

Pharmacy Premises Committee: Terms of Reference

1. Purpose

The Pharmacy Premises Committee (the Committee) has the following functions:

- To administer Schedule 7 of the [Health Practitioners Act](#) (the Act) including:
 - Monitor and investigate compliance
 - Prosecute offences against Schedule 7
- To advise the Minister for Health on matters relating to the administration and enforcement of Schedule 7.

2. Role and Scope

- 2.1 **Policies and Guidelines:** The Committee may approve a policy or guideline to give practical guidance to pharmacists for complying with Schedule 7 of the Act. All approved policies and guidelines must be published for public access, for example the Committee website.
- 2.2 **Power:** The Committee has the power to do all things necessary or convenient to be done in connection with the performance of its functions.
- 2.3 **Delegation:** The Committee may, in writing, delegate to a person or advisory committee any of its powers or functions.

3. Membership

- 3.1 The Committee consists of members appointed by the Minister for Health.
- 3.2 The Committee:
- Is a body corporate with perpetual succession; and
 - Has a common seal.
- 3.3 Appointments are for a term of three years.
- 3.4 A member may serve any number of terms but is unable to serve more than two consecutively.
- 3.5 The Committee consists of four members:
- Three must be persons who are pharmacists, able to assist the Committee in performing its functions; and
 - One person who is not a pharmacist and is able to represent the interests of patients and consumers of pharmacy services.
- 3.6 The Committee must elect one member to be the Chairperson.
- The Chairperson must be a pharmacist.
 - The Chairperson may resign from office of the Chair and still be a member.
- 3.7 A member vacates office if the member:
- Resigns; or
 - Is removed by the Minister for Health – see definitions in Section 8.
- 3.8 **Registrar:** The Minister for Health must appoint a person to be the Registrar of the Committee.
- 3.9 **Acting Registrar:** The Minister for Health can appoint a person to be the Acting Registrar in the absence of the Registrar.

4. Quorum and Meeting Specifications

- 4.1 A quorum of meeting of the Committee shall be three.
- 4.2 The Chair of the Committee presides over the meeting.
- 4.3 If the Chair of the Committee is absent from a meeting, members may appoint a member to be the Chair for the time during the meeting.
- 4.4 The Committee may permit members to participate in an ordinary meeting by telephone or other means of communication. A member who is permitted to participate in this manner shall be determined to be present at the meeting.
- 4.5 The Committee may allow a person to attend a meeting for the purpose of advising or informing. The persons particulars and declarations must be minuted.
- 4.6 A duly convened meeting of the Committee at which a quorum is present is competent to transact any business of the regulated body.
- 4.7 Questions arising from the meeting must be determined by a majority of votes of the members present at the meeting.
- 4.8 In the event of an equality of votes on a question arising from the ordinary meeting, the question is adjourned until the next meeting or out-of-session deliberation.
- 4.9 Out-of-Session deliberations shall take the following form:
 - Correspondance shall be via electronic means.
 - A quorum of an out-of-session shall be three.
 - Accurate records must be kept for all deliberations.
 - Outcomes of all out-of-session deliberations will be final.
- 4.10 The Chair may determine an extra ordinary meeting to be held. The format of the extra-ordinary meeting will be the same format as for ordinary meetings.

5. Meeting Documentation – Agendas, Minutes and Reporting

- 5.1 Meeting agendas must be sent to all members of the Committee at least seven days prior to the scheduled meeting date.
- 5.2 The Committee must keep accurate minutes of its meetings.
- 5.3 **Annual Report:** The Committee must, before 31 December in each year, provide the Minister for Health a report on its operations for the proceeding financial year.

6. Declaration of Interest

- 6.1 All members must make an annual declaration of their interests on the approved form. See Appendix A for the Committee Annual Declaration Form.
- 6.2 If a member has or acquires an interest (whether pecuniary or otherwise) that would conflict with the proper performance of the member's functions in relation to a matter being considered or about to be considered by the Committee, the member must disclose the nature of the interest. See Appendix B for the Committee Meeting Declaration Form.
- 6.3 Any disclose must be recorded in the minutes.
- 6.4 The Committee Chair will determine if the declared member:
 - Be present during any deliberations in relation to the matter; or
 - Take part in any decision in relation to the matter.

7. Accountability and Performance

- 7.1 **Protection from Liability:** A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as any of the following:
- A member of the Committee;
 - A member of an advisory committee;
 - A delegate of the Committee.
- 7.2 **Confidentiality:** A Chairperson, member or delegate of the Committee must not disclose information obtained in the course of their duties to other persons. Breach of confidentiality may result in a fine or imprisonment for up to 6 months.

8. Definitions

- 8.1 **Advisory Committee:** The Committee may establish an advisory committee to advise it in exercising its its powers or performing its functions. The advisory committee:
- Must consist of persons nominated by the Committee;
 - Can have a member from the Committee and be appointed chairperson;
 - Must keep accurate minutes of its proceedings; and
 - Regulate its own proceedings.
- 8.2 **Removal by the Minister for Health:** The Minister for Health may remove a member from office if the member:
- Is absent from three consecutive meetings without the permission of the Committee;
 - Becomes bankrupt;
 - Is found guilty of a crime or an offence punishable by imprisonment including offences contained in the *Health Practitioners Act*;
 - Fails to declare a conflict of interest;
 - Acted improperly in the performance of their duties as a member;
 - Disclosed confidential information provided to the member in the course of their duties;
 - Becomes incapable of performing their duties as a Committee member; or
 - Is ineligible to be a pharmacist member.

APPENDIX A

Northern Territory Pharmacy Premises Committee

MEMBER'S ANNUAL DECLARATION OF CONFLICTS OF INTEREST

This declaration is made pursuant to the Health Practitioners Act, Schedule 3, Clause 5. I will conduct myself to avoid any conflicts or potential conflicts of interest in my position as a member of the Pharmacy Premises Committee. The following is a statement, to the best of my knowledge, understanding and belief:

NAME (please print):

1. FINANCIAL INTEREST.

If you have or acquire an interest (whether pecuniary or otherwise) in a thing that would conflict with the proper performance of your functions in relation to any matter being or about to be considered by the Committee, the member must disclose the nature of the interest.

Please list:

1.

2.

3.

4.

5.

6.

2. OTHER (NON-FINANCIAL) INTEREST

List the names of companies, specific products/services or interests or activities which you have been involved with during the last two years that may constitute a conflict of interest with all works currently undertaken by the Pharmacy Premises Committee
1.
2.
3.
4.
5.
6.

I wish to advise to the best of my knowledge my private and professional affairs would not conflict with my public duties or otherwise cause embarrassment to the Government.

I agree to promptly give notice to the committee of any situation that may develop which alters the answers given above.

Name:.....

Position

Signed:.....

Date:.....

APPENDIX B

Northern Territory Pharmacy Premises Committee

MEMBER'S DECLARATION OF CONFLICTS OF INTEREST
MEETING OR OUT-OF-SESSION DISCUSSION

I, a member of the Pharmacy Premises Committee declare my interest in the following matter(s) under consideration:

.....
.....
.....
.....
.....
.....

Unless the chairperson otherwise determines, I acknowledge that I must not be present when this matter is under consideration, nor take part in any discussion and decision made in relation to the matter.

..... /..... /.....
(Signature) (Date)

For Committee Chair/Registrar to complete

Member participated fully in Committee deliberations
Member participated in discussion, but was not present for the formation of any recommendation/s or advice
Member provided specific advice, as requested by the Committee, but was not otherwise present for the discussion or formation of recommendation/s
Member was excluded from all Committee deliberations
Other, please specify.....
Chair /Registrar /..... /.....
(Signature) (Date)

Note: An interest is defined as not only a financial interest, but an interest which influences, or may appear to influence, proper consideration or decision making on a matter.