

Disclosure of Relationships and Interests Procedures

1. STRATEGIC PLAN THEME AND COMPLIANCE OBLIGATION SUPPORTED

[Code of Conduct](#)

Strategic Plan Theme: [People and Culture](#)

[Foreign Influence Transparency Scheme Act 2018 \(Cth\)](#)

[Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020 \(Cth\)](#)

2. IMPLEMENTATION PRINCIPLES

2.1 Conflicts of Interest

- 2.1.1 Potential for Conflicts of Interest exists in all aspects of University operations, including research, teaching, assessment, staffing, consultancy, administration and commercial activity.
- 2.1.2 A well-established system for identifying, disclosing and managing Conflicts of Interest increases the University's public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes.
- 2.1.3 The best strategy for dealing with Conflicts of Interest is to avoid them in the first place. As such, individuals are expected to take all reasonable steps to ensure that they do not create an actual, perceived or potential Conflict of Interest by way of their direct or indirect participation in, or endorsement of, any decision or action which is not in the best interests of the University.
- 2.1.4 Identifying an interest requiring disclosure is an individual's responsibility. Where an individual becomes aware that, in the normal course of their duties, they have or could have an unavoidable actual, perceived, or potential Conflict of Interest, they are expected to immediately disclose it to a Responsible Officer in the online Disclosure of Interest Register, and then act in accordance with the decision made and the direction given to them by that officer.

2.2 Foreign Relationships and Interests

- 2.2.1 Foreign interference involves activities carried out by or on behalf of a foreign actor which are coercive, clandestine, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests. This is different to foreign influence, which involves activities conducted in an open and transparent manner as part of regular international relations and diplomacy, and which can contribute positively to public debate. For further information, refer to Curtin's Foreign Risk portal <https://staffportal.curtin.edu.au/governance/foreign-risk/>.
- 2.2.2 The Federal Government's Guidelines to Counter Foreign Interference in the Australian University Sector (**the Guidelines**) are designed to strengthen resilience to foreign interference in the University sector. These Procedures implement the Guidelines' recommendations for disclosure of specific Foreign Relationships and Interests.
- 2.2.3 The Foreign Relationships and Interests disclosure questions in the online Disclosure of Interest Register will also help individuals to determine whether they have personal registration obligations under the *Foreign Influence Transparency Scheme Act 2018* (Cth).
- 2.2.4 The obligation to disclose Foreign Relationships and Interests is separate from, and in addition to, disclosure obligations regarding Conflicts of Interest. It is an individual's responsibility to disclose Foreign Relationships and Interests whether or not they consider that these give rise to a Conflict of Interest.

2.3 Disclosure Management

- 2.3.1 Responsible Officers, once in receipt of a disclosure, are obliged to promptly:

- (a) assess the disclosure to determine whether it represents a Conflict of Interest or Foreign Risk;
 - (b) where there is a Conflict of Interest or Foreign Risk, develop a strategy for managing it; and
 - (c) where a management strategy is developed, review and monitor the strategy to ensure its objective is achieved.
- 2.3.2 Provided there are no changes in the relevant circumstances, there is no requirement for the same matter to be disclosed again in the future by the same individual to the same Responsible Officer.
- 2.3.3 Where a previously registered disclosure may impact on a process being run or decision being made by another University officer, the notifying individual may need to inform that officer of the matter.
- 2.3.4 Where external legislation, regulations or codes are imposed upon the University in relation to how the University is to manage Conflicts of Interest or Foreign Risks, then the prescribed principles will be adhered to.
- 2.3.5 Third parties who suspect that an individual has not taken reasonable steps to disclose a Conflict of Interest or relevant Foreign Relationship or Interest, or that a disclosure is not being managed appropriately within the University should contact the Integrity and Standards Unit (ISU) for advice.

3. PROCEDURAL DETAILS

3.1 Disclosure of Conflicts and Foreign Relationships or Interests

- 3.1.1 All actual, perceived or potential Conflicts of Interest must be disclosed and updated via the online Disclosure of Interest Register as soon as practicable.
- 3.1.2 All Foreign Relationships and Interests must be disclosed and updated via the online Disclosure of Interest Register as soon as practicable, regardless of whether the individual considers that these give rise to a Conflict of Interest.
- 3.1.3 In deciding whether to disclose:
- (a) a potential Conflict of Interest, the individual may refer to Appendix 1, which describes different types of conflicts of interest that may arise during the course of their employment or engagement with the University; or
 - (b) a Foreign Relationship or Interest, the individual should refer to the definition at the end of these Procedures, and the further detail in the relevant section of the online Disclosure of Interest Register. The Office of the Chief Security Officer may also be contacted directly for advice as required.
- 3.1.4 In making a disclosure, the individual will provide sufficient detail so that the appropriate Responsible Officer may properly assess and make an informed decision as to whether an actual, perceived or potential Conflict of Interest or Foreign Risk exists and, if so, the most appropriate management strategy for dealing with it.

3.2 Assessment

- 3.2.1 Upon receipt of a disclosure, the Responsible Officer will promptly assess it to determine whether it represents a Conflict of Interest or Foreign Risk, as defined in these Procedures.
- 3.2.2 To assist in the assessment process, the Responsible Officer may refer to the following:
- Types of Conflicts of Interest (refer to Appendix 1).
 - Important questions to be asked when considering whether there is or may be a Conflict of Interest (refer to Appendix 2).
 - Third parties who can provide specialist advice e.g. the ISU or the Office of the Chief Security Officer.

- Risks associated with Foreign Relationships and Interests, taking into account relevant laws and guidelines.
- Any other reasonable additional information, in consultation with the disclosing individual.

3.3 Response

- 3.3.1 Where a Responsible Officer's assessment is that there is no Conflict of Interest or Foreign Risk requiring mitigation:
- 3.3.1.1 The Responsible Officer will respond in writing that there is no Conflict of Interest or Foreign Risk requiring mitigation.
- 3.3.1.2 The response by the Responsible Officer will be recorded via the online Disclosure of Interest Register.
- 3.3.1.3 The Responsible Officer will provide a copy of the response to the individual via the online Disclosure of Interest Register.
- 3.3.2 Where a Responsible Officer's assessment confirms a Conflict of Interest or Foreign Risk requiring mitigation:
- 3.3.2.1 The Responsible Officer will promptly develop a strategy for managing the Conflict of Interest or Foreign Risk, in accordance with the strategies outlined in Appendix 3 and/or relevant laws and guidelines.
- 3.3.2.2 The management strategy will fully articulate the actions that need to be taken to effectively manage the Conflict of Interest or Foreign Risk.
- 3.3.2.3 The management strategy will be recorded via the online Disclosure of Interest Register.
- 3.3.2.4 The Responsible Officer will provide a copy of the management strategy to the individual via the online Disclosure of Interest Register.
- 3.3.3 Where a Responsible Officer is unable to make an assessment (e.g. due to lack of sufficient detail in the notification), they will immediately contact the individual and state that further detail or other information needs to be submitted before a determination can be made.

3.4 Reviewing and Monitoring

- 3.4.1 The Responsible Officer or nominee will review and monitor the management strategy on at least a yearly basis to ensure that the objectives of the strategy are being achieved.
- 3.4.2 The individual will inform the Responsible Officer of any changes that may:
- (a) alter the Responsible Officer's original decision that there was no Conflict of Interest or Foreign Risk to be addressed; or
- (b) impact on the need for or effectiveness of the management strategy originally specified by the Responsible Officer at the time it was determined that there was a Conflict of Interest or Foreign Risk that required mitigation.
- 3.4.3 Where the Responsible Officer determines or is made aware that the management strategy does not sufficiently address the Conflict of Interest or Foreign Risk, the Responsible Officer will develop a new strategy in accordance with this Procedure.
- 3.4.4 The Responsible Officer will notify the ISU should they determine at any time that a previously disclosed Conflict of Interest or Foreign Risk no longer exists.

3.5 Confidentiality and Recordkeeping

- 3.5.1 The ISU will maintain a central, secured online database of disclosed Conflicts of Interest and Foreign Relationships and Interests, Responsible Officers' responses to these disclosures, and associated management strategies (where relevant).
- 3.5.2 All information relating to disclosures and their management will be managed by the ISU with consideration of the notifying individual's privacy, and will only be disclosed on a need-to-know basis i.e. where access to the information is necessary for the conduct of a University officer's official duties, or where

disclosure is required to comply with the University's legal obligations, policies or procedures.

- 3.5.3 Any documentation relating to disclosures and their management is subject to legislative or regulatory requirements, which includes the *Freedom of Information Act 1992 (WA)*, *Foreign Influence Transparency Scheme Act 2018 (Cth)*, and *Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)*.

4. RESPONSIBILITIES

4.1 The individual is responsible for:

- a) Considering their interests and determining whether or not any such interests conflict, could reasonably be perceived to conflict, or have the potential to conflict with the duties or responsibilities associated with their employment or engagement with the University.
- b) Disclosing Conflicts of Interest, and relevant Foreign Relationships and Interests via the online Disclosure of Interest Register.
- c) Adhering to the management strategy devised in consultation with the Responsible Officer or their nominee.
- d) Informing the Responsible Officer of any changes that may either alter the Responsible Officer's original decision that there was no Conflict of Interest or Foreign Risk to be addressed or may impact on the need for or effectiveness of the management strategy originally specified by the Responsible Officer at the time it was determined that there was a Conflict of Interest or Foreign Risk that needed to be addressed.
- e) Informing other University officers of their previously registered disclosures, where this may impact on a process being run or decision being made by these officers.
- f) Disclosing the receipt of gifts, benefits or hospitality valued above \$150 via the online Disclosure of Interest Register.
- g) Notifying the ISU where they determine at any time that a previously disclosed Conflict of Interest or Foreign Relationship or Interest no longer exists.

4.2 The Responsible Officer for Conflicts of Interest disclosures will usually be the relevant line manager, and for Foreign Relationships and Interests disclosures will be the Chief Security Officer (or nominee). The Responsible Officer is responsible for:

- a) Assessing the disclosure.
- b) Determining whether the disclosure represents a Conflict of Interest or Foreign Risk.
- c) Developing a strategy for managing the Conflict of Interest or Foreign Risk (where required).
- d) Recording their response to the notification and (where required) the appropriate management strategy, via the online Disclosure of Interest Register.
- e) Reviewing and monitoring the management strategy to ensure that the objectives of the strategy are being achieved.
- f) Maintaining the confidentiality of a disclosure that has been brought to their attention, subject to any disclosures necessary for the conduct of the Responsible Officer's duties, or to comply with the University's legal obligations, policies or procedures.
- g) Developing a new management strategy where they determine or are made aware that the existing management strategy does not sufficiently address the Conflict of Interest or Foreign Risk.
- h) Notifying the ISU where they determine at any time that a previously disclosed Conflict of Interest or Foreign Risk no longer exists.
- i) Determining whether a gift, benefit or hospitality with a commercial value between \$150 and \$300 may be accepted by an individual. Appendix 1 provides guidelines for receiving gifts, benefits or hospitality.

4.3 The Executive Manager is responsible for:

- a) Determining whether a gift, benefit, or hospitality with a commercial value of over \$300 may be accepted by an individual.

4.4 The ISU is responsible for:

- a) Maintaining the online Disclosure of Interest Register.
- b) Reviewing disclosures made in the online Disclosure of Interest Register on a regular basis to ensure they are adequately described and that management strategies to address these disclosures are entered promptly and are appropriate for the type of conflict or Foreign Risk recorded.
- c) Following up with individuals where registered disclosures are not sufficiently described in order for a Responsible Officer to make a determination on the most appropriate management strategy.
- d) Following up with Responsible Officers where it is determined that management strategies require re-assessment and re-input, or where they have not been entered in a reasonable time.

5. SCOPE OF PROCEDURES

These Procedures apply to all parties to the Curtin Code of Conduct. In addition, the obligation to disclose Foreign Relationships and Interests also applies to Council Members, and Higher Degree by Research students.

6. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

Benefit

Means an item of value, including non-tangible items, that one person or organisation confers on an individual. Benefit includes hospitality received.

Close Personal Relationship

Means a relationship between an individual and a relative, a financially dependent person, a close friend, a de facto partner or any person with whom there is currently, or has been, an intimate relationship. This does not include a working relationship which exists due to ordinary academic or professional collaboration, where colleagues are not relatives, financially dependent, close friends, de facto or intimate partners.

Competing Private Interest

Means anything that can have an impact on an individual's primary duty to act in the best interests of the University. The term 'competing private interest' includes not only an individual's personal, professional or business interests, but also the personal, professional or business interests of others with whom the individual associates. This might include relatives, friends or even rivals and competitors. As such, competing private interests are those interests that can bring benefit or disadvantage to individuals, or to others whom the individual may wish to benefit or disadvantage.

Conflict of Interest

Means where there is a conflict between an individual's official duties and responsibilities to the University and a Competing Private Interest, which in turn may improperly influence the objective exercise of the individual's official duties and responsibilities to the University. A conflict of interest may be:

- **actual**, where a conflict actually exists;
- **perceived or apparent**, where a conflict is believed (appears) to exist; or
- **potential**, where a conflict is a future possibility.

A conflict of interest can be:

- **pecuniary** (which involves an actual or potential financial gain or loss). Money does not need to change hands for an interest to be pecuniary. People have a pecuniary interest if they (or a relative or other close associate) own property, hold shares, have a position in an entity that is bidding for University work, or receive benefits (such as concessions, discounts, gifts or hospitality) from a particular source.
- **non-pecuniary** (which does not have a financial component). May arise from personal or family relationships, or involvement in sporting, social, cultural or other activities. This includes any tendency toward favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group.

Conflict of interest includes conflict of duty.

Conflict of Duty

Means where a conflict arises from an individual having multiple, incompatible or competing duties as an officer of the University. This may occur, for example, when a staff member has a public role with another organisation in addition to their University duties.

Disclosure of Interest Register

Means the official University record that details the interest disclosed by the individual and, where necessary, how that interest is to be managed. Disclosures may be completed online at <https://complaints.curtin.edu.au/disclosure-of-interest.html> or for those without access, in an alternative format by contacting the ISU.

Foreign Relationships and Interests

Specific relationships and interests involving foreign individuals or organisations as detailed in the online [Disclosure of Interest Register](#), including:

- any financial support (cash or in-kind) for education or research related activities from a country other than Australia;
- any position (paid or unpaid), honorific titles, or any other obligations to a foreign university, academic organisation or company, (eg, membership of a foreign talent recruitment program);
- any association or affiliation with a foreign government or foreign military, policing or intelligence organisation; or
- any of the following activities conducted on behalf of a foreign government, foreign government related individual or entity, or foreign political organisation, for the purpose of political or government influence:
 - **lobbying** (communicating with the intent to influence a process, decision or outcome) directed at a member of federal parliament or their staff, a Commonwealth public official, department, agency or authority, a registered federal political party, or a federal election candidate or registered political campaigner
 - **public communications** activities (producing or making information available to the public)
 - **disbursement** activities (distributing money or things of value)
 - activities performed by a staff member who is a **former cabinet minister** or **designated position holder** (Minister, MP and their staff, public service agency head or deputy head, ambassador or high commissioner).

Further information on these disclosure requirements is available on Curtin's Foreign Risk Portal: <https://staffportal.curtin.edu.au/governance/foreign-risk/foreign-interference/>

These relationships and interests must be disclosed (regardless of whether they also involve a Conflict of Interest) to enable the Responsible Officer to determine whether risk assessment, management and/or reporting under applicable laws and guidelines is required.

Foreign Risk

Risks associated with Foreign Relationships and Interests, taking into account relevant laws and guidelines as well as geopolitical, reputational and other relevant risk factors.

Relevant laws and guidelines include, but are not limited to, the [Guidelines to Counter Foreign Interference in the Australian University Sector](#), [Foreign Influence Transparency Scheme Act 2018 \(Cth\)](#), [Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020 \(Cth\)](#), [National Security Legislation Amendment \(Espionage and Foreign Interference\) Act 2018 \(Cth\)](#), [Defence Trade Controls Act 2012](#) and relevant sanctions regimes.

Gift

Means any item of value which a person or organisation presents to an individual as a consequence of their employment or engagement with the University. This includes cash but does not include gifts forming part of employment terms.

Hospitality

Means meals, refreshments, entertainment or accommodation.

Responsible Officer

In relation to Conflicts of Interest disclosures, means a staff member who is best placed to make an independent decision as to whether a Conflict of Interest exists in relation to the matter disclosed, and if so, how that Conflict should be addressed. In most cases, this will be the

notifying individual's line manager but it may be another officer depending on the context in which the Conflict arises or could arise e.g. the Chair of a Selection Panel.

In relation to Foreign Relationships and Interests disclosures, means the Chief Security Officer (or nominee).

Secondary Employment

Means any employment with an organisation other than the University and includes self-employment, independent contracting or consulting or employment by a family company. It covers casual, part-time and full-time work, as well as shift work. All such cases constitute secondary employment regardless of the duration of the employment. Secondary employment also includes employment already held by a person at the time of their initial employment by the University.

7. SCHEDULES

Nil

8. RELATED DOCUMENTS/LINKS/FORMS

[Disclosure of Interest Register](#)

[Appendix 1 - Types of Conflicts of Interest](#)

[Appendix 2 - Guidelines for determining if a conflict of interest exists](#)

[Appendix 3 - Strategies for managing conflicts of interest](#)

[Guidelines to Counter Foreign Interference in the Australian University Sector](#)

[Foreign Influence Transparency Scheme Act 2018 \(Cth\)](#)

[Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020 \(Cth\)](#)

[National Security Legislation Amendment \(Espionage and Foreign Interference\) Act 2018 \(Cth\)](#)

Policy Compliance Officer	Director, Risk, Compliance and Audit
Policy Manager	Chief Operating Officer
Approval Authority	Chief Operating Officer
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REVISION HISTORY

Version	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Approval / Resolution Number	Key Changes and Notes
New	Approved	13/02/2012	Vice President, Corporate Relations	EM1216	Conditional upon PM rescinding the current policy and procedures at its 31 July 2012 meeting effective 14 August 2012
	Administratively Updated	02/06/2014	A/Director, Legal and Compliance Services		Department name change, Professional Standards and Conduct Unit changed to Integrity and Standards Unit
	Amended	24/08/2015	Vice President, Corporate Relations	EM1510	Unconditional
	Administratively Updated	06/10/2015	Director, Legal and Compliance Services	EC 76/15	Executive Manager Title Changes
	Amended	29/06/2016	Vice President, Corporate Relations	EM1622	Unconditional
	Administratively Updated	25/01/2017	Director, Legal and Compliance Services		Approval Authority Updated, links amended
	Approved	18/08/2022	Chief Operating Officer	EM2221	