

# Governance (Declaration of Material Interests) Rule 2005 No. 3

## Division 1 - Introduction

### Name of Rule

(1) This Rule is the Governance (Declaration of Material Interests) Rule 2005 No. 3.

### Commencement

(2) This Rule commences on 28 September 2005 under resolution EXEREF05/02.

### Purpose

(3) This Rule is enacted 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;

in accordance with the requirements of the [Higher Education Support Act 2003](#) and the [Voluntary Code of Best Practice for the Governance of Australian Universities](#).

### Authority

(4) This Rule is made pursuant to authority granted to the Council under sections 31(1)(f) and 32 of the Act.

### 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. Council - means the University Council established under Part 3 of the Act.
- d. Member - means a member of the Council and a member of a committee of the Council.
- e. University Secretary - means the Secretary to the Council appointed under the [By-law](#).

(6) In this Rule, unless the contrary intention appears:

- a. a word or term that has not been defined in this Rule has the same meaning attributed to that word or term in the [Act](#) or [By-law](#);
- b. a reference to an officer of the University includes any person acting in that position; and

c. headings and notes do not form part of this Rule.

## **Division 2 - Registration of Material Interests**

### **Application**

(7) This Rule applies to members of the Council and its committees.

### **Material Interests to be Declared with Application for Appointment**

(8) The University 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](#).

(9) In considering recommendations for appointment to the Council, the Council may take into account the statement of material interests of the applicant.

### **Members to Complete and Submit Statement on Appointment or Election**

(10) Where a member has not been required to do so under clause 8, the member shall submit a statement of material interests to the University 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.

### **Variations to Statements**

(11) The University 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.

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

(12) 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 or its committees; 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](#).

### **University Secretary Shall Restrict Access to Business Papers or Documents**

(13) Where, in the opinion of the University 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 University Secretary shall take necessary steps to ensure appropriate restricted access to the relevant business papers or documents to that member.

(14) 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 University Secretary of the nature of the conflict of interest in writing. Where the member has been provided with electronic access to the information or documents that may constitute a conflict of interest, this access will be rescinded.

### **Register of Material Interests**

(15) The University Secretary shall maintain a register of material interests.

(16) The University Secretary shall make available a copy of the register of material interests upon request in writing by a member of the Council within five working days of that request.

(17) The timeframe under clause 16 may be extended by an additional five working days to allow the University Secretary to obtain legal or other advice in relation to the request.

(18) 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.

(19) The University 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 University 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.

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

(21) Where the register of material interest is required to be made available by law, the University 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).

(22) The University Secretary shall update the register of material interests upon receipt of a variation using the form set out in [Schedule 1](#).

### **Rule Subject to Privacy Laws**

(23) 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.

### **Liability**

(24) 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.

### **Correction of Statement in Relation to an Associate**

(25) An associate of a member whose material interests have been declared has the right to request the University 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.

(26) In supplying a copy of that part of a statement of material interests under clause 25, the University 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.

## **Division 3 - Transitional and Savings Provisions**

### **Transitional Provisions**

(27) Submission to the University 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

<b>Status</b>	Historic
<b>Effective Date</b>	11th December 2017
<b>Review Date</b>	11th December 2022
<b>Approval Authority</b>	University Council
<b>Approval Date</b>	10th December 2017
<b>Expiry Date</b>	31st December 2021
<b>Unit Head</b>	Natalie Nixon University Secretary
<b>Author</b>	Natalie Nixon
<b>Enquiries Contact</b>	Office of Governance and Corporate Affairs +61 2 63384207