

Governance (Declaration of Material Interests) Rule 2005 No. 2

Chapter 1 - Introduction

1 Name of Rule

(1) This Rule is the Governance (Declaration of Material Interests) Rule 2005.

2 Commencement

(2) This Rule commences on 28 September 2005.

3 Purpose

(3) A Rule for the purpose of achieving effective management of conflicts of interest by members of the Council and its committees and to ensure best practice by:

- a. maintaining public confidence in the integrity of decision-making of the Council;
- b. ensuring that members make and are seen to make, decisions free from bias or partiality;
- c. guarding against conflicts of interest that may arise as a result of the positions held by members;
- d. protecting the University and members against allegations of impropriety, or the appearance of impropriety; and
- e. protecting the reputation of the University.

This Rule is enacted to ensure compliance by the University with Protocol 3 (e) of the National Governance Protocols made under the [Higher Education \(Support\) Act 2003](#) of the Commonwealth which requires the Council to adopt appropriate procedures for the disclosure and avoidance of conflicts of interest similar to those of public companies.

4 Authority

(4) This Rule is made pursuant to authority granted to the Council under section 32 of the Act.

5 Glossary

(5) In this Rule:

- a. Act - means the [Charles Sturt University Act 1989](#).
- b. By-law - means the [Charles Sturt University By-law 2005](#).
- c. Member - means a member of the Council and a member of a committee of the Council.
- d. Secretary - means the Secretary to the Council appointed under the By-law.

6 Notes and Headings

(6) The notes in the text of this Rule do not form part of this Rule.

(7) Headings do not form part of this Rule.

Chapter 2 - Registration of Material Interests

7 Application

(8) This Rule applies to members.

8 Material Interests to be Declared with Application for Appointment

(9) The Secretary may require a person applying for appointment to the Council to complete and submit a Statement of Material Interests with their application for appointment in the form set out in Schedule 1.

(10) In considering recommendations for appointment to the Council, the Council may take into account the [Statement of Material Interests](#) of the applicant.

9 Members to Complete and Submit Statement on Appointment or Election

(11) Where a member has not been required to do so under clause 9, the member shall submit a [Statement of Material Interests](#) to the Secretary in the form set out in Schedule 1 no more than 20 working days after the commencement of their appointment or election to the Council.

10 Variations to Statements

(12) The Secretary will request members to review their [Statement of Material Interests](#) annually in January of each year to ensure they remain accurate. Where the material in the Statement has changed, the member will submit a new statement.

11 Declaration of Material Interests in the Course of a Meeting of the Council or a Committee

(13) Notwithstanding any declaration of material interests contained in the [Statement of Material Interests](#), where:

- a. a member of the Council has a material interest in a matter being considered or about to be considered at a meeting of the Council and
- b. the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter;

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Council in accordance with clause 5 of Schedule 3 of the [Act](#).

12 Secretary Shall Restrict Access to Business Papers or Documents

(14) Where, in the opinion of the Secretary a matter being considered, or about to be considered, by members (whether at a meeting of the Council or not) may constitute a conflict of interest with the material interests declared by a member under this Rule, the [Act](#) or [By-law](#), the Secretary shall take necessary steps to ensure appropriate restricted access to the relevant business papers or documents to that member.

(15) Where a member receives information or documents that may constitute a conflict of interest, the member shall return the information or document and advise the Secretary of the nature of the conflict of interest in writing.

13 Register of Material Interests

(16) The Secretary shall maintain a Register of Material Interests.

(17) The Secretary shall make available a copy of the Register of Material Interests upon request in writing by a member of the Council within 5 working days of that request.

(18) The timeframe under clause 17 may be extended by an additional 5 working days to allow the Secretary to obtain legal or other advice in relation to the request.

(19) Where a member has been granted access to the Register under this Rule, the member shall undertake to ensure that any information contained in the Register of Material Interests remains confidential to the Council, except as provided by law.

(20) The Secretary may approve procedures or requirements from time to time in relation to:

- a. the physical security of the Register; and
- b. access to the Register by staff of the Secretary; and
- c. the form of undertakings required by members with respect to access to the Register; and
- d. such other procedures or requirements to ensure the confidentiality of the Register.

(21) The Register shall not be available to any other person, except as required by law.

(22) Where the Register of Material Interest is required to be made available by law, the Secretary shall make the Register available upon payment of a fee of \$100 (except where otherwise provided under the law under which the Register must be made available).

(23) The Secretary shall update the Register of Material Interests upon receipt of a variation using the form set out in Schedule 1.

14 Rule Subject to Privacy Laws

(24) This Rule shall operate subject to the requirements of the [Privacy and Personal Information Act 1988](#) and anything in this Rule that is inconsistent with the requirements under the Act shall be invalid to the extent of inconsistency.

15 Liability

(25) No matter or thing done or omitted to be done by any person under this Rule shall, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this Rule, subject the person so acting personally to any action, liability, claim or demand.

16 Correction of Statement in Relation to an Associate

(26) An associate of a member whose material interests have been declared has the right to request the Secretary to supply that part of a [Statement of Material Interests](#) containing information about that associate without charge and to request corrections be made to a Statement of Material Interests if any personal information of that associate is inaccurate.

(27) In supplying a copy of that part of a Statement of Material Interests under clause 26, the Secretary shall ensure that any personal information not relating to that associate requesting access is restricted to protect the privacy of members and any other associate.

Chapter 3 - Transitional and Savings Provisions

17 Transitional Provisions

(28) Submission to the Secretary of a completed [Statement of Material Interests](#) in the form set out in Schedule 1 within one month of the date of amendment of this Rule will be deemed to have satisfied the requirements of this Rule and the [Act](#).

Status and Details

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