

Declaration of Interest Procedure - Staff and Affiliates

Section 1 - Governing Policy

(1) This Procedure supports the [Declaration of Interest Policy - Staff and Affiliates](#) (Policy) by providing staff with practical instructions and guidelines on how to deal with potential, perceived and actual conflicts of interest and declarations concerning potential foreign interference matters.

Section 2 - Scope/Application

(2) All ACU staff and individuals acting as affiliates for ACU are required to comply with this Procedure. Where there is a discrepancy between this Procedure and another ACU procedure, this Procedure will prevail.

Section 3 - Identifying a Conflict of Interest

(3) A conflict of interest can occur in many different situations and the first step in the process is for staff to familiarise themselves with the types and categories of conflicts of interest that may apply to their circumstances. Please refer to [Annexure A - Declaration of Interest Policy and Procedure – Staff and Affiliates](#) (Annexure A) for information on how to identify a conflict of interest and what constitutes foreign interference.

(4) A self-assessment questionnaire contained in Appendix 1 provides guidance on how to identify conflicts of interest.

Section 4 - Disclosing a Conflict of Interest

Employee and Affiliate-initiated Conflict of Interest Declaration

(5) When a staff member or affiliate identifies a conflict of interest, they must advise their supervisor or relevant ACU representative as soon as practicable and complete a Declaration of Interest Disclosure Form – Staff and Affiliates

(Disclosure Form) via [Service Central](#).^[1]

^[1] The [Declaration of Interest Disclosure Form - Staff and Affiliates](#) is not meant to be identical to the form which is used in [Service Central](#). The [Declaration of Interest Disclosure Form - Staff and Affiliates](#) is a guide to show what information is required for the declaration to be made and approved.

(6) Prior to lodging the declaration, the supervisor or relevant ACU representative must meet with their staff member or affiliate and discuss any actions proposed by them to sufficiently deal with the conflict, including the strategies that will be used to minimise any risk to ACU.

(7) The supervisor will send an email to the staff member or affiliate:

- a. acknowledging they have been advised of the conflict of interest; and

b. documenting the strategies agreed upon to manage the conflict of interest.

(8) When lodging the declaration via [Service Central](#), the staff member or affiliate will attach the email from their supervisor.

(9) The declaration will be sent for approval to the Member of Executive responsible for the area where the staff member works. The supervisor and the supervisor's manager will receive a copy of the declaration so that they are aware of the plan to manage it.

(10) The staff member or affiliate must not take any action that could worsen the situation and they must not involve themselves in the matter that is set out in the declaration until approval has been given.

(11) [Annexure A](#) of this Procedure contains an illustrated description on the process of making a declaration.

Further considerations

(12) The ACU supervisor of the affiliate is responsible for submitting the declaration on behalf of the affiliate if they do not have access to [Service Central](#).

(13) The staff member's supervisor and manager could be the same person. The staff member's manager and Executive Member could also be the same person.

Conflict of Interest Arising in Meetings

(14) If a conflict arises and is immediately declared in a meeting, there is no need to submit a declaration and there is no requirement for the conflict to be recorded in the Conflict-of-Interest Register – Staff and Affiliates (COI Register) maintained by People and Capability, unless the conflict of interest continues beyond any decisions made in the meeting.

(15) For more information on how to address a conflict of interest in meetings, please refer to [Annexure A](#).

Section 5 - Strategies to Manage a Conflict of Interest

(16) Supervisors and relevant ACU representatives must work with staff members and affiliates to develop strategies to appropriately manage declarations of interests.^[2] Strategies to manage a staff member's or affiliate's conflict of interest must be documented in the Disclosure Form and a copy kept in the Register. As a first step, the staff member or affiliate affected by the conflict should be given an opportunity to advise how it could be managed appropriately.

^[2] Staff and affiliates must ensure that appropriate strategies have been identified which minimise or eliminate the risk associated with the disclosure. Where a strategy is available that allows the staff member or affiliate to continue their private activity without compromising ACU's integrity, reputation or legal obligations, that strategy should be implemented.

(17) For detailed information on strategies that can be used, please refer to [Annexure A](#).

Section 6 - Continual Conflicts of Interest

(18) If a declared conflict of interest is determined to be long-term or ongoing, the declaration should be re-submitted after 12 months from the date of initial approval. However, should there be any changes to the conflict situation that

was declared initially by the staff member or affiliate, a new declaration must be submitted.

Section 7 - Approval

(19) All declarations are required to be approved by the Member of the Executive responsible for the area where the staff member or affiliate works, as per the [Code of Conduct for Staff](#).

(20) For staff members holding a level 3 management level or higher, the declaration must be made to their immediate supervisor. The Vice-Chancellor and President will need to seek approval of any declarations from the Chancellor. Please refer to the [Delegations of Authority Policy and Register](#) for management level definitions.

(21) If necessary, the approver of the declaration may consult with other ACU specialists before making a determination. The approver may do one of the following:

- a. approve the declaration and strategies to manage the conflict of interest put forward by the staff member (the plan); or
- b. approve the declaration but require additional/alternative conditions or strategies to be implemented; or
- c. decline the declaration (the staff member must cease any activity causing the conflict of interest).

(22) Depending upon the potential impact of the disclosed declaration, the approver may ask the Chief People Officer to attach a copy of the declaration to the staff member's personnel record or ask the relevant staff member to incorporate it into any contractual documentation engaging the affiliate (subject to advice from the Office of General Counsel).

(23) The staff member lodging the declaration, their supervisor and the supervisor's manager will be notified of the Executive's decision and made aware of the approved plan that needs to be followed. All staff are required to follow any conditions or additional / alternative strategies put forward by the Executive.

(24) For an illustrated flowchart of the declaration process, please refer to [Annexure A](#).

Section 8 - Foreign Interference Declarations

Application of Process

(25) The process for disclosing and managing all declarations concerning potential foreign interference matters is the same process and considerations as disclosing a conflict of interest. However, the declaration is made using the information required as described in the Foreign Interference Declaration Form via [Service Central](#).^[3]

^[3] As with the Disclosure Form for conflicts of interest, the [Foreign Interference Declaration Form](#) is a guide to show the type of information that is required for the declaration. The form used in [Service Central](#) may look different.

(26) The approval process is also the same as it is for a conflict of interest. Please refer to Sections 4 to 7 of this Procedure.

Legal Obligations - Foreign Arrangement Schemes

(27) Any university proposing to enter an arrangement with a foreign government or foreign university that does not have institutional autonomy, must notify the Minister for Foreign Affairs. Staff members and affiliates should speak to ACUs Office of General Counsel before proceeding with any arrangements.

(28) Contractual arrangements involving Foreign Arrangement Schemes can be legally complex. Any staff member wishing to engage in an arrangement that involves a foreign party should lodge a [Service Central](#) request for legal advice from the Legal, Assurance and Governance Directorate and General Counsel before proceeding.

Section 9 - Updating or Ceasing a Declaration

Updating a Declaration

(29) If changes occur to the circumstances of a previously lodged declaration of interest, the staff member or affiliate to whom the declaration applies must promptly notify their supervisor of those changes. The staff member or affiliate is required to lodge a [Service Central](#) request to have the details of their declaration updated on the relevant Register.

(30) If the changes are significant enough to require a change in how the original declaration is managed, the staff member or affiliate must submit a new declaration and follow the process as outlined in Sections 4 to 7 of this Procedure.

Ceasing a Declaration

(31) If the circumstances of a declaration no longer exist or have changed to the extent that they are no longer considered to be a conflict of interest or potential foreign interference matter as defined by the [Declaration of Interest Policy - Staff and Affiliates](#) and this Procedure, the staff member or affiliate is required to advise their supervisor accordingly and lodge a [Service Central](#) request to have the relevant Register updated.

(32) Declarations that are no longer active (resolved) will remain on the Register in accordance with any legal or record keeping requirements.

Section 10 - Reporting a Failure to Disclose

(33) This section refers to the reporting of undisclosed conflicts of interest and matters concerning potential foreign interference.

Considerations to be applied

(34) An undeclared interest does not automatically equate to a breach of the [Declaration of Interest Policy - Staff and Affiliates](#) or this Procedure. There will be times when a staff member or affiliate has a conflict of interest or potential foreign interference situation but may be unaware that they do. In those situations, it would be good practice to raise the concern directly with the staff member or affiliate who has the conflict of interest or potential foreign inference situation so they can act in good faith and make the declaration themselves.

(35) However, there will be times when a staff member or affiliate is aware they have an interest that should be disclosed but decide to conceal it. This section aims to provide guidance on how to address undisclosed interests.^[4]

^[4] The [Declaration of Interest Self-Assessment Guide](#) can be used as a guide in determining if another person has a conflict of interest. For example, instead of asking the question in first person, ask it in third person. i.e., replace 'I' with 'they' and 'my' with 'their' etc.

Minor Interest

(36) Please refer to [Annexure A](#) for the definition of a minor interest.

(37) If it is determined that a staff member or affiliate has an undeclared minor interest, the staff member or affiliate raising the concern should lodge a [Service Central](#) request to have the matter brought to the attention of the supervisor responsible for the staff member or affiliate who has not disclosed the interest.

(38) The supervisor or relevant ACU representative will then be required to discuss the matter with their staff member or affiliate. If after making enquiries the supervisor or relevant ACU representative is satisfied that a conflict of interest or foreign interference situation has already been reported or does not exist, no further action is required.

(39) If further enquiries reveal that a minor conflict of interest or potential foreign interference situation exists and has not been disclosed, then the process outlined in Sections 4 to 7 of this Procedure should be followed.

Significant Interest

(40) Please refer to [Annexure A](#) for the definition of a significant interest.

(41) Where a staff member or affiliate reasonably suspects there is an undisclosed interest for another staff member or affiliate and it appears to be significant, they should consider whether the undisclosed interest may also amount to corrupt conduct. If so, refer to clause (45) of this Procedure and [Annexure A](#) for the definition of Corrupt Conduct.

(42) If the undisclosed interest is significant but unlikely to be corrupt conduct, the staff member or affiliate should report the matter to their own supervisor, who in turn will refer the matter to the Legal, Assurance and Governance Directorate and Office of General Counsel for advice and further instructions.^[5]

[5] The Legal, Assurance and Governance Directorate and Office of General Counsel will check the relevant Register as part of their assessment of the matter.

(43) If there is a reasonable belief that the staff member or affiliate should have known they were required to disclose the interest, then the [Misconduct and Serious Misconduct Policy](#) must be followed. ACU's Enterprise Agreement should also be followed where applicable.

(44) If an investigation reveals that a significant conflict of interest or potential foreign interference situation exists and should have been disclosed by the staff member or affiliate, then their behaviour would amount to a breach of this Procedure and [Declaration of Interest Policy - Staff and Affiliates](#) and the [Code of Conduct for Staff](#) (as relevant).

Reporting Corrupt Conduct

(45) Any staff member or affiliate who suspects another staff member or affiliate of engaging in criminal or corrupt conduct has an obligation to immediately report the matter to their supervisor, or to another appropriate manager if their supervisor would not be appropriate in the circumstances. Please refer to the [Misconduct and Serious Misconduct Policy](#) and the [Protected Disclosures Policy](#) and [Protected Disclosures Procedure](#).

Section 11 - Declaration of Interest Register

Entry of data

(46) People and Capability will oversee that all disclosures relating to any conflict of interest concerning staff and affiliates, are entered into the Conflict-of-Interest Register (COI Register), except those matters that relate to ACU Research and Enterprise.

(47) The Research Ethics and Integrity Unit will oversee that all disclosures relating to conflicts of interest involving ACU Research and Enterprise are entered into a separate register maintained for that purpose (Research COI

Register).

(48) Global and Education Pathways will oversee that all disclosures relating to any potential foreign interference matters concerning staff and affiliates, are entered into the Foreign Interference Register (FI Register).

(49) Declarations will be lodged via [Service Central](#). A process will follow whereby declarations are then placed into the relevant register.

Storage

(50) The Chief People Officer will be responsible for ensuring that all electronic copies of completed conflict of interest Disclosure Forms and related documentation are stored securely in the COI Register.

(51) The Associate Director, Research Operations or Manager, Research Ethics and Integrity, will be responsible for ensuring that all electronic copies of completed Research and Enterprise Disclosure Forms and related documentation are stored securely in the Research Register.

(52) The Pro Vice-Chancellor (Global and Education Pathways), will be responsible for ensuring that all electronic copies of completed foreign interference Disclosure Forms and related documentation are stored securely in the FI Register.

(53) When a staff member ceases employment with ACU, any declaration documentation will be transferred to, and securely filed in, the staff member's personnel record.

(54) When an affiliate ceases any engagement with ACU, any declaration documentation will be transferred to, and securely filed with, the relevant contract material relating to that engagement by the relevant ACU representative.

Access

(55) Declaration documentation must be held in the strictest of confidence. Unless required by law, access to these documents is limited to the staff member concerned and those authorised by the Vice-Chancellor and President or Chief Operating Officer / Privacy Officer, or in accordance with this procedure, and subject to the advice of the Privacy Coordinator, where relevant.

(56) Declarations of interests may be the subject of applications for access under the [Privacy Act 1988 \(Cth\)](#) and ACU's [Privacy Policy](#) and associated [Privacy Procedures](#) relating to access. Each application for access will be dealt with in accordance with the provisions of the legislation.

(57) In the event of receipt of an application for access to a declaration of interest record, ACU is required to consult the staff member or affiliate who made the declaration about their views on the application prior to any decision being made to release the document. Any application for access to such a declaration must be approved by the Privacy Officer, subject to the advice of the Privacy Coordinator.

(58) Please refer to [Annexure A](#) for more detail on the circumstances when personal information contained within a declaration can be released.

Monitoring and Receipt

(59) The Chief Operating Officer or another authorised member of the Executive or Senior Executive may periodically seek a review of each Register with assistance from other business units to ensure the Register is up to date and that conflicts of interest or potential foreign interference situations contained in the Register continue to be managed appropriately or are no longer active and can be archived.

(60) The Chief People Officer will have visibility of all declarations (including changes) so that a copy can be added to

a staff member's employee records as required.

Delegations, Privileges and Responsibilities Table

(61) The following tables set out in more detail the responsibilities of individuals for each section of the relevant register:

CONFLICTS OF INTEREST

Activity	Register Entry	Reporting	Review and Access	Maintenance	Control
Professional and Academic	People and Capability	All supervisors / managers of the staff member making the declaration	Chief People Officer	People and Capability	Chief People Officer
Research and Enterprise	Research Ethics and Integrity Unit	All supervisors / managers of the staff member making the declaration	Deputy Vice-Chancellor (Research and Enterprise)	Research Ethics and Integrity Unit Research Register	Deputy Vice-Chancellor (Research and Enterprise)
Affiliates	People and Capability Or Research Ethics and Integrity Unit	Staff member responsible for overseeing or supervising the role of the affiliate	Chief People Officer Or Deputy Vice-Chancellor (Research and Enterprise)	People and Capability Or Research Ethics and Integrity Unit	Chief People Officer Or Deputy Vice-Chancellor (Research and Enterprise)

FOREIGN INTERFERENCE

Activity	Register Entry	Reporting	Review and Access	Maintenance	Control
All ACU Staff	Global and Education Pathways	All supervisors / managers of the staff member making the declaration	Pro Vice-Chancellor (Global and Education Pathways) Chief People Officer	Global and Education Pathways	Pro Vice-Chancellor (Global and Education Pathways)
Affiliates	Global and Education Pathways	Staff member responsible for overseeing or supervising the role of the affiliate	Pro Vice-Chancellor (Global and Education Pathways) Chief People Officer	Global and Education Pathways	Pro Vice-Chancellor (Global and Education Pathways)

Section 12 - Review

(62) In accordance with the [Policy Development and Review Policy](#), this procedure will be reviewed in line with the governing policy and is scheduled for review every five years or more frequently if appropriate.

(63) This policy will still apply beyond the review date.

Section 13 - Further Assistance

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

Section 14 - Associated Information

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

(66) In addition, the following documents provide examples of the type of information that is required in self-assessing or declaring a conflict of interest:

- a. [Declaration of Interest Self-Assessment Guide](#)
- b. [Declaration of Interest Disclosure Form - Staff and Affiliates](#)
- c. [Foreign Interference Declaration Form](#)

(67) Note that declarations must be made via [Service Central](#) and not on these forms.

Status and Details

Status	Current
Effective Date	19th December 2023
Review Date	20th July 2028
Approval Authority	Chief Operating Officer and Deputy Vice-Chancellor
Approval Date	19th December 2023
Expiry Date	Not Applicable
Responsible Executive	Patrick Woods Chief Operating Officer
Responsible Manager	Angelle Laurence Chief People Officer
Enquiries Contact	People and Capability