

# DECLARATION OF INTERESTS PROCEDURE

## SCOPE

This procedure applies to all Monash University Australia staff and its associated workforce, herein collectively referred to as 'staff' for the purpose of this procedure.

Staff at Monash University Malaysia, Monash University Indonesia, Monash Suzhou and the Monash University Prato Centre, should apply the ['Conflict of Interest Procedure'](#)

## PROCEDURE STATEMENT

The University seeks to operate with strong ethical practices and a commitment to integrity, transparency and impartiality in all its dealings. On an annual basis, all University staff are required to declare their personal interests (including those held by a partner or dependant or other close personal relationship) that have a bearing on, or may be perceived to have a bearing on, carrying out their role properly and impartially.

This procedure outlines the process for declaring personal interests to ensure that all potential, perceived and actual conflicts of interest are identified and managed appropriately.

This procedure should be read in conjunction with the [Staff Code of Conduct](#).

## 1. Understanding types of interests

- 1.1 While there is no definitive list of personal interests which can be declared, the below provides a non-exhaustive list of some of the types of interests and relationships that may give rise to potential, perceived or actual conflict with the interest which impact on staff being able to discharge their responsibilities without compromise or bias. Further detail on each of the listed personal interests is located in the definitions at the end of this procedure.
  - [Commercial and financial interests \(including directorships and shareholdings\)](#)
  - [Outside work and other commitments](#)
  - [Close personal relationships](#)
  - [Gifts, benefits and hospitality](#)
  - [Procurement activities](#)
  - [Research and commercialisation](#)
  - [Competing professional interests](#)
  - [Receipt of other resources/support](#)
- 1.2 Declaring interests also discharges the duty of staff to declare personal foreign affiliations and associations with research and education organisations outside Australia.
- 1.3 Interests held by a partner, dependent, or other close personal relationship should be declared where these could influence, or could reasonably be seen to influence, the decisions taken or the advice given by staff in the course of employment.

## 2. Declaring material personal interests

- 2.1 Staff must be transparent, honest, proactive, accountable and cooperative in managing any potential, perceived or actual conflicts of interest that arise from any declaration of interest.
- 2.2 Staff must declare all material personal interests using the [Declaration of Interests Form](#) ("the form"):
  - upon commencement of employment;
  - annually, as directed by the University; and/or
  - within 30 days of any change in circumstances where a material personal interest arises, which is required to be declared under this Procedure.

- 2.3 The requirement to complete the form applies even where the material personal interest is transient or temporary, and includes when a staff member is acting in, or seconded to, a different position on an interim or short-term basis.
- 2.4 In disclosing all material personal interests, staff are required to:
- prioritise their professional interest as staff members of the University;
  - be aware of the possibility of a conflict of interest and suggest appropriate management strategies when they do arise (in accordance with this procedure);
  - work with the delegated authority as set out in this procedure to refine a management plan they have submitted the form; and
  - monitor their declared interests and management plans as situations change and when directed by the University.
- 2.5 Following the submission of the form, personal interests will be assessed for potential, perceived or actual conflicts of interest.
- 2.6 A conflict of interest may be described as follows:
- Potential – where private interests are not, but could come into, conflict with a staff member's University work activities;
  - Perceived – where it appears, or could be perceived, that a staff member's private interests are improperly influencing the performance of their official University work duties, whether or not that is actually the case; or
  - Actual – where a direct conflict exists between a staff member's current official University duties and their existing private interests.
- 2.7 Heads of Unit are responsible for the assessment of interests and may determine if a Conflict of Interest Management Plan ("management plan") is required. Staff may be contacted by their Head of Unit, or the Declarations Officer, for additional information in relation to their declaration. Staff will be notified if a 'management plan is required.
- 2.8 Staff may seek advice from their supervisor, Dean or Head of School/Unit, or the Declarations Officer, Monash HR ([declarationsofficer@monash.edu](mailto:declarationsofficer@monash.edu)) about the relevance of their material personal interests and individual circumstance as it applies to declaration obligations under this procedure, and whether a specific interest declaration is required.
- 2.9 All information contained in a form, including any management plan, is managed in accordance with the applicable [data protection and privacy obligations](#).

### Declaration regarding student admissions and recruitment

- 2.10 In addition to 2.2 of this procedure, the University maintains an annual declaration process specific to the Student Admissions and Recruitment function.
- 2.11 Staff who have a close personal relationship with an individual that is seeking admission to the University are required to declare this relationship if they are:
- a selection officer;
  - employed in a position involved with the admission or recruitment of students;
  - a [senior Monash staff](#) member; and/or
  - a Faculty General Manager.

This ensures staff who hold positions of authority within the University do not directly or indirectly influence the decisions of admission assessments.

- 2.12 The Office of Student Recruitment and Admissions will issue the [Declaration Regarding Student Admissions form](#) to all relevant staff in approximately November each year.

### Declarations by senior management

- 2.13 Identified senior staff (excluding the positions identified at 2.14 to 2.17), must declare, when requested by the University, their material personal interests to the Chief People Officer.
- 2.14 The Chief People Officer must annually declare their material personal interests to the Chief Operating Officer.
- 2.15 The Chief Operating Officer must annually declare their material personal interests to the Vice-Chancellor.
- 2.16 The President, Academic Board and the Vice-Chancellor must annually declare their material personal interests to the Chancellor.
- 2.17 Monash University Council maintains a separate declaration of interests process for their members relating to their Council membership.

## Declaration in connection with committees/meetings

- 2.18 At the commencement of a University, Faculty, cross-faculty and equivalent committee/meeting, the Chair or nominee may call for members to declare material personal interests that may impact, or may be perceived to impact, their ability to perform their position on the committee/meetings. If the Chair of the committee has material personal interests to declare, this should be disclosed to the appropriate delegated authority associated with the proceedings.
- 2.19 Where an interest is declared, the Chair/nominee or appropriate delegated authority may determine:
- the declaration of the interest is sufficient and no action is required; or
  - further management is appropriate in accordance with clause 3.5 of this procedure.
- 2.20 Any declaration of interest and management action should be recorded in applicable committee/meeting minutes.

## Other Declarations in connection with receipt of research grants or other funds

- 2.21 As part of the grant application process, some external funding bodies may require further declaration of financial or other interests. Staff will be advised in the course of application by Monash Research Office if this is required.

## 3. Conflict of interest management plans

- 3.1 When a potential, perceived or actual conflict of interest has been identified through the declaration process, staff will be advised to develop a management plan to resolve or manage the conflict.
- 3.2 Heads of Unit will be responsible for the endorsement of any management plan and may seek support of the Dean/Director or equivalent before this is reviewed by the responsible Conflict of Interest Advisory Officer (or delegate).
- 3.3 In confirming management plans, the Conflict of Interest Advisory Officer (or delegate) may convene a Declaration of Interest Committee comprising relevant subject matter experts.
- 3.4 A management plan is a statement prepared by the staff member and includes:
- the nature of the staff member's material personal interest;
  - the interests of the University with which the staff member's material personal interest conflicts, has the potential to conflict, or may be perceived as conflicting;
  - the likelihood of the interests conflicting;
  - an outline of risk mitigation strategies to be implemented; and
  - the recommended measures to be taken.
- 3.5 When developing the management plan, the staff member should consider the following strategies to manage the declared conflict of interest:

Strategy	Description
Manage	Manage the relevant conflict of interest in accordance with a management plan including, but not limited to, using one or more of the strategies in this table.
Replace	Replace the staff member in the activity/decision by delegating the activity/decision to another person whilst the conflict exists.
Restrict	Restrict the staff member's involvement or actions in the situation that is leading to the conflict of interest.
Oversee	A supervisor or impartial third party should oversee the activity impacted by the conflict of interest.
Remove	The staff member is removed from any activity associated with their conflict of interest.
Relinquish	The staff member and/or their related parties may relinquish the material personal interest.
Resign	The staff member's resignation is the last resort if no other management strategies are viable.

3.6 Examples of strategies applied in the management plan may include:

- removing themselves from involvement in decisions and actions that could be compromised by their personal or competing professional interest/s;
- avoiding personal or professional activities or undertakings that could, or could be seen to, provide an improper advantage through the use of confidential or privileged University information;
- refraining from using their position or University resources (including intellectual property owned by the University) for private personal gain, or gain by others the staff member has a relationship or personal association with;
- working to ensure that there can be no perception that they have received an improper benefit that may influence the performance of their official duties; and
- refraining from taking improper advantage of their position, or confidential or privileged information gained in that position, when seeking employment or other professional engagement outside the University, or provide such advantage to others with whom they have an association.

## 4. Review and monitoring

- 4.1 Staff, Heads of Unit and other nominated persons identified in a management plan are responsible for the implementation and adherence to strategies to manage conflict associated with the declared interest.
- 4.2 Heads of Unit should ensure regular review of Declaration of Interest submissions to maintain current oversight of submissions.
- 4.3 Declared interests and any associated management plans may be subject to review and auditing by appropriate University Committees or external bodies including, but not limited to, the Declaration of Interest Committee, Transparency and Integrity Committee, Research Funding Bodies, and Department of Foreign Affairs and Trade.

## 5. Training

- 5.1 The University provides resources/training to staff so that:
- they understand what a material personal interest or conflict of commitment is;
  - why it may pose a potential, perceived or actual conflict of interest;
  - they understand how to manage interests; and
  - they understand their obligations under this procedure.
- 5.2 Staff must complete relevant training when directed by the University.

## 6. Further information

- 6.1 Further guidance on the types of material personal interests that may pose a potential, perceived or actual conflict of interest, and examples of how common conflicts of interest can be managed, are available in Conflicts of Interest & Conflicts of Commitment - Examples and Actions Guideline.

## 7. Breach of procedure

- 7.1 The University treats any breach of policies, procedures and schedules seriously. The University encourages reporting of concerns about non-compliance and manages compliance in accordance with the applicable [Enterprise Agreement](#), relevant instrument of appointment and/or applicable contract terms. A failure to comply with this procedure, including a failure to manage a potential, perceived or actual conflict of interest, or inappropriate actions taken by a person with a conflict of interest may result in action by the University. Such action may include disciplinary and other action up to and including potential termination of employment for staff and cessation of other engagements for other persons.
- 7.2 A staff member's failure to manage a potential, perceived or actual conflict of interest in a research context, or inappropriate actions taken by a person with a conflict of interest, may be in breach of the University's [Responsible Conduct of Research Policy](#).
- 7.3 A failure to manage a potential, perceived or actual conflict of interest, or inappropriate actions taken by a person with a conflict of interest, may also be illegal under other applicable legislation that apply to universities and their employees.
- 7.4 Complaints about actions listed under 7.3 can be made to external agencies. The Protected Disclosure Act 2012 (Vic) ("PD Act"), the Independent Broad-based Anti-Corruption Commission Act 2011 (Vic) ("the IBAC Act"), the Ombudsman Act 1973 (Vic) ("Ombudsman Act"), the Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth) aim to encourage and facilitate the making of disclosures of improper conduct or detrimental action by public officers and public bodies. Refer to the [Whistleblower Policy](#) or <https://www.monash.edu/whistleblower/home> for further information.

## DEFINITIONS

Adjunct appointee	A person who is not a staff member but who is appointed to contribute their professional standing and specialist expertise to the teaching and/or research activities of a particular department or research centre in the University. Adjunct appointees can be teaching and research or research-only adjunct appointees.
Associated workforce	Associated workforce means any person appointed by the University to participate in University activities in an unpaid capacity and are not employees of the University. The associated workforce includes, but is not limited to, Honorary, Adjunct, Emeritus, Conjoint Appointments, University Visitors and Affiliates.
Close personal relationships	A relationship between a staff member 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 collegiate academic collaboration, where the colleagues are not relatives, financially dependent, or de facto or intimate partners.
Commercial and financial interest (including directorships and shareholdings)	Any employment, business activity or other right, claim, title or legal share in something that has a monetary, or equivalent value. Examples of financial interest include, but are not limited to, distributions from trusts, directorships of trusts, significant shareholding (more than 5% of issued capital) in a public or private company, shares, share options, dividends, and the right to receive remuneration or other benefits such as salaries, fees from company directorship or board membership, consulting fees, allowances and discounts.
Competing professional interests	Refers to a situation where two or more of a staff member's professional activities or undertakings, both internal and external to the University, compete with each other, giving rise to a conflict of interest.
Conflict of commitment	Refers to a situation where a staff member engages in activities external to the University, either paid or unpaid, that detract from their primary professional commitment to the University and/or in some circumstances may threaten research security and integrity of our core business, including teaching and research. Whilst conflicts of commitment usually refer to outside commitments of time and effort, other types of conflicting obligations could include the obligation to improperly share information with, or withhold information from, an employer or funding agency.
Conflict of interest	<p>Is where a staff member's personal, professional and/or employment interests compete creating a conflict. Such competing interests could make it difficult for an individual to fulfil their duties impartially and could improperly influence their ability to perform their duties and responsibilities.</p> <p>Conflicts can arise between a staff member's different interests in a situation including:</p> <ul style="list-style-type: none"> <li>• their personal interest and their role or duty in a situation; and/or</li> <li>• one role/duty and another role/duty in a situation</li> </ul> <p>Conflicts of interest can involve financial or non-financial interests of the staff member and the interests of a business partner or associate, family member, friend or person in/has had a close personal relationship with the staff member.</p> <p>Conflicts of interest may be potential, reasonably perceived or actual.</p>
Enterprise Agreement	The Monash University Enterprise Agreement ( <a href="#">Academic &amp; Professional Staff</a> 2024) or the Trades and Services staff ( <a href="#">Building and Metal Trades staff</a> 2009) as applicable to the staff member in accordance with their contract of employment.
Foreign Affiliations and Associations	<p>Foreign affiliations and associations refer to situations where staff:</p> <ul style="list-style-type: none"> <li>• receive any financial support (cash or in-kind) for education or research related activities from a country other than Australia;</li> <li>• hold a position (paid or unpaid) or honorific titles in any foreign university, academic organisation or company (e.g. Adjunct Professor);</li> <li>• are under any other obligations to a foreign university, academic organisation or company (e.g. membership of a talent recruitment program);</li> <li>• are associated or affiliated with a foreign government or foreign military, policing or intelligence organisation.</li> </ul> <p>These are declarable as part of commercial and financial interests or outside work and external engagements on the Declaration of Interests form.</p>



Gifts, benefits and hospitality	<p>A gift is something voluntarily transferred from one person to another without an expectation of payment or other compensation from the person who receives the gift. For the purpose of this procedure, a gift includes free or discounted items, including hospitality and/or entertainment, and any item given or accepted that would generally be seen by the public as conferring a benefit to the individual receiving it. Philanthropic gifts received by the University are separately defined.</p> <p>Gifts may be provided as cash or non-cash items (e.g., property, artwork, flowers, jewellery and alcohol). Gifts can also include benefits (e.g. favours or privileges such as access to memberships or programs) and hospitality and/or entertainment (such as tickets to a show or sponsored travel).</p> <p>Prizes, awards and grants are excluded from the definition of a gift, as are scholarship payments to students.</p>
Immediate family	<p>A member of the staff member's immediate family which includes partner, child, parent, grandparent, grandchild, sibling or any other person with whom the University is satisfied that the staff member has a genuine family relationship.</p>
Material personal interest	<p>A material personal interest is an interest that is private or personal to the staff member, the staff member's immediate family or business partner/s that could affect the ability of the person to appropriately discharge their duties or obligations to the University, giving rise to a conflict of interest.</p>
Non-financial interest	<p>Any community or other voluntary activity or involvement including with a sporting club, church, political party or other formal or informal association or group including voluntary directorships/board memberships for which the staff member receives no monetary benefit.</p>
Outside work and other commitments	<p>This occurs when a staff member's engagement or activity outside of the University, which may or may not be a private interest or non-University interest, may harm or interfere with the productivity or involvement of that staff member in aspects of their University responsibilities. It may concern the staff member's distribution of efforts between employment obligations to the University and to outside activities.</p>
Paid outside work	<p>Remunerated work or a professional development activity that a staff member undertakes for an external party which is outside their normal University duties, and that uses the skills and qualifications that the staff member uses in their position at the University. Refer to the <a href="#">Paid Outside Work Procedure</a> for processes to gain approval.</p>
Procurement activities	<p>Procurement activities undertaken on behalf of the University are required to demonstrate that the spending of University funds is conducted in an honest, competitive, fair and transparent manner that achieves the best value for money and protects the University's reputation. Goods and services procured must be fit for purpose and sourced in a socially and ethically responsible manner, and take into account required specifications, quality, service, delivery, reliability, probity, and the Total Cost of Ownership (TCO). Procurement activities refers to any of the following expenditure commitments; purchase orders, contractors, contractor agreements, letters of intent, heads of agreement, memoranda of understanding and/or commitments or agreements.</p>
Receipt of other resources/support	<p>Means resources/support that a staff member receives or has access to by virtue of their employment with the University. It can include (but is not limited to):</p> <ul style="list-style-type: none"> <li>the use of a staff member's position, or confidential or privileged information gained in that position; and</li> <li>the use of University resources (including intellectual property owned by the University).</li> </ul>

Related outside entity	<p>Means an entity that does business with the University, or an entity whose products, services or activities are related to the areas of a staff member's teaching or research, and in which a person has a significant financial interest that may, or may reasonably appear to an outside observer, to influence the staff member's teaching, research or other University related responsibilities. In determining whether an entity is related, if ever in doubt, the staff member should disclose.</p> <p>Examples of entities that might be related are those:</p> <ul style="list-style-type: none"> <li>• whose products, services or activities are related to the areas of a staff member's teaching or research;</li> <li>• that fund research in a staff member's area of academic interest;</li> <li>• that own or have rights to develop intellectual property that is the subject of research in which a staff member participates;</li> <li>• that compete commercially with an entity that owns or has rights to develop intellectual property that is the subject of research in which a staff member participates;</li> <li>• that makes or proposes to make a gift to the University that would support a staff member's teaching or research activities;</li> <li>• that provides products or services to the University through a contractual process in which a staff member participates in any way;</li> <li>• that proposes to enter into a licencing agreement with the University with respect to technology invented or developed by the staff member;</li> <li>• that acts as a legal or de facto agent for any outside entity engaged in any of the above activities.</li> </ul>
Research and commercialisation	<p>In relation to research and commercialisation activities, conflicts of commitment can occur where staff could, or could be perceived to, obtain personal benefit beyond the contractual benefits associated with their employment or University procedures (remuneration, recognitions and promotion). This can apply to researchers, authors and/or research supervisors.</p> <p>Examples of situations where personal benefit or interests should be declared include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• financial and non-financial benefits;</li> <li>• commercialisation and collaboration relationships;</li> <li>• spin off companies, intellectual property rights, sponsored research projects.</li> </ul>
Significant financial interest	<p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• financial compensation, (including travel, gifts or other benefits), from consulting, employment, managerial, and fiduciary relationships that, when aggregated over the preceding twelve months, exceeds \$5,000 (AUD).</li> <li>• equity or other financial interests over \$5,000 (AUD);</li> <li>• equity interests of any amount, or entitlement to the same, in a non-publicly traded, for-profit entity;</li> <li>• intellectual property rights and interests (e.g. patents, copyrights), upon receipts of income related to such rights and interests.</li> </ul> <p>Financial compensation does not include, for example, interests of any amount in diversified financial holdings, or royalties or other remuneration paid by Monash University.</p> <p>A significant financial interest is considered to be a material personal interest.</p>
Staff	<p>Means paid, academic, professional and trades and services staff employed by the University:</p> <ol style="list-style-type: none"> <li>a) under a relevant Enterprise Agreement; or</li> <li>b) a contract of employment.</li> </ol>
Staff/Student personal relationship	<p>A relationship between a staff member and a prospective or current student of Monash University, which can be either close or personal (as defined in the <a href="#">Staff/Student Personal Relationships procedure</a>).</p>

## GOVERNANCE

Parent policy	<a href="#">Staff Code of Conduct</a>
Supporting procedures	<ul style="list-style-type: none"> <li>• <a href="#">Mandatory Compliance Training Procedure</a></li> <li>• <a href="#">Paid Outside Work Procedure</a></li> <li>• <a href="#">Staff/Student Personal Relationships Procedure</a></li> </ul>

Supporting schedules	N/A
Associated procedures	<ul style="list-style-type: none"> <li>• <a href="#">Data Protection and Privacy Procedure</a></li> <li>• <a href="#">Data Protection and Privacy Schedule - Monash University Indonesia</a></li> <li>• <a href="#">Fraud and Corruption Control Procedure</a></li> <li>• <a href="#">Gifts, Benefits and Hospitality Procedure</a></li> <li>• <a href="#">Procurement Procedure</a></li> <li>• <a href="#">Whistleblower Procedure</a></li> </ul>
Related legislation	<ul style="list-style-type: none"> <li>• <a href="#">Financial Management Act 1994</a></li> <li>• <a href="#">Foreign Influence Transparency Scheme Act 2018</a></li> <li>• <a href="#">Australian Charities and Not-for-profits Commission Regulation 2013 (Cth)</a></li> <li>• <a href="#">Criminal Code Act 1995 (Cth)</a></li> </ul>
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