

**COUNCIL RESOLUTION CL 04/071  
(19 April 2004)**

That Council approve

1. in relation to the two issues of access to and scope of the Register of Interests Policy for members of Council and University senior management positions:
  - (a) Access. That all records held in the Register of Interests be open for inspection by:  
Members of Council, the NSW Auditor-General, the NSW Minister of Education, and the NSW Treasurer (minimum standard, required by Guidelines);  
and in addition:  
University senior management positions, officers of the University or of the Government empowered to examine the records to assess probity or compliance, and other persons as required under law;
  - (b) Scope. That the Register of Interests hold declarations of:  
Only those interests of members which relate to commercial activities of the University;
2. the Register of Interests Policy for members of Council and University senior management positions,  
  
—as detailed and amended in the documents presented.

**Register of Interests Policy for Members of Council and University Senior Management Positions**

**Policy Objectives**

1. To clearly state the obligations of members of Council and the Senior Management Group in respect of declarations of interest.
2. To provide for the establishment and maintenance of a central Register of Interests of members of Council and the Senior Management Group.
3. To reduce the risk of actual or perceived conflicts of interest in respect of commercial activities of the University.
4. To achieve compliance with relevant sections of the University of New South Wales Guidelines on Commercial Activities and the *University of New South Wales Act 1989*.
5. To demonstrate high standards of probity, accountability, and transparency in university governance.

**Definitions**

For the purpose of this policy:

*the Act* means the *University of New South Wales Act 1989*;

*Council Members* means all members of the University of New South Wales Council;

*the Guidelines* means the University of New South Wales Guidelines on Commercial Activities as approved by Council;

**Interests** includes but is not limited to the following: employment, consultancies, company directorships, board memberships, ownership of business/enterprise, shareholdings, property ownership, consultancies, and ministerial appointments;

**Members** means Council members and the Senior Management Group;

**the Register** means the Register of Interests of Council and Senior Management Group Members;

**Senior Management Group** means those members of the University's executive management as identified by the Vice-Chancellor from time to time;

**University** means the University of New South Wales and its controlled entities as defined under relevant legislation.

## **Related legislation, policies and procedures**

The *University of New South Wales Act 1989*

The University of New South Wales Guidelines on Commercial Activities

UNSW Code of Conduct

UNSW Code of Conduct for Members of Council

## **Application**

No element of this policy in any way diminishes the application of any other policy, law, or code of conduct.

### **1. Register of Interests of Council Members and the Senior Management Group**

- 1.1 The UNSW Code of Conduct for staff and the UNSW Code of Conduct for Council members require of Members a high standard of fiduciary accountability. Staff and Members are expected to place the interests of the University above their personal interests or affiliations, and to avoid actual or perceived conflicts of interest.
- 1.2 Pursuant to the UNSW Guidelines on Commercial Activities determined by Council under the *University of New South Wales Act 1989*, a Register of Interests of Council Members and the Senior Management Group will be held and maintained by an appointed officer of the University.
- 1.3 The Register is to hold the following details of Council members and the Senior Management Group:
  - (a) Member's full name
  - (b) Details of Member's appointment/election and term (where applicable)
  - (c) University position and membership of University bodies
  - (d) Details of Member's declared interests and notified activities

### **2. Declaration of Interests**

- 2.1 The purpose of the Declaration of Interests is to establish a standing record of Members' interests which may give rise to an actual or perceived conflict with the interests of the University in respect of commercial activities of the University.
- 2.2 Declaration of Interests will occur on appointment or election and will be updated by the Member annually or as changes occur.
- 2.3 Members will notify the officer responsible for maintenance of the Register when the Member knows their interests to be involved in an actual or proposed commercial activity of the University or of any controlled entity of the University. This notification shall be given on commencement of negotiations or of involvement, whichever is the sooner.

- 2.4 Interests and activities to be declared include but are not limited to: shareholdings, real property holdings, business ownership, corporate or other board memberships, ministerial appointments, employment, and consultancies. In determining the level of detail for inclusion in the declaration, Members may be guided by the purpose expressed in paragraph 2.1.
- 2.5 Notification of involvement of a Member's interest in a commercial activity of the University or its controlled entities may be made generally or with respect to a specific activity or proposal.
- 2.6 Notification shall include a description of the nature of the interest and of the activity of the University with which it is involved.

### **3. Disclosure and Non-participation**

- 3.1 At any meeting of Council, a University committee, or board where a proposed or actual commercial activity of the University, its controlled entities, or affiliated organisations is to be discussed which involves, or may be perceived to involve, an interest of a Member, that Member shall declare the nature of the interest and involvement, whether or not these have been previously disclosed.
- 3.2 A Member with an interest required to be declared under 3.1 shall not participate in discussion of the commercial activity or proposal, except at the invitation of the Chancellor, Presiding Member, or Chair as applicable.
- 3.3 A Member with an interest required to be declared under 3.1 shall not participate in any decision by Council or its committees concerning the activity or proposal.
- 3.4 A Member with an interest required to be declared under 3.1 is not eligible to vote or to exercise delegated authority in respect of the commercial activity or proposal.
- 3.5 Members are not to exercise delegated financial or administrative authority in respect of University activities where it may be reasonably anticipated that a perceived or actual conflict of interest may arise from exercise of such delegated authority.

### **4. Amendments to records**

- 4.1 Members will notify the officer of the University responsible for maintenance of the Register of any changes to the Member's interests as registered, as and when such changes occur.
- 4.2 To ensure accuracy of the Register, the officer responsible for maintenance of the Register will provide Members with details of records held, for amendment or confirmation, on an annual basis. This paragraph does not diminish the Member's obligation to notify the officer of changes as they occur.

### **5. Access to records**

- 5.1 Access to records held in, and associated with, the Register of Interests will be restricted as follows:
  - a) Officers of the University directly responsible for maintenance of records held in the Register of Interests
  - b) Officers of the University, or of a Government agency, empowered to access such records for the purposes of assessing probity or compliance with policy and legislation
  - c) Members of the University of New South Wales Council and Senior Management Group who have lodged a Declaration of Interests
  - d) Other persons as and if required by New South Wales or Commonwealth legislation

- 5.2 In order to exercise the right of access to the records held in the Register under 5.1(c), Members shall notify the Vice-Chancellor and request a suitable time for access.
- 5.3 A record of access to the Register of Interests by any authorised party will be held by the officer responsible for maintenance of the Register and shall be open to inspection by Members.

## **6. Duration records to be held**

- 6.1 Information and documents collected under this policy will be held and maintained for the duration of each incumbent's term of membership of the University Council and/or Senior Management Group, then without alteration for two years from the date of the Member's retirement, resignation, termination, or expiration of term/appointment.

## **7. Review of policy**

- 7.1 This policy will be reviewed twelve months from date of approval, thence every two years.