeks to ensure that its procedures are clear, executable and accessible. Conflicts of interest must be effectively managed to maintain the rigor and credibility of decisions made by the APC when performing its functions.

## 2. Scope

This policy applies to, but is not limited to, APC Councillors and members of Committees, Working Groups, Advisory Groups and APC Evaluators.

## 3. Overview

The Constitution of Australian Pharmacy Council Ltd (the Constitution) states that Councillors and Committee members<sup>1</sup> must obey the general law in respect of disclosure of conflicts of interest and comply with section 191 of the *Corporations Act 2001* in respect of disclosure of material personal interests<sup>2</sup>. It is the responsibility of all Councillors and Committee/Panel members to declare conflicts of interest in writing, and to disclose conflicts of interest within the agenda of a meeting of the Council or Committee or when undertaking an evaluation process.

## 4. Policy Statement

It is the responsibility of the APC to maintain a register of interests for all Councillors and Committee/Panel members, and to update that register in accordance with the procedures described in this document. The APC also has a responsibility to record conflicts of interest disclosed as they arise in meetings.

See Section 7.0 for supporting documents to assist compliance with this policy.

## 5. Roles and Responsibilities

### 1. Chief Executive Officer

- Policy custodian

### 2. Company Secretary and Executive

- Policy direction, guidance to Council and to respective Committees/Panels
- Ensure the policy is implemented and that Councillors and Committee members are informed of their requirements under this policy

### 3. Councillors, Committee and members of Evaluator Panels

- Ensure their understanding of the policy and that they are compliant with its requirements and related procedures

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<sup>1</sup> Section 7 – Delegation of council powers and establishment of committees.

<sup>2</sup> Section 8 – Councillor's duties and interests

## 6. Supporting Procedures

(See Section 7.0 for supporting documents referred to in this Section).

### 6.1. Declaration of interests

Statements declaring conflicts of interest must be completed annually by each Councillor and Committee/Panel members using the Annual Standing Declaration of Interest. Where a Councillor is also a Committee member, or a Committee member serves on more than one Committee, a single, comprehensive statement is sufficient to constitute declaration for each role. The APC register of interests is to be maintained by the Company Secretary.

### 6.2. Disclosure

Conflicts of interest must be disclosed prior to each Council and Committee meeting. Interests that relate to matters to be discussed or decided in a meeting (i.e. agenda items) must be disclosed in writing on the Meeting Potential Conflict of Interest Form included in the agenda papers for the meeting. The Council or committee will determine whether the disclosure is material or not. The minutes of the meeting must record the nature of the conflict of interest and how it was handled.

### 6.3. Management of conflicts of interest in meetings

If the Council or committee determines that a disclosed conflict is material, one of the following actions **MUST** be taken when the agenda item in question is reached:

- the conflicted party will refrain from discussion of the item and from any vote that may arise; OR
- the conflicted party will leave the room for the duration of the agenda item; OR
- a resolution will be put to the members present identifying the conflicted party, the nature and extent of the party's interest in the matter and its relation to the item; and stating that the members present are satisfied that the interest should not disqualify the party from voting or being present.

It is important to note that a member who merely declares a conflict of interest and does not participate in a decision or simply leaves the room may not be seen to have fulfilled their fiduciary duty. While it may not be appropriate to vote or speak in favour of a resolution in a matter where a Councillor or Committee member has a conflict of interest, they may still maintain a duty to disclose whatever information they may have that is relevant to the issue under consideration.

### 6.4. Record Keeping

Formal declaration and disclosure of conflicts of interest is made in writing, using the Annual Standing Declaration of Interest and Conflict of Interest Variation Form and the information provided is kept in soft copy format in the Register of Interests.

### 6.5. Breaches of this policy

An intentional breach of this policy constitutes a breach of the Councillor's or committee/panel member's Code of Conduct. The APC Council will be informed of breaches and will determine an appropriate course of action. Breaches of this policy may also constitute contravention of a civil penalty provision of the Corporations Act 2001, and may incur a pecuniary penalty.

## 6.6. Privacy

The APC is bound by the Privacy Act 1988, and the Privacy Amendment Act 2012, which prescribe the treatment of personal information that is collected and retained by the APC.

## 7. Related documents/ Links

### Policies

1. [Constitution of Australian Pharmacy Council Ltd](#)
2. [Duties and Responsibilities of Councillors](#)
3. [Duties and Responsibilities of Committee Members](#)
4. [Code of Conduct for Councillors](#)
5. [Code of Conduct for Committee Members](#)

### Supporting documents

1. [Declaration of Conflicts of Interests for: Councillors, Committees, Working Groups, Advisory Groups and Evaluators Form](#)
2. [Variation of Declaration of Conflict of Interest](#)
3. [Meeting Potential Conflict of Interest Form](#)

## 8. References

[Corporations Act 2001](#)

[Health Practitioner Regulation National Law Act 2009](#)

[Privacy Act 1988](#)

[Privacy Amendment \(Enhancing Privacy Protection\) Act 2012](#)

[Privacy Amendment \(Notifiable Data Breaches\) Act 2017](#)

[Privacy Regulation 2013](#)



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