



**Australian Government**

**Department of Health  
and Aged Care**

# **DIAGNOSTIC IMAGING STAKEHOLDER COMMITTEE**

## **Member Guidelines**

**2023**



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## **1. Introduction**

The Diagnostic Imaging Stakeholder Committee (DISC or “the Committee”) was first established in 2012 and extended further in 2015 and 2019. The Committee has now been extended until 30 June 2027. The Committee is a forum which allows for consultation by the Department of Health and Aged Care (“Department”) on issues relating to the Medicare Benefits Schedule.

The Diagnostic Imaging Stakeholder Committee Secretariat of the Department provides administrative support for the Committee.

## **2. Role of Committee**

The role of the Committee is to provide a forum for the Department to consult with stakeholders on diagnostic imaging matters relating to the Medicare Benefits Schedule. DISC provides a forum for the Department to engage with diagnostic imaging stakeholders, including industry, clinicians, government, and consumer representatives, more broadly.

## **3. Terms of Reference**

The Committee will:

Discuss issues relating to diagnostic imaging and the diagnostic imaging sector, including:

- a. diagnostic imaging policy and regulatory issues relating to Medicare, including the provision of advice on technical policy changes to ensure legislation is aligned with contemporary clinical practice; and
- b. changes and trends in the utilisation of diagnostic imaging services.

Provide a mechanism for government to consult with the broader diagnostic imaging sector, and for cross-sector industry consultation.

## **4. Composition of the Committee**

The Committee has 20 members comprising a Chair and 19 other members.

Membership of DISC is by nomination, on a representative basis.

Membership is drawn from peak bodies representing:

- diagnostic imaging service providers;
- those involved in the delivery of diagnostic imaging services; and
- consumers and major referrer groups to diagnostic imaging.

The members bring with them a wide range of experience in the delivery of diagnostic imaging services, including practice management and administration, as well as the implementation of safety and quality frameworks in health care and consumer advocacy.

Committee membership will be provided once offers of appointment are accepted.

In addition to DISC members, each organisation can nominate at least one observer (dependent on the size of the representative organisation) to participate in the DISC meeting on an ad-hoc basis. Observers will be required to complete a Confidentiality and Conflict of Interest Privacy and Secrecy Deed Poll form. The Form must be completed by members and observers on a yearly basis for the life of the committee.

## **5. Terms of Appointment**

Each member is appointed based their individual skills, knowledge and expertise and holds their appointment at the discretion of the Assistant Secretary, Diagnostic Imaging and Pathology Branch, Medicare Benefits and Digital Health Division (AS, DIPB).

Committee member appointments will generally be for a period of up to four years. It is intended that the term of the appointment for members of this Committee will be the period commencing the date of Acceptance of Appointment to 30 June 2027.

Members may resign from the Committee at any time by providing advice in writing to the AS, DIPB (copied to the Secretariat) at least four weeks prior to the date of resignation.

The AS, DIPB will consider appointments to vacancies, as appropriate.

The AS, DIPB retains the discretion to terminate a member's appointment to the Committee at any time and for whatever reason.

## **6. Proxies**

Where a committee member is unable to attend a meeting, proxies **will** be allowed to participate in the meeting on a representative basis. All benefits associated with participating in the meeting will be granted to the proxy.

## **7. Confidentiality**

Committee members may, on occasion, be provided with confidential material. Members are not to disclose this material to anyone outside the Committee and are to treat this material with the utmost care and discretion and in accordance with terms of their confidentiality agreement.

## **8. Conflict of Interest**

Conflict of interest is defined as any instance where a committee member, partner or close family friend has a direct financial or other interest in matters under consideration or proposed matters for consideration by the Committee. A member must disclose to the Chair any situation that may give rise to a conflict of interest or a potential conflict of interest and seek the agreement of the Chair to retain the position giving rise to the conflict of interest. Where a member gains agreement to retain their position on the Committee, the member must not be involved in any related discussion or decision-making process.

Each Committee meeting will have a standing item on its agenda to consider conflicts of interest. At the meeting, the Chair will request that members declare potential conflicts of interest. Based on the agenda, the Chair will deem whether the member can participate in discussion relating to the agenda item or whether the member should remove themselves for the duration of the agenda discussion. Declarations will be recorded in the meeting minutes.

Members, proxies, and observers may only attend a meeting when they have signed a Confidentiality and Conflict of Interest Privacy and Secrecy Deed Poll form (**Appendix 4**).

## **9. What conflicts should be declared?**

**Actual conflicts of interest**, where an individual has an interest (whether financial or non-financial) or an affiliation that **affects or will affect** their ability to perform work under the Appointment fairly and independently. Examples include where the individual providing the declaration:

- directly benefits from the Commonwealth accepting the person's advice;
- directly receives funding from the Department under another agreement; or
- is advising on an arrangement or assisting formulating policy relating to an industry or business, in which they have a financial interest or on which they sit on a board.

**Potential conflicts of interest**, where an individual has an interest (whether financial or non-financial) or an affiliation that **may affect** their ability to perform work under the Appointment fairly and independently. Examples include where the individual providing the declaration:

- is appointed as a committee member but is also an industry representative of a relevant industry;
- conducts work for other organisations who work for the Department;
- is involved in a selection process in which a relative or friend is an applicant; or
- has previously worked for, or received funding or gifts from, a company being recommended for a contract.

**Perceived conflicts of interest**, where an individual has an interest (whether financial or non-financial) or an affiliation that **could be perceived to affect** their ability to perform work under the Appointment fairly and independently. Examples include where the individual providing the declaration:

- partakes in recreational activities which could be perceived to be at odds with the Department's agenda or objectives under the Appointment; or
- has a reasonably close friendship with a sitting member of the Parliament of Australia and they are regularly seen in public together.

A Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll form **MUST** be completed by all Members on an annual basis however, this can be updated at any time as required.

## 10. Official Business

A committee member will be deemed to be undertaking official committee business:

- while participating in meetings of the Committee, and
- while undertaking a task at the request of the Chair, including representing the Committee on other committees, sub-committees or forums approved by the Chair.

**Note:** Formal speeches and papers to be delivered by a member on behalf of the Committee should be cleared with the Chair and the Secretariat prior to presentation. A copy is to be provided to the Secretariat.

## 11. Insurance

The Department's insurance coverage for legal liabilities extends to committee members who act in an official capacity on behalf of the Department.

The Department's insurance does not extend to cover the member's private travel arrangements for example private motor vehicle or passengers.

## 12. Support for Committee

The work of the Committee is supported by the Secretariat located within the Diagnostic Imaging Section, Diagnostic Imaging and Pathology Branch of the Department.

Staff members of the Secretariat have knowledge of diagnostic imaging sector and a good knowledge of the Department's programs and organisational structure. Contact details for members to contact within the Secretariat is available at **Appendix 1**.

The Secretariat is responsible for (if required):

- providing support to the Committee,
- providing policy advice to the Committee,
- developing, in consultation with the Chair, agendas for Committee meetings and other business involving the Department and the Committee,
- distributing of agenda and associated material,
- ensuring all members are kept informed of issues and information relevant to the work of the Committee,
- arranging venues and catering for meetings,
- arranging appropriate travel and accommodation,
- verifying reimbursement of eligible expenses and
- carrying out annual conflict of interest checks.

The Department will not provide a fax, computer, or other equipment on personal issue to a member to undertake business of the Committee.

If the meeting is a virtual meeting and a committee member wishes to deliver a visual presentation, the presentation should be provided to the Secretariat at least two days prior to the meeting, for distribution to other committee members. The presentation can be displayed via the Secretariat's device.

### **13. Operation of the Committee**

At least one DISC meeting will be held each year. It is anticipated that most meetings will be held via teleconference, however, there may be occasions where a face-to-face meeting will occur. It is expected that members will read agenda papers and minutes, however, members may also undertake additional work related to the agenda and outcomes.

The Committee will be chaired by a Departmental representative, the Assistant Secretary, Diagnostic Imaging and Pathology Branch, Medicare Benefits and Digital Health Division. The Chair is ultimately responsible to the Department for the operations of the Committee. The Chair will preside at all meetings at which they are present. If the Chair is absent from a meeting, a Deputy Chair, nominated by the Chair, will preside.

In developing the agenda, consideration will be given to the Terms of Reference of the Committee. The final agenda and related papers will generally be emailed to members two weeks prior to the meeting.

The Outcomes of the meeting will be prepared by the Secretariat. They will provide a concise and focused report of decisions and actions taken. The Outcomes will be sent to members via email after they have been cleared by the Chair.

### **14. Business between Meetings**

The Department may also from time to time call on the assistance of a member to either seek their input and advice or their assistance in obtaining feedback on matters relating to the business of the Committee from a peak or professional body with which they have an affiliation. Additionally, the Department may request technical advice about diagnostic imaging practice and administration from other industry and professional groups to help inform the Committee's deliberations.

The Chair may write and sign letters and conduct business between meetings on behalf of the Committee. The Secretariat must be provided with copies of all correspondence.

Any material that is considered of particular importance and requiring immediate action will be circulated by email.

Members are expected to advise the Secretariat when they have completed agreed actions arising from previous meetings.

### **15. Remuneration**

#### ***Non Statutory Committees – Department***

Not all non-statutory committee members are eligible for remuneration. The table below outlines the types of membership and eligibility for remuneration for members of non-statutory committees under the jurisdiction of the Department.

Type of Membership	Personal Income	Nature of Participation	Remunerated?
Personal	salaried	technical	no
Personal	private income lost	technical	yes
Representative	salaried	technical	no
Representative	salaried	organisational interests	no
Representative	private income lost	organisational interests	no
Consumer organisation employee	salaried	organisational interests	no
Consumer advocate	not applicable	consumer networks	yes

Below lists the current remuneration rates for the committee (if applicable):

Office	Annual Fees Rate (\$)	Daily Fees Rate (\$)
Member	N/A	\$448.00

Under this classification and in view of the terms under which members of the Committee have been appointed, the only members who are eligible for remuneration are a consumer advocate/nominee and those members who incur a loss of private income when attending meetings of the Committee. Members incurring a loss of private income would include members who have taken leave without pay from their paid employment to attend meetings.

In accordance with the Departmental Remuneration Framework, members eligible for remuneration will be paid a sitting fee at a rate in alignments with those specified for technical expert Committees in the relevant Remuneration Tribunal Determination, currently the [Remuneration Tribunal \(Remuneration and Allowances for Holders of Part-time Public Office\) Determination \(No. 2\) 2023](#). The current daily rate is \$448.00.

#### **Commonwealth and State/Territory Employees**

Where a person is employed full-time by the Commonwealth (or a business owned by the Commonwealth) or in the administration of a Territory and is appointed to a part-time public office, section 7(11) of the [Remuneration Tribunal Act 1973](#) prevents that employee from being paid for that part-time public office, even though the Remuneration Tribunal may have set fees for that public office.

Whether a State public servant can receive payment for holding a part-time public office (for example on a Federal Government board) is a matter for the relevant State government.



## 16. Taxation Arrangements

Committee members who are receiving annual fees or daily fees are to notify their Tax File Number Declaration (TFD). The member must complete Tax File Declaration form (**Appendix 6**) provided in the attached weblink.

Taxation instalment deductions will be calculated accordingly to the Australian Taxation Office requirements. If the member does not provide a TFD, a withholding tax will be withheld at the rate of 47% of the remuneration fee.

The Department no longer provides payment summaries. End of financial year income tax statements can be access through the member's MyGov account. If the member does not have a MyGov account, they should visit the attached [weblink](#) on the Services Australia website to create one.

## 17. Salary Packaging

Salary packaging of committee member remuneration payments is **not** allowable for members who are remunerated on a daily fee basis.

## 18. Superannuation

The Department will make an employer superannuation contribution for committee members.

The committee member may choose the superannuation fund or retirement savings account to which the Department will make future superannuation guarantee contributions (10.5%). If the committee member does not make a choice, the Department's 'employer contributions' will be paid into the preferred fund of the Department.

For further information on superannuation see **Appendix 7**.

## 19. Personal Information

The personal information a committee member provides is required to enable the Department to contact the member and to undertake any necessary financial and administrative transactions.

The general information retained by the Department may include:

- members' names,
- contact phone numbers,
- address,
- places of employment,
- curricula vitae,
- cultural background,
- correspondence to members, or
- details of submissions from the Department.

Sensitive information retained by the Department may include:

- tax file numbers,
- financial information,
- culturally sensitive issues, and
- conflict of interest details (eg previous employment with a particular entity).

Staff members have access to this information on a "need to know" basis. Access is restricted to management and the Secretariat staff servicing the Committee.

Generally, the records are retained as per the [Administrative Functions Disposal Authority](#).

Members may contact the Freedom of Information Unit on (02) 6289 1666 or by calling the toll-free number 1800 020 103 (extension 1666) to obtain advice regarding access to their personal information.

## 20. Travel Arrangements

### ***Travel Allowance Rates***

Committee members travelling on official committee business are regarded as being on official government business and may receive travel allowance and reimbursement for additional expenses.

Where the committee member receives travel allowance or reimbursement of travelling expenses from any other source for the same travel, the Department will not make a payment of travel allowance or expenses to the member.

Where travel on official business does not require an overnight absence, the Department will not make a payment of travel allowance.

Committee members attending an event where meals are provided will not receive the component of the travel allowance in respect of those meals.

Committee members will be paid travel allowance in accordance with the [Remuneration Tribunal \(Official Travel\) Determination 2023](#) and the [Remuneration Tribunal Amendment Determination \(No. 6\) 2023](#).

The level of travel allowance is at the Tier 3 rate.

Current rates of travel allowance as determined by the Remuneration Tribunal are at **Appendix 2**.

### ***Accommodation***

Accommodation may be:

- booked and paid by the Department through:
  - the accommodation reservation service provider, The Hotel Network, or
  - other accommodation providers,
- booked and paid by the committee member when making their own arrangements.

### ***Air Travel***

All committee business related flights will be booked by the Secretariat through the Department's travel management company, Qantas Business Travel. Committee members are not to book their own flights and seek reimbursement from the Department.

When booking travel, the Department is to comply with the Government's 'Best Fare of the Day' policy. The Best Fare of the Day is "the cheapest fare which suits official requirements". Members for this Committee are entitled to fly economy class.

Where practicable, committee members should travel on the day of the meeting or other event. Confirmation of reservation will be forwarded to members.

The preferred method of air travel ticketing is an E-ticket. A boarding pass will be provided to the member prior to departure on proof of identity at the outgoing airport terminal.

Members are responsible for contacting the Secretariat if they would like their flights changed. The Secretariat will ensure the members are made aware of their revised air travel arrangements.

The Department does not belong to a frequent flyer scheme and members will not accrue frequent flyer points for air travel undertaken in conjunction with committee related business.

The Department will not pay any additional costs incurred for the member's private business.

The Department will not pay airline lounge membership for committee members.

It is likely that DISC meetings will be held via videoconference, and in-person meetings will be rare.

### ***Use of Private Vehicle***

While air travel is the preferred means of transport, alternative means of travel may be approved when it is considered to be in the best interests of the Department.

Members may claim motor vehicle allowance if they travel by their own vehicle to/from a meeting. Motor vehicle allowance is paid according to the [Remuneration Tribunal \(Official Travel\) Determination 2023](#) a flat rate of 85 cents per kilometre.

Prior to travel the Expenditure Approver has a duty of care to sight a copy of the member's driver licence, insurance and registration documentation.

The member will receive the lesser of the calculated motor vehicle allowance or the amount the Department would have to pay for the flights (where an airline service is not in operation the motor vehicle allowance is payable).

Any traffic or parking infringements sustained by the member will be the responsibility of the member.

## **21. Payment Arrangements**

### ***General Information***

Payment of members' remuneration, travel allowance and additional expenses will be made:

- within one week following the month in which the expenditure is acquitted,
- by electronic funds transfer into a financial institution account of the member's choice.

No committee payments will be made until a completed Committee Member Onboarding form (**Appendix 5**) has been provided by the member to the Secretariat.

The Department will not pay an organisation for the services of an individual on the Committee.

### ***Remuneration Information***

#### ***Remuneration Tribunal (Remuneration and Allowances for Holders of Part time Public Office) Determination (No. 2) 2023***

Remuneration will be paid to members once the Chair has certified that members have attended a formal meeting or conducted the business of the committee. The duration of the formal meeting is to be specified.

The amount of the daily fee to be paid is calculated in accordance with Remuneration Tribunal guidelines which are summarised as follows:

- if a formal meeting is 3 hours or more – full daily fee is paid,
- if a formal meeting, or formal meeting and business of the committee on the day of a formal meeting, is two hours or more but less than three hours – an amount equal to 60% of the daily fee is paid, or
- if a formal meeting is less than two hours – an amount equal to 40% of the daily fee is paid.

The daily fee for a formal meeting includes a component to cover normal preparation time, but where the Chair considers the period of preparation time involved is so unusual as to warrant further remuneration recognition that period may be included as business of the committee.

### ***Aggregation of hours (sometimes referred to as Preparation Time)***

A committee member may also be paid a daily fee in respect of aggregated periods of business of the committee subject to the following conditions:

- individual periods of business must be conducted on other than formal meeting days,
- each period must be for a minimum of one hour,
- aggregated periods must total at least five hours,
- the maximum payment in respect of any one day shall be the appropriate daily fee, and
- eligibility for each payment must be certified by the Chair.

### ***Business between meetings***

A committee member may be invited to participate in seminars, working parties or other representations between formal meetings. Such participation will be at the member's own expense unless the Chair gives approval for the member to attend in the capacity of the business of the committee.

The Secretariat must be advised of the participation of a member in such events to enable travel arrangements to be made and payments processed.

The Chair may write and sign letters and conduct business between meetings on behalf of the committee. The Secretariat should be provided with copies of all correspondence. No daily fees or travel allowance are payable for consultation between meetings.

### ***Additional costs incurred by the member***

An incidental component is included in the domestic and overseas travel allowance received by committee members. The incidentals component provides the member with assistance for costs associated with private telephone calls, extra food or drink, mini-bar, dry cleaning and newspapers.

The Department may reimburse reasonable and legitimate committee related expenses not covered by the incidental component.

Members may claim additional expenses such as taxi fares, parking fees and committee related phone calls. Reimbursement for expenses valued at \$82.50 (GST incl) and above, must be accompanied by a tax invoice and all other expenditure should be evidenced by an original invoice or receipt.

Where the committee member has lost an invoice valued below \$82.50, it is at the discretion of the Department's Expenditure Approver to approve the reimbursement of the unreceipted expenditure. However, in accordance with the Taxation legislation the Department must have the Tax Invoice for goods and services valued \$82.50 (GST incl) and over to claim the input tax credit.

## **22. Media Contact**

All contact with the media will require consultation with the Chair and Secretariat. Any information to be released to the media will need to be cleared through the Department's Communications Branch.

### 23. Forms to be Completed

Committee members will need to complete and return the following forms to the Secretariat

Diagnostic Imaging Stakeholder Committee Secretariat  
Department of Health and Aged Care  
MDP 851  
GPO Box 9848  
CANBERRA ACT 2601

or [DISC@health.gov.au](mailto:DISC@health.gov.au)

- Instrument of Appointment and Acceptance of Appointment Form (**Appendix 3**),
- Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll (External Committee Members) (**Appendix 4**),#
- Committee Member Onboarding Form (**Appendix 5**),
- Tax File Number Declaration Form (**Appendix 6**), and
- Superannuation Choice Form (**Appendix 7**).

# A Deed of Confidentiality and Conflict of Interest Form must be completed annually during the term of appointment.

## **Appendix 1: List of Secretariat Staff Members**

Director  
Diagnostic Imaging Section  
Department of Health and Aged Care  
MDP 851  
GPO Box 9848  
CANBERRA ACT 2601

OR

Diagnostic Imaging Stakeholder Committee Secretariat  
Diagnostic Imaging Section  
Department of Health and Aged Care  
MDP 851  
GPO Box 9848  
CANBERRA ACT 2601

Email: [DISC@health.gov.au](mailto:DISC@health.gov.au)

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**Appendix 2: Travel Allowance Rates**

[Remuneration Tribunal \(Official Travel\) Determination 2023](#)

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### **Appendix 3: Instrument of Appointment and Acceptance of Appointment Form**

Instrument is prepared for each individual member and provided separately.

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**Appendix 4: Confidentiality, Conflict of Interest, Privacy and Secrecy Deed Poll  
(External Committee Members)**

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**Australian Government**  
**Department of Health  
and Aged Care**

# **CONFIDENTIALITY, CONFLICT OF INTEREST, PRIVACY AND SECRECY DEED POLL**



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# Background

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- A. I am appointed to form a part of a committee to advise or assist the Australian Government in accordance with the terms of my Appointment.
- B. I provide the undertakings set out below in respect of my Appointment.

## Operative provisions

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### 1. Definitions

In this deed:

**Appointment** means the appointment described in Item 2 of the Schedule.

**Confidential Information** means information that is:

- (a) by its nature confidential;
- (b) identified as confidential by the Department; or
- (c) information that I know or ought to know is confidential,

but does not include information that is or becomes public knowledge other than by breach of this deed or any other confidentiality obligation.

**Conflict of Interest** means any circumstance in which I have an interest (whether financial or non-financial) or an affiliation that is affecting, will affect, or could be perceived to affect, my ability to perform the Appointment, fairly and independently.

**Department** means the Commonwealth of Australia represented by the Department of Health and Aged Care ABN 83 605 426 759.

**I** means the person named in Item 1 of the Schedule.

**Information** includes Confidential Information, Personal Information and Secret Information.

**Personal Information** has the meaning given in the *Privacy Act 1988* (Cth).

**Secret Information** means information about an individual or organisation that is required to be kept secret by legislation administered by the Department (for example under the *Health Insurance Act 1973* (Cth) and the *National Health Act 1953* (Cth)).

### 2. Benefit of deed poll

I make this deed poll for the benefit of the Department.

### 3. Access to and disclosure of Information

I understand that:

- (a) in the course of performing work under the Appointment, I may receive or have access to Information, which I must protect from unauthorised use and disclosure;
- (b) I must not use the Information, or disclose the Information to any person, except:
  - (i) for the purposes of carrying out my duties under my Appointment;
  - (ii) with the express written permission of the Department; or
  - (iii) where I am required by law or court order and I have notified the Department;

- (c) if I disclose Information, I must make sure that any person with whom I share the Information has a “need to know” the Information and understands that the Information must be treated as confidential and that an offence could apply if the person further shares the Information; and
- (d) I must advise the Department immediately if I become aware of any unauthorised use or disclosure of the Information (including unauthorised access).

#### **4. Deletion or delivery of Information**

I acknowledge that:

- (a) the Department has obligations under the *Archives Act 1983* and that I must not delete the Department’s information unless in accordance with the Department’s policies; and
- (b) when requested by the Department, I must deliver or permanently and irreversibly delete all Information in my possession or control using the methods and within the timeframes requested by the Department.

#### **5. Declaring and managing Conflicts of Interest**

- (a) I confirm that, to the best of my knowledge, as at the date of this deed no Conflict of Interest exists or is likely to arise in relation to my Appointment except in relation to the Conflicts of Interest declared in Item 3 of the Schedule to this deed.
- (b) I agree to take such steps as the Department may reasonably require to resolve or otherwise deal with any Conflicts of Interest declared in Item 3 of the Schedule to this deed.
- (c) If a Conflict of Interest arises during the course of my Appointment (whether directly or indirectly), or appears likely to arise, I understand that I must:
  - (i) immediately notify the Department in writing of the Conflict of Interest making a full disclosure of all relevant information relating to the Conflict of Interest; and
  - (ii) take such steps as the Department may reasonably require to resolve or otherwise deal with that Conflict of Interest.
- (d) I understand that I am required to complete and submit this deed annually to the Department for the duration of my Appointment.

#### **6. Offence provisions**

I understand that:

- (a) disclosure of the Information may be an offence under the Part 5.6 of the Schedule to the *Criminal Code Act 1995* and other laws; and
- (b) under section 137.1 of the Schedule to the *Criminal Code Act 1995*, giving false or misleading information to the Commonwealth is a serious offence.

#### **7. Waiver**

I understand that provisions of this deed may not be waived except in writing by the Department.

#### **8. Survival**

This deed survives the termination, suspension or completion of the Appointment.

## **9. Applicable law**

This deed is governed by, and construed in accordance with, the law of the Australian Capital Territory.

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## Schedule – Deed Details

Item	Description	Details
1.	<b>Details of person completing Deed Poll</b>	<b>Name:</b> <b>Phone:</b> <b>Email:</b> <b>Physical address:</b>
2.	<b>Appointment</b>	<b>Description:</b> Appointment to the Diagnostic Imaging Stakeholder Committee made by letter from the Assistant Secretary, Diagnostic Imaging and Pathology Branch, and accepted by return letter. <b>Legislation:</b> NIL <b>Program:</b> Medical Benefits Program <b>Date and term of appointment:</b> 1 February 2024 to 30 June 2027
3.	<b>Conflict of Interest Declaration</b>	I declare that I have the following Conflicts of Interest in relation to my Appointment: <i>(Insert details below or insert 'Nil')</i>

## Execution

**EXECUTED** as a deed poll

**SIGNED, SEALED and DELIVERED** by

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Name of witness (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## Appendix 4a: Conflict of Interest Guidance Document

(includes scenario examples at the end of this document)

### What is a conflict of interest?

A conflict of interest can be defined as '... a conflict between the public duties and personal interests of an employee that improperly influences the employee in the performance of his or her duties.'

"Personal interests" are matters connected to an individual's personal circumstances. They may cover financial (e.g. shareholdings, small business ownership, company directorships or partnerships) and non-financial private interests (e.g. personal or family relationships or associations), as well as the private, professional or business interests of individuals or groups with whom the person has a close association (e.g. spouse or partner, relatives or close friends).

Conflicts of interest may be real or apparent. A real conflict of interest occurs when there is an actual conflict between the public duty and personal interests of an employee that improperly influences the employee in the performance of his or her duties. An apparent conflict of interest occurs where it appears that an employee's personal interests could improperly influence the performance of his or her duties, but this is not in fact the case. A real or apparent conflict of interest for contractors and consultants is any matter, circumstance, interest or activity affecting them (including their personnel) which impairs their ability to provide services to the department fairly and independently, or could be perceived or appear to do so.

The personal interests of an employee's partner or spouse, family members or close personal friends can also present a real or apparent conflict of interest for an employee, when those interests may be furthered or advantage gained through departmental policies, activities or decisions which the employee has knowledge of, or has direct and substantive influence over.

Examples of situations in which the personal interests of a partner or spouse, family member or close personal friend can represent a real or apparent conflict of interest for an employee could include:

- the employee is assessing tenders from a company or organisation in which their partner or spouse, family member or close personal friend has an interest (e.g. is the business owner/partner or a company director)
- the employee is responsible for undertaking or determining regulatory activities which apply to a business or organisation in which their partner or spouse, family member or close personal friend has an interest
- two employees are in a close personal relationship or friendship, where one is able to advantage the other by influencing decisions or exercising delegations to favour them in workplace opportunities, or access to conditions, benefits or other entitlements.



The appearance of a conflict of interest is as important as any real conflict of interest. Both these situations have the potential to undermine the credibility of a project, process or decision. In situations of close personal relationships at work, real or perceived patronage or favouritism may impact on morale and productivity, as well as the credibility and professionalism of the individuals.

### **What needs to be disclosed?**

Both section 13(7) of the [PS Act](#) and section 29 of the [PGPA Act](#) require employees to disclose 'material' personal interests relating to their employment with the department. To be 'material', the employee's personal interest must be such that a reasonable person would draw a connection between the interest and the employee's duties (i.e. there needs to be a real or reasonable possibility of conflict with the employee's duties and not simply a remote or theoretical possibility of a conflict occurring).

There is no standard list of items which must be disclosed. Employees need to consider their personal circumstances and disclose those personal interests or relationships which would reasonably be considered as 'material'. Relevant factors in determining what needs to be disclosed include:

- the department's functions and responsibilities and its particular probity concerns and
- the employee's specific role and responsibilities.

Personal interests which could be 'material' and which may need to be disclosed are not limited to financial interests and could include:

- small business ownership
- company directorships or partnerships
- shareholdings
- trusts or nominee companies
- previous employment for employees undertaking specific roles (e.g. regulatory, investigative or compliance)
- real estate investments
- gifts and benefits
- participation on boards or committees
- memberships or affiliations with associations, community groups and other organisations (either past or present)
- paid, unpaid or voluntary outside employment
- personal and family relationships or associations (either past or present)
- hostile relationships with other persons or organisations.

### **When can a conflict of interest occur?**

A conflict of interest resulting from the interaction of an individual's personal interests, relationships or associations (either past or present) with their duties can occur in a wide range of circumstances during the course of their APS career. Without limiting the situations and circumstances where a conflict of interest may arise, the following are some of the more common situations in which employees will need to be aware of real or apparent conflicts of interest.

## Participation on committees

The department has a large number of committees. Some comprise a chair and/or members appointed by the Minister. The way in which conflict of interest should be managed for committees will vary depending on:

- the nature of the committee
- the method by which the members have been selected or appointed and
- the extent to which the committee influences decision making, rather than receiving information or providing general advice.

The following model should be applied when the committee is formal, and has significant influence on decision making. This model can be modified as necessary to suit the circumstances of each particular committee, and any specific legislative requirements on the handling of conflict of interest issues (e.g. requirements contained in the [National Health and Medical Research Council Act 1982](#)).

If the appointment is made by the Government, within a month of being appointed, the chair of the committee must give to the Minister, and members of a committee must give to the chair, a written declaration of interests the member has that may relate to any activity of the committee. Chairs of other committees where members are appointed by the department should provide similar information to the Secretary.

In any situation that gives rise to a real or apparent conflict of interest, the member should immediately declare that conflict of interest to the chair of the relevant committee and seek the chair's agreement to retain their position.

In assessing the appropriate response if a conflict of interest has arisen, the chair of the committee should consider both the real or apparent conflict. The department should also be notified of the real or apparent conflict of interest.

If the appearance of conflict may undermine or lead to questions about the credibility of the committee of particular project, the chair should take appropriate action to avoid or minimise that impact. Ideally the person involved should step down from any involvement with that committee or particular project. This, for example, could entail not attending meetings when the committee considers the matter or not taking part in any discussion of the committee in relation to the matter.

If this is not possible because that person is the most suitable, or the only person with the required expertise, the chair should consider ways in which any actual or perceived bias can be overcome (e.g. seeking references, declaring the potential interest in documentation relating to the project). Where relevant, the public consultation process may also minimise the impact of any actual or perceived bias.

### **Other committees and negotiations**

From time to time the department will create time-limited committees, or negotiate with external parties in order to reach agreements. For participants in such committees or negotiations, there remain personal obligations for all involved individuals to recognise and manage any conflict of interest or the appearance of such conflict.

Notwithstanding the personal obligation of each participant, departmental employees must:

- raise and document the real or apparent conflict of interest
- determine how the department should respond to any such conflicts and
- report to the Minister or Secretary as appropriate.

Managers in all forums are expected to remain alert to the possibility of a conflict of interest arising, and to raise it with the committee or other relevant body if deemed necessary. However, the actual method of dealing with a conflict of interest needs to fit the situation. The above principles apply equally to internal committees in the department where there are no or few external members. However due to the nature of the committee and the issues discussed, conflicts of interest may arise less frequently.

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**Regardless of the situation, it is essential that:**

- any conflict of interest disclosed during a committee meeting is recorded in the minutes
- a conflict of interest disclosed to the chair outside meeting times is recorded in the minutes of the next committee meeting and
- copies of any declarations of interest are kept on file.

If minutes are not generally kept of a committee's proceedings, then the chair of the committee is responsible for documenting in a file note the declaration and subsequent decision on resolving the conflict.

**Insider trading**

Insider trading is the trading of securities or a wider set of financial products (as defined in s.1042A of the [Corporations Act 2001](#)) while in possession of information which is not generally available; and if it were, would be likely to have a material effect on the price or value of the security. Insider trading is prohibited under the [Corporations Act 2001](#) and has significant criminal penalties. Insider trading by a member would also be a breach of the APS Code of Conduct requirements to:

- Behave honestly and with integrity in connection with their APS employment
- Comply with all applicable Australian laws when acting in connection with their APS employment
- Not improperly use inside information to gain, or seek to gain, a benefit or an advantage for the employee or any other person and
- Behave at all times in a way that upholds the [APS Values](#) and [APS Employment Principles](#); and the integrity and good reputation of the department and the APS.

Members should be aware that any information they access as a result of their employment with the department may potentially be considered as 'inside' or commercially sensitive information and, as such, they must not trade in shares or other financial products or induce others to do so on the basis of that information. Members must make an assessment of whether any information they have access to in the course of the duties would be considered to be inside information for this purpose, with key considerations being that:

- the information is not 'generally available' (as defined in s.1042C of the [Corporations Act 2001](#)) and
- if it was generally available, a reasonable person would expect it to have a 'material effect' (as defined in s.1042D of the [Corporations Act 2001](#)) on the price or value of financial products.

## Scenario examples

Situations in which 'conflict of interest' (actual, potential or perceived) may arise in relation to external committee members

*We further note the template at Appendix 4 also provides general examples of the circumstances where a member should provide a conflict of interest declaration. We consider those examples more broadly reflect the circumstances in which a conflict of interest may arise than the examples below.*

### Example 1

Person A is appointed to an advisory group tasked with reviewing the efficacy of various medicines that receive government subsidies. The advisory group's recommendations will be provided in a Report to the Minister and could potentially inform whether the medicines being reviewed will continue to be subsidised. Person A holds shareholding in a pharmaceutical company that manufactures a medicine being reviewed by the advisory group. Their spouse is the CEO of a pharmaceutical company which manufactures medicines being reviewed by the advisory group. Person A must disclose their shareholding because they have a financial interest in a medicine being reviewed by the advisory group. There is also a risk of a conflict (potential or perceived) in relation to their spouse's work. Therefore, Person A should also disclose information about the nature of their spouse's work.

### Example 2

Person B is a member of an independent panel that reviews applications for the supply of a particular type of test kit. The panel provides its recommendations (including in relation to performance of the kit) to the relevant drug authority, who determines whether the test kit can be approved for supply based on the statutory requirements. The panel's recommendation can also be used to inform government decision on which supplier's test kit should be purchased for the national stockpile. While Person B predominately works as a medical researcher, through a consultancy arrangement, Person B occasionally collaborates with a testing company to develop and potentially commercialise test kits, that may be reviewed by the panel. Person B should disclose information about their consultancy arrangement with the testing company as there is a conflict with Person B's role on the panel. This conflict arises even though there is no testing kit currently commercialised and being considered by the panel.

### Example 3

Person C is a member of a panel that assesses proposals for research funding and makes recommendations to an Agency's board as to which proposals should be awarded funding. One of the proposals, is from an organisation that Person C had recently provided consultation services in relation to an unrelated project. Person C does not know the individuals who submitted the proposal from the organisation in question and members of the panel are not aware of Person C's previous work with that organisation. There is a risk that assessment of the proposal by Person C could give rise to a reasonable apprehension of bias on the basis that Person C is directly or indirectly affiliated with the organisation seeking the grant. As a matter of caution, after becoming aware of the conflict, Person C should immediately disclose their affiliation with the organisation and not assess the relevant proposal unless the potential conflict can be otherwise appropriately managed.

**Appendix 5: Committee Member Onboarding Form**

Member Onboarding Form is prepared for each individual member and provided separately.

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## Appendix 6: Tax File Number Declaration Form

The Tax File Number Declaration Form can be accessed via [myGov](#), for completion.

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**Appendix 7: Superannuation Choice Form**

The Superannuation Choice Form can be accessed via [myGov](#), for completion.

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