

# Declaration of Interest Policy - Staff and Affiliates

## Section 1 - Background Information

(1) Australian Catholic University Limited (ACU) is a public company limited by guarantee regulated by the [Corporations Act 2001 \(Cth\)](#) and the [Australian Charities and Not-for-profits Commission Act 2012 \(Cth\)](#). ACU has particular legal obligations with regards to managing conflicts of interests and related party transactions.

(2) Whilst Directors of a company have duties to comply with legislative requirements concerning the disclosure and appropriate management of transactions which involve their interest, employees of a company have an obligation under common law to avoid conflicts of interest between their personal interests and those of their employer.

(3) All staff members and affiliates of ACU are required to adhere to Australian laws, especially those that can impact the activities of universities, such as the [National Security Legislation Amendment \(Espionage and Foreign Interference\) Act 2018 \(Cth\)](#) and [Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020 \(Cth\)](#).

## Section 2 - Policy Statement

(4) The primary goal of managing conflicts of interest is to ensure that decisions are made and are seen to be made appropriately, for reasons that are legitimate and without bias, with an emphasis on protecting the integrity of ACU.

(5) Declaring an interest that has the potential to become a foreign interference helps protect ACU's reputation and promotes cooperation with the Australian Federal Government.

## Section 3 - Policy Purpose

(6) This Policy helps to provide a framework of principles for conducting ACU activities with other employees, students, volunteers, partners and suppliers.

(7) This Policy has been developed because, where conflicts of interest or potential foreign interference situations arise, they need not present a problem to ACU provided they are openly and effectively declared and managed. The purpose of this Policy is to:

- a. assist staff to recognise conflicts of interest or potential foreign interference situations, if and when they arise;
- b. establish a mechanism so that staff can identify and disclose personal or material interests to an appropriate person acting on behalf of ACU;
- c. develop sound practices for ACU to appropriately manage and monitor conflicts of interests and potential foreign interference situations;
- d. ensure that ACU meets its legal and regulatory obligations

(8) This Policy also supports ACU's [Fraud and Corruption Control Framework](#). Purposely failing to declare a significant conflict of interest or significant potential foreign interference situation could amount to corrupt conduct.

## Section 4 - Definitions

Term	Definition
Affiliate	A contractor, supplier, consultant and agents engaged by ACU (including a person who has a contract for the supply of services or goods to ACU) and their employees
COI	An acronym for Conflict of Interest
Disclosure Form	The form used to make a declaration involving a conflict of interest (Professional, Academic, or Research and Enterprise) or a potential foreign interference
Policy	Means <a href="#">Declaration of Interest Policy - Staff and Affiliates</a>
FI	An acronym for Foreign Interference
Register	Refers to COI Register, Research COI Register or FI Register.
Relevant ACU Representative	Refers to the staff member who is responsible for overseeing the work performance and/or contractual obligations of an affiliate
Staff or Staff Member	Consistent with the <a href="#">Constitution</a> of Australian Catholic University Limited, the <a href="#">ACU Staff Enterprise Agreement 2022-2025</a> , and <a href="#">Statute 1.1 - General Provisions: Interpretation</a> , includes: <ul style="list-style-type: none"><li>• academic staff and professional staff members;</li><li>• staff employed on a full-time, part-time, casual or honorary basis;</li><li>• staff employed under the ACU Enterprise Agreement or pursuant to a senior staff, Executive or any other form of employment contract.</li></ul>

## Section 5 - Application of Policy

(9) This Policy applies to all staff and affiliates of ACU. For Senators, please refer to the [Senator Declaration of Interest Policy](#).

(10) For matters involving a conflict of interest in research, please contact the Research Ethics and Integrity Unit for advice.

## Section 6 - Conflicts of Interest

### Identifying Conflicts of Interest

(11) A conflict of interest involves a conflict between the private (personal) interests of a staff member or affiliate (or their duties to another person) and their functions, duties and responsibilities as an ACU staff member or affiliate. The existence of such a conflict may improperly influence or be perceived to improperly influence decisions or actions of an ACU staff member or affiliate.

(12) A conflict of interest can be actual, perceived, or potential and can occur when the private interests of a staff member cross over into the business interests of ACU, as illustrated by the following diagram:

#### [Diagram 1: ACUs interests vs Personal Interests](#)

For more detailed information on the categories and types of conflicts of interest, including examples, please refer to [Annexure A - Declaration of Interest Policy and Procedure - Staff and Affiliates](#).

## Disclosure of Interests

(13) Staff and affiliates must take reasonable steps to avoid any conflict (actual, potential or perceived) arising out of their personal interests. If a staff member or affiliate is uncertain as to whether an interest should be disclosed in accordance with this Policy, they should consult with their line manager or relevant ACU representative or disclose the interest for the avoidance of doubt.

(14) All staff and affiliates are required to:

- a. take responsibility to identify any conflict of interest that may exist for themselves and disclose this to their supervisor or relevant ACU representative in a timely manner;
- b. participate in discussions with their supervisor or relevant ACU representative to create a management plan that minimises or eliminates any risk associated with the conflict of interest;
- c. submit a disclosure form so the details can be entered into the relevant Register;
- d. keep their supervisor or relevant ACU representative updated on any changes to their declared conflict of interest, including when the declared conflict of interest ceases; and
- e. notify their supervisor or relevant ACU representative of any conflicts of interest held by other staff or affiliates where they suspect on reasonable grounds that a conflict of interest has not previously been disclosed.

(15) Supervisors and relevant ACU representatives are required to promote awareness of the Policy to all staff or affiliates they are required to manage.

## Managing Conflicts of Interest

(16) All staff and affiliates are required to:

- a. declare any actual, perceived or potential conflict of interest or conflict of duty;
- b. limit the extent to which a private interest may compromise, or be seen to compromise, their impartiality when carrying out their ACU duties;
- c. remove themselves from involvement in work decisions and actions that could be compromised by other private interests and relationships;
- d. avoid activities of a personal nature or commitments which could, or could be seen to, provide an improper advantage from using confidential or privileged ACU information;
- e. not use their official position at ACU or the ACU's resources for personal gain or for the gain of others with whom the staff member or contractor has a relationship or personal association;
- f. eliminate any perception that they have received an improper benefit that may impact upon the performance of their ACU duties;

(17) Please refer to [Annexure A - Declaration of Interest Policy and Procedure – Staff and Affiliates](#) for strategies.

## Monitoring Conflicts of Interest

(18) All staff and affiliates are required to monitor any conflict of interest previously declared by them and report any changes to their line manager or relevant ACU representative in accordance with this Policy. The responsibility for monitoring conflicts of interest for each register is defined in clause (61) of the [Declaration of Interest Procedure - Staff and Affiliates](#) (Procedure).

# Section 7 - Foreign interference

## Introduction

(19) Foreign interference has the potential to threaten the reputation of Australian universities and jeopardise their international collaboration. It is essential that universities such as ACU take a proactive approach to safeguard their reputation and protect their staff, students and research from potential foreign interference exposure.

(20) All staff members and affiliates are required to identify and disclose the details of any activities they are involved in which could subject ACU's staff, students, research and data security systems to foreign interference.

## Definition of Foreign Interference

(21) According to the [Guidelines to Counter Foreign Interference in the Australian University Sector](#) (the Guidelines), foreign interference is defined as follows (quoted):

- a. "Foreign interference occurs when activities are carried out by, or on behalf of a foreign actor, which are coercive, clandestine, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests".

(22) Please refer to [Annexure A - Declaration of Interest Policy and Procedure – Staff and Affiliates](#) for examples and brief description of the applicable legislation.

## Application of Process

(23) The process for declaring, managing, or monitoring a disclosure concerning a potential foreign interference situation follows the same approach as declaring a conflict of interest – please refer to clauses (16) through (20) of this Policy and the Procedure.

# Section 8 - Roles and Responsibilities

## Approval Authority

(24) Vice-Chancellor and President

## Governing Authority

(25) Chief Operating Officer

## Responsible Officer

(26) Chief People Officer

## Staff

(27) All ACU staff are required to familiarise themselves with and adhere to this Policy and the Procedure and participate in any approved conflict of interest or foreign interference training provided by ACU.

## Other Relevant Stakeholders

(28) Affiliates of ACU are required to declare any conflict of interest or potential foreign interference situation to the relevant ACU representative any time a conflict arises, changes or ceases to exist. For the purpose of this Policy, the

relevant ACU representative is the ACU staff member that approved their employment / engagement with ACU.

## **Section 9 - Compliance with this Policy**

(29) All staff and affiliates must adhere to this Policy. A failure to do so may result in an investigation into the circumstances of the matter and further action as determined by the delegated officer e.g., the Chief Operating Officer. Please refer to the Procedure for further information on failure to disclose a conflict of interest.

## **Section 10 - Privacy and Confidentiality**

(30) All declarations of interest from staff members and affiliates will be kept confidential in accordance with the relevant legislation and ACU policies. Please refer to [Annexure A - Declaration of Interest Policy and Procedure - Staff and Affiliates](#) and the Procedure for more detail.

## **Section 11 - Policy Review**

(31) In line with the [Policy Development and Review Policy](#), this Policy is scheduled for review every five years or more frequently if appropriate.

(32) Unless otherwise indicated, this Policy will still apply beyond the review date.

## **Section 12 - Further Assistance**

(33) For further assistance, please contact the Chief People Officer.

## **Section 13 - Associated Information**

(34) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	19th December 2023
<b>Review Date</b>	20th July 2028
<b>Approval Authority</b>	Vice-Chancellor and President
<b>Approval Date</b>	19th December 2023
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Patrick Woods Chief Operating Officer
<b>Responsible Manager</b>	Angelle Laurence Chief People Officer
<b>Enquiries Contact</b>	Bernardine Lynch ER and Safety Committees and Policy Officer <hr/> People and Capability