



australian
pharmacy
council

Conflict of Interest Policy

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Glossary of Terms

Term	Meaning
Actual conflict	A conflict that exists in fact.
Committee	Includes all committees appointed by the Board. Members of these committees are those appointed by the Board 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 Directors.
Conflict of interest	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.
Director	An individual who is, for the time being, a director of the APC including, where appropriate, alternates.
Fiduciary duty	A duty of Directors 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.
Non-pecuniary interest	An interest involving an actual or potential financial gain or loss. It may result from a Director 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.
Panels	Panel, in this context, covers Working Groups, Advisory Groups, Expert Advisory Groups and Reference Groups.
Perceived conflict	A conflict that has been, or could be inferred.
Potential conflict	A conflict that may arise in future.

List of Abbreviations

Abbreviation	Term
APC	Australian Pharmacy Council
CEO	Chief Executive Officer

Conflict of Interest Policy

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 Directors and members of Committees/Panels APC Evaluators and other contributors to the work of the APC.

3. Overview

The Constitution of Australian Pharmacy Council Ltd (the Constitution) states that Directors and Committee/Panel members¹ 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 interests². It is the responsibility of all Directors, Committee/Panel members, evaluators and contributors to declare conflicts of interest in writing, and to disclose conflicts of interest within the agenda of a meeting of the Board, Committee/Panel or when undertaking an evaluation process or contributing to a piece of work for the APC.

4. Policy Statement

It is the responsibility of the APC to maintain the appropriate register of interests for all Directors, Committee/Panel members, evaluators and contributors and to update the relevant 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 as part of the formal minutes of the respective meeting.

5. Roles and Responsibilities

1. Chief Executive Officer
 - Policy custodian
2. Company Secretary, Executive and Secretariats
 - Policy direction, guidance to the Board and to respective Committees/Panels
 - Ensure the policy is implemented and that Directors, Committee/Panel members, evaluators and contributors are informed of their requirements under this policy
3. Directors, Committee/Panel members, evaluators and contributors
 - Ensure their understanding of the policy and that they are compliant with its requirements and related procedures

¹ Section 7 – Delegation of council powers and establishment of committees.

² 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 by each Director, Committee/Panel member, evaluator and contributor:

- at the commencement of their term/contract, whichever is applicable
- and subsequently annually for the term of their engagement

Where a Director is also a Committee/Panel member, or a Committee/Panel member serves on more than one Committee/Panel, separate statements are to be completed which are held and recorded on the respective registers by the secretariat for that group.

Separate registers of COIs will be maintained by each Secretariat responsible for the Board, Committee/Panel, evaluators and contributors.

6.2. Disclosure

Conflicts of interest pertaining to a meeting agenda must be disclosed prior to each Board and Committee/Panel 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 Board or Committee/Panel members 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 Board or Committee/Panel 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 Director or 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 Director or Committee/Panel 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 relevant Register of Interests.

6.5. Breaches of this policy

An intentional breach of this policy constitutes a breach of the Director's or Committee/Panel member's Code of Conduct. The APC Board 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 Directors](#)
3. [Duties and Responsibilities of Committee Members](#)
4. [Code of Conduct for Directors](#)
5. [Code of Conduct for Committee Members](#)

Supporting documents

1. [Declaration of Conflicts of Interests for: Directors, 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](#)

