

Procedure: Disclosure of interest

Purpose

To set out the procedural requirements for the sound management of any private interests held by University Representatives as required under the [Disclosure of Interest Policy](#).

Definitions

The definitions included in this section are provided to assist in interpreting and actioning relevant aspects of this procedure.

Term	Definition
University Representatives	<p>University Representatives are persons associated with the ANU in any capacity. University representatives include:</p> <ul style="list-style-type: none"> • members of the University Council and Committees; • an office holder in a University entity; • adjunct or honorary appointees of the University; • staff members; • PhD candidates and visiting PhD candidates; and • any other person or organisation appointed or engaged (whether paid or unpaid) by the University to perform any duties or functions (such as volunteers, contractors, or agents). <p>Students (other than PhD candidates) are not included in this definition, except where they undertake paid or volunteer roles with the University.</p>
External Entity	<p>An External Entity means any corporation, partnership, sole proprietorship, firm, overseas University, overseas government department, franchise, association, organisation, company, business, or any other legal entity, which is not the University, an entity controlled by the University, or an Australian government entity.</p> <p>If you are unsure whether an entity is considered 'external', disclose the details of the entity to your supervisor who can seek advice from the Corporate Governance and Risk Office (CGRO).</p>
Direct Interests	<p>Includes a University Representative's own personal, family, professional or business interests.</p>
Indirect Interests	<p>Includes the personal, family, professional or business interests of individuals or groups with whom the University Representative is, or was recently, closely associated.</p>
Gifts	<p>Includes any free or discounted items and any item that would generally be seen by the public as a gift. This includes any free or discounted items</p>

	<p>and any item that would generally be seen by the public as a gift and therefore belongs to the University (as per the Code of Conduct).</p>
<p>Non-financial interests</p>	<p>Arise from personal or family relationships, or involvement in sporting, social or cultural activities. They include any tendency toward favouritism or prejudice resulting from friendship, animosity, or other personal involvement with another person or group. If personal values are likely to impact on the proper performance of a University Representative's duties, then these can also lead to a conflict of interest.</p> <p>Sitting on Boards of sporting organisations, not-for-profit organisations is permitted under this framework, however, any risks must be managed appropriately.</p>
<p>Financial Interest (Pecuniary)</p>	<p>A private interest of a University Representative that may result in an actual, potential or perceived financial gain or loss for that Representative. Money does not need to change hands for an interest to be financial.</p> <p>People have a financial interest if they (or a relative, or a close associate):</p> <ul style="list-style-type: none"> • own property that has relevance to the University's interests; • hold shares in a public company that equal greater than 1% of its market capitalisation; • have a controlling interest in a private company; • have a senior or relevant position in an entity external to the University where a contractual arrangement is in place with the University; • receive benefits such as concessions, discounts, gifts or hospitality from a particular source related to the University; or • can benefit financially from a decision influenced or made by the University.
<p>Close Personal Relationships</p>	<p>Any close personal relationships that a University Representative has with:</p> <ul style="list-style-type: none"> • relatives; • other financially dependent persons; • a de facto partner (defined as a person who has committed to a long-term personal relationship with another person of the same or opposite gender); or • any person with whom there is currently, or has been, an intimate relationship. <p>It is not intended that relationships which exist due to ordinary collegiate academic or professional collaboration or general platonic acquaintances fall into this category unless one employee is the leader of the other. As per Section 28 of the Code of Conduct, staff must disclose certain relationships to ensure a positive working environment for all where</p>

	interests are appropriately managed.
Benefits	Includes any preferential treatment, privileged access, favours, 'in kind' transactions or other advantage offered to a University Representative. Benefits may include invitations to sporting, cultural or social events, access to discounts and loyalty programs, or promises of a new job. The value of benefits may be difficult to define in dollars, but as they are valued by individuals, they may be used to influence behaviour.
Hospitality	A disclosure may be required in an instance where hospitality far exceeds the occasion; such as expensive and extravagant restaurant meals and sponsored travel and accommodation. To remove any doubt, general hospitality such as light refreshments at seminars/workshops is not included in this definition.
Conflict of Duty/ Commitment	When a person fulfils two or more roles that may be either, potentially or perceived to be, in conflict with each other.
Actual Conflict of Interest	A real conflict between a University Representative's related duties and interests external to their engagement with the University.
Potential Conflict of Interest	A University Representative has interests that have the potential to conflict with their University duties. This also refers to circumstances where it is reasonably foreseeable that a conflict may arise in future.
Perceived Conflict of Interest	A third party could reasonably form the view that a University Representative's private interests could improperly influence their decisions or actions, now or in the future.
Senior Officer	Senior Officers are staff members who have been delegated to approve the disclosure and management of conflicts of interests. Senior Officers at the ANU include: <ul style="list-style-type: none"> • Chancellor • Vice-Chancellor • Provost (if applicable) • Deputy Vice-Chancellors A Senior Officer may delegate this responsibility to the following positions reporting directly to them: <ul style="list-style-type: none"> • Pro Vice-Chancellor • Dean of School, or • Director of an organisational area. If a Senior Officer (or delegate) is disclosing a conflict of interest, their immediate supervisor will be the Senior Officer by default. Conflicts of

	interest affecting the Vice-Chancellor must be disclosed to and approved by the Chancellor.
Commercial Interests	Commercial interests relate to instances where the University maintains any form of commercial relationship with an external entity* *see definition above.
Equity Interests	Equity interests relate to wholly or partially owned subsidiary entities and any equity holdings that are maintained by the University.

Disclosure of Interest Procedure

Guiding Principles

- The following guiding principles inform all activities within the Disclosure of Interest Procedure and create a focus on:
 - fostering a proactive and positive approach to the disclosure of private interests by University Representatives;
 - all University Representatives being required to disclose interests proactively and in good faith;
 - building an awareness that having private interests is normal and to be expected, and that disclosing interests will not generally preclude an interest from being maintained;
 - capturing the information required about University Representative to enable clear visibility of the University's risk environment so that appropriate steps can be taken to mitigate any risks to ANU;
 - ensuring at the commencement of affiliation with ANU that University Representatives disclose their private interests, and that these are reviewed and

updated annually at a minimum;

- ensuring the early disclosure of new or changed interests are disclosed outside of the above annual cycle, as close to the time that they arise as possible, to ensure the timely implementation of mitigation measures;
 - supporting the consistent reporting and management of any risks associated with University Representatives private interests;
 - ensuring that where any doubt exists regarding whether a private interest exists, or about an interest's materiality, it is best to err on the side of caution and include the interest in the Disclosure of Interests; and
 - ensuring University Representatives' information is safely and securely stored to protect privacy;
 - ensuring information is only accessible by a small nominated group of staff members with delegated responsibilities for assessing disclosures and reporting.
2. Refer to the University's [Disclosure of Interest Online Guide](#) for examples of scenarios where interests commonly arise.

Examples of Interests to Be Disclosed

3. Private interests held by University Representatives may fall into the following categories or topic areas and their links to related ANU policies that University Representatives are required to comply as a result of their affiliation with ANU:
- Financial or Pecuniary Interests
 - External Role or Commitment related interests (see also the [Paid Outside Work \(52 Day Rule\)](#))
 - Close Personal Relationships (including family members, friends, and intimate partners) (see also: [Code of Conduct](#))
 - Gifts, Benefits and Hospitality (see also [Gifts and Fundraising Policy](#), [Gift Acceptance Procedure](#) and [Gifts to the University Guidelines](#))
 - Foreign Interference (see also: [Guidelines to Counter Foreign Interference in Australia's University Sector](#))
 - Research (see also: [Responsible Conduct of Research Policy](#))
 - Any combination of the above
4. For additional information, guidance or examples relating to any of the above interest categories, please refer to the Disclosure of Interest Online Guide.

Requirements and Expectations of all University Representatives

5. It is the responsibility of all University Representatives to proactively identify and disclose any interests where they arise, ensuring updates are made to disclosures as circumstances change and evolve.
6. Interests should be disclosed via the approved forms (see Disclosure Process below).
7. If a University Representative has knowledge of a conflict of interest where it can be

reasonably assumed that a disclosure has not been made by another University Representative, and where an unacceptable risk is posed to the University's interests if the disclosure is not made promptly, information should be provided as per the University's [Public Interest Disclosure \(PID\) framework](#), located on the policy library.

8. University representatives may enter into contracts or arrangements with external entities, provided they act in the best interests of the University and disclose any instances where a commercial relationship is created (external to their ANU duties) using the DOI Framework. As part of this, when entering into a commercial relationship with an external entity, Academic staff should refer to [Paid Outside work: the 52 day rule](#).
9. University representatives are free to engage in activities that create private interests while working for the University, so long as policy, procedures, the enterprise agreement, the Code of Conduct, other contractual terms and the University's Disclosure of Interest framework are adhered to while doing so.
10. However, where interests have the potential to – or do – create, conflicts of interest in relation to a University Representative's work with the University, these should be avoided unless necessary or simply unavoidable. Where the creation of an interest that will (or will likely) lead to a conflict of interest is unavoidable for whatever reason, staff members must complete a disclosure using the steps outlined below.

Disclosure Process

The disclosure process includes the following key steps:

Step 1

Determine whether the interest is classified as a 'disclosable' interest.

- a. If the interest is not deemed to be a disclosable interest, no further action is required.
- b. If the Interest is deemed to be a disclosable interest, Steps 2 to 5 must be completed.

Where a supervisor is involved in the interest, they cannot be involved in supporting the disclosure. Additionally, where no clearly articulated supervisor exists, the discloser's primary contact at the University is considered their supervisor for the purposes of the DOI framework.

Step 2

- a. Complete an Interest Disclosure form (Form 1) and have that signed by the Supervisor; and
- b. Complete an Interest Risk Assessment (Form 2) (a Form 2 must be completed alongside all Form 1s) used for all interest disclosures.

Step 3a

- a. Check the Residual risk rating of the Form 2
- b. If the residual risk rating is **Moderate** or **Low** and no conflict exists, no further action is required (however, it remains at the discretion of the discloser's supervisor whether an Interest Management Plan (Form 3) is completed)
- c. If the residual risk rating is **Moderate** or **Low** and a conflict does exist, a Form 3 and Conflict Permission Request (Form 4) must be completed by the discloser and their supervisor as an element of the interest disclosure.

Step 3b

- a. Check the Residual risk rating of the Form 2
- b. If the residual risk rating is **High** or **Extreme**, a Form 3 must be completed by the discloser and their supervisor as an element of the interest disclosure, regardless of whether a conflict exists or not.
- c. If a conflict does exist, a Form 4 must also be completed as part of the disclosure process.

Step 4

- a. Once all documentation associated with the disclosure has been completed, it must be submitted to CGRO via disclosure@anu.edu.au.
- b. CGRO will respond to your submission with a confirmation email which will include a Central Interest Register Identification (CIRID) which is a random alphanumeric sequence used to reference your Interest in future correspondence (reviews/updates etc).

Step 5

- a. Once a disclosure has been made, the University Representative who made the disclosure is responsible for providing updates as they arise or become apparent.
- b. Reviewing interests to ensure they remain current is also an integral part of the disclosure process.
- c. All Interests must be reviewed at least annually, however, where an interest has a higher residual risk rating, that interest must be reviewed more frequently using an Interest Review Form (Form 5) The timeframes are as follows:
 - **Extreme** Risks must be reviewed Quarterly
 - **High** Risks Must be reviewed every 6 months
 - **Moderate** and **Low** risks must be reviewed annually

- d. Depending on the residual risk rating, the information captured in relation to the interest may be anonymised and presented to university committees.

At any stage during the disclosure process, if significant amounts of information need to be provided, an Additional Information Form (Form 6) should be used.

Seeking Advice

11. Wherever possible, advice should be sought in relation to an interest, no matter how minor the interest may seem. If there is a chance that an interest could create a conflict, seeking advice from a supervisor will ensure that the interest is evaluated objectively and managed in accordance with the University's disclosure of interest framework.
12. For additional guidance around disclosure relating to common private interests, conflicts of interest and associated scenarios, please refer to the University's Disclosure of Interest Online Guide.
13. For information about interests and delegations please refer to the [Delegations of Authority Policy](#) and [Delegations of Authority Procedure](#).

Escalation of Interests

14. Escalation is a key element for the proper function of the University's Disclosure of Interest Framework. Senior stakeholders and governance committees will be notified wherever an interest receives a residual risk rating that exceeds a set threshold (as outlined in Form 2).
15. Where thresholds are breached (as set out in the Interest Escalation Thresholds (Infosheet 1)) a Form 3 must be completed. This ensures that the interest and any associated risks are reviewed by the necessary stakeholders and appropriate controls can be implemented, a review timeframe agreed upon and other relevant feedback can be provided to the discloser to improve their ability to manage risks associated with their interest.

Disclosure Requirements and Non-Compliance

16. University Representatives have an obligation to disclose and manage all private interests proactively and in good faith, regardless of how small they may seem.
17. Failure to disclose and appropriately manage an interest may result in:
 - a. damage to the good reputation of the University and the individual; and
 - b. loss of confidence in the University and its ability to perform various functions.
18. Failing to comply appropriately with disclosure obligations, including refusal to take any reasonable action as directed by supervisors or senior officers to satisfactorily manage risks associated with an interest or resolve a conflict of interest may be regarded as misconduct or serious misconduct which may result in disciplinary action.
19. Where noncompliance occurs, supervisors should liaise with their local HR contact to obtain advice specific to the circumstances.

20. Where HR requires further advice regarding the operation of the DOI Framework, CGRO should be contacted at disclosure@anu.edu.au.
21. If further escalation is required, HR staff should liaise with Senior HR staff members to obtain appropriate advice.

Resolving Issues

22. If a Form 3 cannot be completed, for whatever reason, there are a variety of decisions available to University Representatives, to be worked through with their supervisor, including:
 - a. Registering the interest on the Central Interest Register (CIR);
 - b. Restricting involvement in the duty to which the interest relates;
 - c. Recruiting an objective third party to oversee part (or all) of the duty (such as managing a disciplinary investigation in place of the staff member to which the interest relates);
 - d. Removing the staff member to which the interest relates from all responsibilities in relation to the duty;
 - e. Relinquishing the private interest (such as selling financial interests); and
 - f. Resigning/Ceasing from the role/activity that creates the interest (either temporarily or permanently, depending on the risks associated with the interest and the longevity of those risks).
23. Once a decision has been made regarding the above options, CGRO should be notified in writing via the disclosure@anu.edu.au inbox. This information will then be entered into the Central Interest Register.

Monitoring

24. The University, through CGRO and the Chief People Officer, will periodically review the University's DOI framework to ensure its continued effectiveness.

Awareness and Training

25. The ANU will ensure that University representatives have access to education programs during induction and as part of ongoing refresher training that is designed to raise awareness in relation to proper disclosure, handling and management of conflicts of interest by University Representatives, and to assist them discharge their responsibilities and duties.

Agents and Contractors

26. The ANU will implement appropriate systems and controls (including as part of any contractual arrangements) to ensure that conflicts of interest involving agents and contractors of the University are identified, declared and managed appropriately.

Legislation and Codes

- a. [*Australian University Act 1991*](#) (Cth)
- b. [*Public Governance, Performance and Accountability Act 2013*](#) (Cth)

c. Australian Code for the Responsible Conduct of Research

Document information

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