

**API** THE AUSTRALIAN  
PROPERTY  
INSTITUTE

**APIV** LIMITED



# Appeals Tribunal Policy 2021

API Document

APIV Document

Reference: Appeals Tribunal Policy

Effective: 16 September 2021

Review: 16 September 2022

Owner: API Board

---

# Contents

Introduction .....	3
1. Purpose.....	4
2. Definitions .....	4
3. Professional Member Obligations.....	6
4. Application of this Policy to Former Member(s) .....	6
5. Right of Appeal .....	6
6. Raising an Appeal.....	7
7. Notification to the Appeals Tribunal Committee .....	7
8. Notice of an Appeal Hearing .....	7
9. Appeal Hearing before the Appeals Tribunal Panel .....	8
10. Procedural Fairness.....	10
11. Finding of the Professional Conduct Panel set aside .....	10
12. Costs for processing an Appeal .....	11
13. Composition of the Appeals Tribunal Committee .....	11
14. Appointment of Appeals Tribunal Committee .....	11
15. Formation of the Appeals Tribunal Panel .....	11
16. Term of Office .....	12
17. Vacation of Office .....	12
18. Role of the Appeals Tribunal Panel .....	12
19. Quorum of an Appeals Tribunal Panel .....	13
20. Meetings .....	13
21. Remuneration of Appeals Tribunal Panel members .....	13
22. Confidentiality .....	14
23. Conflicts of Interest.....	14
24. Indemnity of Appeals Tribunal Committee Members.....	14
25. Review of the Policy .....	14

---

# Introduction

The Appeals Tribunal Policy (**Policy**) provides a Member who is the subject of an adverse finding of Professional Misconduct, to exercise their right of appeal with the Appeals Tribunal Committee by completing an Appeal Form (**Form**). Such a Member will be known as the Appellant. The Australian Property Institute Limited (**API**) Board chairperson is responsible for the establishment and appointment of the Appeals Tribunal Panel (**Panel**).

The Appellant may raise an Appeal because they do not agree with the sanction(s) imposed by the Professional Conduct Panel and/or because they believe the rules of procedural fairness were not afforded to the Appellant.

Once an Appeal has been raised with the Professional Conduct Officer by the Appellant, a Panel will be formed by the API Board chairperson. The Appellant will be required to provide Appeal Written Representations (**Representations**) as to the grounds in which they wish to raise an Appeal as part of preparing and submitting an Appeal Book (**Book**).

Upon receipt of the Book, each Panel member will meet to deliberate and consider the evidence put forward to the Panel prior to attending the Appeal hearing.

At the Appeal hearing, the Appellant will have the opportunity to voice their argument in support of their Representations of why the Appellant raised an Appeal.

The Panel will then reconvene post the Appeal hearing and deliberate and determine whether:

- The Appeal be dismissed; or
- The Appeal be upheld.

In determining the outcome above, the Panel will decide whether:

- The finding of the Professional Conduct Panel be upheld in its entirety;
- The finding of the Professional Conduct Panel be upheld with an order that any one or more sanction(s) be varied; or
- The finding of the Professional Conduct Panel be set aside with an order for the matter to be re-reviewed, re-investigated and re-heard by a newly appointed Professional Conduct Panel if the rules of Procedural Fairness were not followed.

Should you have any queries or feedback regarding this process, please do not hesitate to contact us on 1800 111 274 or write to us at [professionalconduct@api.org.au](mailto:professionalconduct@api.org.au).

---

# 1. Purpose

- 1.1. The purpose of this Policy is to provide:
- (a) a Member the opportunity to dispute the sanction(s) imposed against the Member by the Professional Conduct Panel;
  - (b) a Member the opportunity to raise an issue of concern with respect to a lack of Procedural Fairness afforded during the Professional Review and/or Disciplinary Assessment process;
  - (c) guidelines and procedures for the handling of any Appeal raised by a Member;
  - (d) for the appointment, formation and operation of an Appeals Tribunal Panel to consider any Appeal raised by a Member, and where appropriate:
    - (i) dismiss the Appeal; or
    - (ii) uphold the Appeal.
  - (e) protection to the consumer, the community and the reputation of the professional property industry; and
  - (f) protection to a Member where Procedural Fairness was not afforded to the Member.

# 2. Definitions

- 2.1. The definitions below have been included in this Policy for the interpretation and understanding of certain stated terms.
- 2.2. Where a defined term is included in this Policy it is identified as a capitalised term.

<b>API</b>	The Australian Property Institute Limited (ACN 608 309 128).
<b>API Board</b>	Individuals nominated and appointed in accordance with the API Constitution and Nomination Policy to sit as API Board directors.
<b>API Member</b>	An individual who holds a current membership with the API.
<b>APIV</b>	The Australian Property Institute Valuers Limited (ACN 143 638 975).
<b>APIV Member</b>	An individual/ corporate entity who holds a current membership with the APIV and is a participant in a scheme administered by the APIV.
<b>Appeal</b>	Formal written notification of the Appellant's grounds of appeal contained in an Appeal Form completed in full by the Appellant.
<b>Appeal Book</b>	A book which an Appellant must provide to the Professional Conduct Officer as described within section 4 of this Policy.
<b>Appeal Form</b>	A form prescribed by the API completed by the Appellant.
<b>Appeal Written Representation Form</b>	A form prescribed by the API completed by the Appellant.

<b>Appeals Tribunal</b>	A tribunal established under the Appeals Tribunal Policy to hear an appeal raised by the Member.
<b>Appeals Tribunal Policy</b>	An API policy which sets the guidelines and procedures for the formation and operation of an Appeals Tribunal to hear appeals regarding decisions of the Professional Conduct Panel.
<b>Appellant</b>	A Member who may raise an Appeal in accordance with sections 5 and 6 of this Policy.
<b>Chief Executive Officer</b>	A person appointed by the API Board to manage the overall operations and resources of the API and APIV.
<b>Complainant</b>	An individual or entity who provides written notification to the Professional Conduct Officer alleging Professional Misconduct by an API/APIV Member.
<b>Disciplinary Assessment</b>	Formal written notification of the API's allegations of Professional Misconduct contained in a Disciplinary Assessment Form completed in full by the Chief Executive Officer.
<b>Disciplinary Assessment Form</b>	A form prescribed by the API completed by the Chief Executive Officer.
<b>Former Member(s)</b>	An individual who does not hold a current membership with the API and/or APIV.
<b>Member</b>	A current or former API and/or APIV Member who is the subject of a Professional Review and/or Disciplinary Assessment.
<b>Procedural Fairness</b>	The elements of affording natural justice to a Member described within section 10 of this Policy.
<b>Professional Conduct Committee</b>	The persons appointed by the API Board, from which the Professional Conduct Panel is formed to consider and hear a Professional Review and/or Disciplinary Assessment.
<b>Professional Conduct Committee Charter</b>	An API charter which sets the guidelines and procedures for the formation and operation of the Professional Conduct Committee.
<b>Professional Conduct Officer</b>	A person appointed by the API Board to manage, investigate and respond to a Professional Review raised and/or undertaking of a Disciplinary Assessment.
<b>Professional Conduct Panel</b>	A panel formed from eligible members of the Professional Conduct Committee to consider and hear a Professional Review and/or Disciplinary Assessment pursuant to this Policy and the Professional Conduct Committee Charter.
<b>Professional Misconduct</b>	The conduct of an API and/or APIV Member that is in breach of their Professional Member Obligations.
<b>Professional Member Obligations</b>	The obligations of an API and/or APIV Member described within section 3 of this Policy.

<b>Professional Review</b>	Formal written notification of the Complainant's allegations of Professional Misconduct contained in a Professional Review Form completed in full by the Complainant.
<b>Professional Review Form</b>	A form prescribed by the API completed by the Complainant.
<b>Respondent</b>	The Respondent will be the API when an Appeal is raised.
<b>Response Submission Form</b>	A form prescribed by the API completed in full by the Member who is the subject of a Professional Review and/or Disciplinary Assessment.

### 3. Professional Member Obligations

- 3.1. A Member must, at all times, observe and comply with the following as applicable to their membership, any certifications held, and the professional services undertaken by a Member:
- (a) the API Constitution;
  - (b) the APIV Constitution;
  - (c) any policies set by the API and/or APIV;
  - (d) any rules and/or codes set by the API and/or APIV;
  - (e) any valuation standards or valuation protocol or valuation and property guidelines, prepared and published or adopted by the API and/or APIV;
  - (f) carrying out their professional services ethically, with honesty, competence, in good faith without personal bias and without detrimentally impacting the good name and reputation of the API; and
  - (g) carrying out of respectful engagement/professional dealings with clients, other Members, the API and APIV and its staff.

### 4. Application of this Policy to Former Member(s)

- 4.1. The Appeals Tribunal Panel may investigate a Professional Review raised and/or Disciplinary Assessment undertaken against a Former Member, if the alleged Professional Misconduct occurred while the Former Member was a Member.
- 4.2. The Appeals Tribunal Panel may consider a Professional Review and/or Disciplinary Assessment made against a Former Member and make a determination under this Policy, if the alleged Professional Misconduct occurred while the Former Member was a Member.
- 4.3. If a finding of Professional Misconduct is established against a Former Member, the Professional Conduct Officer may not be able to enforce sanction(s) against the Former Member in accordance with the Professional Conduct Policy.

### 5. Right of Appeal

- 5.1. A Member may apply to the Appeals Tribunal Committee for a review of:

- 
- (a) the sanction(s) imposed by the Professional Conduct Panel; or
  - (b) the lack of Procedural Fairness afforded during the handling and management of the Professional Review and/or Disciplinary Assessment.
- 5.2. A Complainant does not have a right of appeal with regards to a decision of the Professional Conduct Panel.

## 6. Raising an Appeal

- 6.1. A Member may raise an Appeal in accordance with section 5 of this Policy, within fifteen (15) business days of receipt of the notice of decision of the Professional Conduct Panel.
- 6.2. A Member under section 6.1 will be known as the Appellant.
- 6.3. The Appellant must lodge an Appeal Form, completed in full with all supporting evidence to the Professional Conduct Officer in writing.
- 6.4. The Professional Conduct Officer will confirm receipt of the Appeal Form as soon as practicable.
- 6.5. The Professional Conduct Officer will notify the Complainant that an Appeal was raised by the Member as soon as practicable.

## 7. Notification to the Appeal Tribunal Committee

- 7.1. Upon receipt of a completed Appeal Form, the Professional Conduct Officer will provide written notice to the Appeal Tribunal Committee chairperson as soon as practicable.
- 7.2. The Appeals Tribunal chairperson will form an Appeal Tribunal Panel in accordance with section 15 of this Policy, within ten (10) business days of receipt of notice under section 7.1 of this Policy.

## 8. Notice of an Appeal Hearing

- 8.1. Upon confirmation from the Appeal Tribunal Committee chairperson that an Appeals Tribunal Panel has been formed, the Professional Conduct Officer will provide an Appeal Hearing Notice to the:
  - (a) Appeals Tribunal Panel;
  - (b) Appellant; and
  - (c) Professional Conduct Panel.
- 8.2. An Appeal Hearing Notice will include:
  - (a) Appellant details;
  - (b) Complainant details;
  - (c) Professional Conduct Panel details;
  - (d) Appeal Tribunal Committee Panel details;
  - (e) a date of hearing, no less than forty (40) business days from the date the Professional Conduct Officer confirms receipt of the Appeal Form;
  - (f) time of hearing;
  - (g) place of hearing;
  - (h) grounds and reasons for raising the Appeal; and

- 
- (i) Appellant obligation to prepare and distribute an Appeal Book prior to an Appeal Hearing.
  - 8.3. The Appellant must provide one (1) electronic copy of the Appeal Book to the Professional Conduct Officer via email, within fifteen (15) business days from the date the Professional Conduct Officer confirms receipt of the Appeal Form.
  - 8.4. The Appellant must provide one (1) hard copy of the Appeal Book to the Professional Conduct Officer via express post within twenty (20) business days from the date the Professional Conduct Officer confirms receipt of the Appeal Form.
  - 8.5. The Appeal Book must include:
    - (a) Professional Review Form and/or Disciplinary Assessment Form;
    - (b) Response Submission Form;
    - (c) Professional Conduct Officer Report;
    - (d) Professional Conduct Panel Report;
    - (e) Appeal Form;
    - (f) Appeal Written Representations;
    - (g) All supporting evidence relied on by all parties; and
    - (h) All supporting evidence the Appellant wishes to rely on marked separately from the original supporting evidence.
  - 8.6. The Professional Conduct Officer will circulate the Appeal Book to each Panel member electronically within twenty-five (25) business days from the date the Professional Conduct Officer confirms receipt of the Appeal Form.
  - 8.7. The Professional Conduct Officer will send the Appeal Book to each Panel member via registered post within thirty (30) business days from the date the Professional Conduct Officer confirms receipt of the Appeal Form.

## 9. Appeal Hearing before the Appeals Tribunal Panel

- 9.1. The Appeal Tribunal Committee Panel must meet prior to the Appeal hearing date in accordance with section 19 of this Policy.
- 9.2. At an Appeal hearing, the Appeals Tribunal Panel may determine:
  - (a) the finding of the Professional Conduct Panel be upheld in its entirety;
  - (b) the finding of the Professional Conduct Panel be upheld with an order that any one or more sanction(s) be varied; or
  - (c) the finding of the Professional Conduct Panel be set aside with an order for the matter to be re-reviewed, investigated and heard by a newly appointed Professional Conduct Panel under the grounds of a lack of Procedural Fairness afforded.
- 9.3. Any hearing held by the Appeals Tribunal Panel is conducted in the absence of the public.
- 9.4. If the Appellant fails to attend before the Appeals Tribunal Panel in accordance with a notice provided to the Appellant under section 8, the Appeals Tribunal Panel may hear the proceedings in the absence of the Appellant.
- 9.5. At a hearing before the Appeals Tribunal Panel the Professional Conduct Officer will:
  - (a) appear on behalf of the Respondent;
  - (b) present the details of the Professional Review and/or Disciplinary Assessment;



- 
- (c) present the allegation(s) and evidence submitted by the Complainant and/or the API;
  - (d) present the prima facie findings of the Professional Conduct Panel and reason(s) for laying a charge on the Appellant;
  - (e) present the findings of the Professional Conduct Panel and reason(s) and any sanction(s) imposed on the Appellant;
  - (f) provide the Appellant an opportunity to call or give evidence;
  - (g) provide the Appellant an opportunity to examine or cross-examine witnesses, if applicable; and
  - (h) provide the Appellant an opportunity to make submissions to the Appeals Tribunal Panel.
- 9.6. The Appeals Tribunal Panel may appoint a person(s) with appropriate qualifications and experience to assist with the hearing, where necessary.
- 9.7. Any person(s) appointed by the Appeals Tribunal Panel under section 9.6 will act impartially and will make a declaration that they do not have a conflict of interest in the subject matter of the hearing.
- 9.8. A person will be deemed to have a conflict of interest in any of the following circumstances:
- (a) the person is or has been connected in any business, entity, firm, corporation or department with the Complainant or the Appellant;
  - (b) the person has or has had an existing commercial or personal relationship with the Complainant or the Appellant; or
  - (c) the person is or has been in any way involved in the circumstances giving rise to a Professional Review and/or a Disciplinary Assessment.
- 9.9. Any Appellant may:
- (a) appear personally;
  - (b) retain legal representation to act on the Appellant's behalf.
- 9.10. If there is any additional document(s) that either the Appeals Tribunal Panel or the Appellant seeks to admit into evidence, the additional document must not be considered at the hearing unless:
- (a) the documents have been made available to the Appellant and the Appeals Tribunal Panel, within a reasonable time prior to the hearing; or
  - (b) the Appellant and the Appeals Tribunal Panel have agreed at the hearing that the documents may be admitted into evidence.
- 9.11. The reasonable timeframe for the admission of additional documentation under section 9.10, will be at the discretion of the Appeals Tribunal Panel.
- 9.12. The Appeals Tribunal Panel may adjourn the hearing, if necessary, to allow sufficient time for all parties to consider the additional documentation sought to be admitted into evidence.
- 9.13. The Appeals Tribunal Panel must ensure that minutes of the hearing are taken.
- 9.14. The Appellant may request a copy of the minutes of the hearing from the Appeals Tribunal Panel.
- 9.15. The Appeals Tribunal Panel will provide a copy of the minutes to the Professional Conduct Officer within five (5) business days of the hearing.

- 
- 9.16. The Appeals Tribunal Panel must meet post the Appeal hearing date in accordance with section 19 of this Policy.
  - 9.17. Within fifty-five (55) business days from the date the Professional Conduct Officer confirms receipt of the Appeal Form, the Appeal Tribunal Panel will provide the Professional Conduct Officer a copy of their determination report.
  - 9.18. The Professional Conduct Officer will provide a copy of the Appeals Tribunal Panel determination report to the Appellant, Professional Conduct Panel and Chief Executive Officer as soon as practicable.
  - 9.19. The Professional Conduct Officer will provide written notice of the findings of the Appeals Tribunal Panel to the Complainant.

## 10. Procedural Fairness

- 10.1. An Appellant must be afforded the requisite natural justice whereby the rules of Procedural Fairness are followed.
- 10.2. The rules of Procedural Fairness include:
  - (a) managing any issue(s) of concern through a transparent process;
  - (b) creating and maintaining a respectful environment for all parties involved;
  - (c) ensuring there is neutrality carried throughout the process via a lack of bias towards all parties involved;
  - (d) ensuring the Appellant may raise all issue(s) of concern;
  - (e) ensuring all issue(s) of concern raised or identified are reviewed and investigated;
  - (f) ensuring that a hearing, whether oral or written, takes place where appropriate;
  - (g) ensuring reason(s) are provided with respect to the evidence submitted, in support of any decision made; and
  - (h) ensuring parties are notified throughout the process.

## 11. Finding of the Professional Conduct Panel set aside

- 11.1. If a finding is made pursuant to section 9.2(c) of this Policy, the Appeals Tribunal Committee chairperson will instruct either the Professional Conduct Officer or any third party the chairperson deems a fit and proper person to initiate and undertake an API internal review and investigation into the matter.
- 11.2. The Professional Conduct Officer or the third party must report back to the API Board with their findings and recommendations.
- 11.3. Any internal disciplinary action(s) taken will be at the discretion of the API Board.

## 12. Costs for processing an Appeal

- 12.1. The API will bear any administrative costs associated with processing the Appeal if the Appeal is upheld.
- 12.2. The Appellant will bear any administrative costs associated with processing the Appeal if the Appeal is dismissed.

- 
- 12.3. Costs under section 12.1 do not include any costs associated with the Appellant raising an Appeal or submitting an Appeal Book to the Professional Conduct Officer.
  - 12.4. If section 12.2 applies, the API will invoice the Appellant the requisite costs payable.

## 13. Composition of the Appeals Tribunal Committee

- 13.1. The Appeals Tribunal Committee will comprise of:
  - (a) Directors of the API Board;
  - (b) Members of the Professional Standards Steering Committee; and
  - (c) Members of the Professional Conduct Committee.

## 14. Appointment of the Appeals Tribunal Committee

- 14.1. The members of the Appeals Tribunal Committee will be appointed in accordance with:
  - (a) The API Board Charter;
  - (b) Standards Steering Committee Charter; and
  - (c) Professional Conduct Committee Charter.

## 15. Formation of Appeals Tribunal Panel

- 15.1. The API Board chairperson will form the Appeals Tribunal Panel comprising of three (3) individuals from the Appeals Tribunal Committee.
- 15.2. The Appeals Tribunal Panel will comprise of:
  - (a) one director of the API Board;
  - (b) one member of the Professional Conduct Committee; and
  - (c) one member of the Standards Steering Committee.
- 15.3. The API Board representative stated in section 15.2(a) may be either:
  - (a) the API Board chairperson; or
  - (b) any other director of the API Board.
- 15.4. The API Board chairperson must appoint an independent legal adviser who will sit on the Panel in an administrative capacity with no voting or decision rights.
- 15.5. The API Board chairperson must not appoint a member of the Professional Conduct Committee who sat on the Professional Conduct Panel to consider and determine the outcome of the Professional Review and/or Disciplinary Assessment.
- 15.6. The API Board chairperson must appoint a minimum of one (1) Panel member who holds an APIV membership, where the Appellant is an APIV Member.
- 15.7. The Appeals Tribunal Panel members must be eligible to sit on the Appeals Tribunal Panel.
- 15.8. An eligible Appeals Tribunal Panel member will:
  - (a) be a current financial, voting API Member;
  - (b) be an API Member for a minimum of five (5) years prior to their appointment; and
  - (c) not be or have been subject to a finding of Professional Misconduct by the API or similar bodies in the ten (10) years prior to appointment.
- 15.9. The eligibility criteria listed in section 15.8 of this Policy does not prevent the API Board chairperson from appointing one (1) person who is not an API Member as a member of the Appeals Tribunal Panel.

---

## 16. Term of Office

- 16.1. A member of the Appeals Tribunal shall be appointed to the Appeals Tribunal for a minimum of two (2) years.

## 17. Vacation of Office

- 17.1. The API Board will formally remove a member from the Appeals Tribunal Committee, by written notification, if the office of that member becomes vacant.
- 17.2. The office of an Appeals Tribunal Committee member becomes vacant if:
- (a) the member formally resigns;
  - (b) the member is a retired API Member;
  - (c) is no longer an appointed Board Director, Standards Steering Committee member or Professional Conduct Committee member;
  - (d) the member is no longer eligible under clause 15.8 of this Policy;
  - (e) the member declares bankruptcy/insolvency;
  - (f) the member is permanently incapable of performing his/her duties under this Policy; and/or
  - (g) the API Board is of the opinion the member is not a fit and proper person for the role as Appeals Tribunal member.

## 18. Role of the Appeals Tribunal Panel

- 18.1. The Appeals Tribunal Panel will meet on a case by case basis to deliberate on an Appeal raised by a Member to determine:
- (a) whether the rules of procedural fairness were followed;
  - (b) whether there is sufficient evidence to uphold the Appeal;
  - (c) whether the decision made by the Professional Conduct Panel should be set aside;
  - (d) whether the matter be reheard by a newly formed Professional Conduct Panel;
  - (e) whether the decision made by the Professional Conduct Panel should be upheld in its entirety; and
  - (f) whether the decision made by the Professional Conduct Panel should be upheld with any one or more sanction(s) varied.

---

## 19. Power of the Appeals Tribunal Panel

- 19.1. The powers of the Appeals Tribunal Panel members are as stipulated in this Policy.

## 20. Quorum of the Appeals Tribunal Panel

- 20.1. The quorum of the Appeals Tribunal Panel will comprise of three (3) members as stated under section 15.2 of this Policy.
- 20.2. All determinations made by the Appeals Tribunal Panel shall be decided by a majority of the votes of eligible members present and voting.
- 20.3. To be an eligible Appeals Tribunal Panel member, the member must:
- (a) disclose the member does not have a real or perceived conflict of interest in accordance with section 24; and
  - (b) disclose the member has had no direct or indirect involvement in the decision made by the Professional Conduct Panel.

## 21. Meetings

- 21.1. The Appeals Tribunal Panel will meet at a mutually suitable time on a case by case basis:
- (a) prior to an Appeal hearing within thirty-five (35) from the date the Professional Conduct Officer confirms receipt of the Appeal Form; and
  - (b) post an Appeal hearing within forty-five (45) from the date the Professional Conduct Officer confirms receipt of the Appeal Form.
- 21.2. Any one or more representative(s) of the API may sit in on any meeting in an administrative capacity only.
- 21.3. Meetings may take place:
- (a) in person;
  - (b) via teleconference; or
  - (c) via videoconference.
- 21.4. The chairperson will maintain minutes of any meeting.
- 21.5. A copy of the meeting minutes will be provided to the Professional Conduct Officer within five (5) business days of the meeting, to maintain proper records of the matter.

## 22. Remuneration of Appeals Tribunal Committee members

- 22.1. The members of the Appeals Tribunal Committee members shall be paid such remuneration, allowances and expenses as may from time to time be approved by the API Board.

---

## 23. Confidentiality

- 23.1. The Appeals Tribunal Committee members are obliged to adhere to section 22 of the API Professional Conduct Policy.

## 24. Conflicts of Interest

- 24.1. An Appeals Tribunal Committee member will not be eligible to participate in an Appeal, where the member has a real conflict of interest.
- 24.2. An Appeals Tribunal Committee member may not be eligible to participate in an Appeal where the member has a perceived conflict of interest.
- 24.3. An Appeals Tribunal Committee member will have a perceived conflict of interest where the Appeals Tribunal Committee member resides in the same state as the Member who raised an Appeal.
- 24.4. An Appellant may provide written confirmation of consent for an Appeals Tribunal Committee member to sit as a Panel member with a perceived conflict of interest.
- 24.5. An Appeals Tribunal Committee member will have a real conflict of interest where the Appeals Tribunal Committee member:
- (a) is or has been connected in any business entity, firm, corporation or department with the Complainant or the Appellant;
  - (b) has or has had an existing commercial or personal relationship with the Complainant or the Appellant; or
  - (c) is or has been in any way involved in the circumstances giving rise to the Professional Review and/or Disciplinary Assessment.
- 24.6. An independent legal adviser will not be eligible for appointment where the adviser has a real conflict of interest.

## 25. Indemnity of Appeals Tribunal Committee members

- 25.1. A member appointed to the Appeals Tribunal Committee is indemnified as an insured person pursuant to API's Association Liability Policy Schedule.
- 25.2. Pursuant to section 25.1, an Appeals Tribunal Committee member is only covered when acting in their capacity as an Appeals Tribunal Committee member.
- 25.3. Actions or conduct outside of this Policy may not be covered by API's Association Liability Policy Schedule.

## 26. Review of the Policy

- 26.1. This Policy will be reviewed annually to ensure continued relevance to the operations of the API.
- 26.2. This review will include consultation with the API Board.
- 26.3. Amendments to this Policy must be approved by the API Board.