**Statement of Interests declaration for 1 January 20\_\_ to 31 December 20\_\_**

**Part 1**

1. **Staff member/key management personnel (KMP) details**

Please provide your details below:

|  |  |  |
| --- | --- | --- |
| **First name** | **Last name** | **Position title** |
|  |  |  |

Were you a member of the following at any time throughout the year?

|  |  |  |  |
| --- | --- | --- | --- |
| **Committee** | **Yes** | **No** | **Dates of membership for 2018** |
| University Council |  |  |  |
| Executive Committee |  |  |  |

1. **Relevant close family members**

Please nominate from the following options:

🞎 *Option 1:* I have not provided details of close family members because I have no knowledge of any conflicts of interest, potential conflicts of interest, dealings or transactions (other than those in common with the general public) with the **University of Newcastle or its controlled entities**. I understand my obligation to notify the University should any conflicts, dealings or transactions arise.

🞎 *Option 2:* I have provided details of all close family members as defined in Part 5 of this form and all persons below have read and signed Part 4 of this form - *Close family members: consent form*.

Insert additional rows/add additional page where applicable.

|  |  |  |
| --- | --- | --- |
| **First name** | **Last name** | **Relationship to you** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

1. **Entities controlled/jointly controlled by yourself and/or your close family members**

Please provide details of all entities controlled/jointly controlled by either yourself or your close family members.

Refer to Part 5 of this form for definition of ‘entity controlled or jointly controlled’.

Insert additional rows/add additional page where applicable.

|  |  |  |  |
| --- | --- | --- | --- |
| **Entity name** | **ABN** | **ACN**  **(if applicable)** | **Nature of interest** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1. **Other interests**

Did you, your close family members or any controlled or jointly controlled entities have any other interests not disclosed above?

|  |  |
| --- | --- |
| Significant shareholdings (holding more than 5% of a company’s voting rights) | 🞎 Yes 🞎 No |
| Directorships/Officeholder/Membership in any entity (public or private) whether for remuneration or not | 🞎 Yes 🞎 No |
| Appointee of the University of Newcastle to entities in which the University of Newcastle has an interest | 🞎 Yes 🞎 No |
| Other significant investments including real estate which may create a conflict of interest or impact your ability to fulfil your role at the University of Newcastle | 🞎 Yes 🞎 No |
| Gifts, benefits and hospitality received (in excess of $100 either individually or collectively from a single source) | 🞎 Yes 🞎 No |
| Any other interests (financial or otherwise), the nature of which gives rise to, or may be seen to give rise to, a conflict of interest with your duties to the University of Newcastle? | 🞎 Yes 🞎 No |
| Relationships (familial, closely personal, sexual, commercial or involving private affiliations), the nature of which gives rise to, or maybe seen to give rise to, a conflict of interest with your duties to the University of Newcastle? | 🞎 Yes 🞎 No |

If you answered yes to any of the above, please provide further details below (persons/entities involved, nature of interest/role, date of purchase/commencement/appointment, cost/current value/remuneration, relationships etc.):

|  |
| --- |
|  |

1. **Additional declarations *\*\*\*Council and Executive Committee members only\*\*\****

|  |  |
| --- | --- |
| Have you ever been declared bankrupt or been the subject of any order under the *Bankruptcy Act 1966 (Cth)*? | 🞎 Yes 🞎 No |
| Have you ever been a director or executive officer of a corporation which became insolvent whilst you were a director or executive officer? | 🞎 Yes 🞎 No |
| Have you ever been disqualified from acting as a director, or acting in the management, of an incorporated association? | 🞎 Yes 🞎 No |
| Have you ever contravened any civil penalty provision of the *Corporations Act 2001 (Cth)* or any of its predecessor legislation? | 🞎 Yes 🞎 No |
| Have you ever been found guilty of any offence in relation to corporate or regulatory matters? | 🞎 Yes 🞎 No |
| Are you currently a party in any capacity in either criminal or civil proceedings before a court, tribunal or other adjudication body, including a professional, registration or licensing body?  Do you expect to become party to any such proceedings in the next year? | 🞎 Yes 🞎 No  🞎 Yes 🞎 No |
| Has there ever been a finding of guilt against you for a criminal offence (except a conviction that is spent under any prescribed convictions scheme)? | 🞎 Yes 🞎 No |

If you answered yes to any of the above, please provide further details below (persons/entities involved, nature of matter, relevant dates etc.):

|  |
| --- |
|  |

**SIGN-OFF AND DECLARATION**: I declare that to the best of my knowledge and belief, this Statement of Interests Declaration is true and correct and describes all significant interests or entities related to me and my close family members, that create a conflict, whether real, potential or perceived, with my duties as they apply to me in my position with the **University of Newcastle**.

I confirm, for so long as I hold my position in relation to the **University of Newcastle**, that I will notify the relevant party as soon as reasonably practicable, but in any event within 30 days, of any changes to this Declaration.

**Print name:** **Signature:**

**Position:** **Date:**

***Council and Executive Committee members – please continue over page***

**Part 2**

**Key Management Personnel certificate for 1 January 20\_\_ to 31 December 20\_\_**

***\*\*\*Council and Executive Committee members only (Key Management Personnel)\*\*\****

Please complete the following table to the best of your knowledge. If you are unsure whether a close family member or a controlled/jointly controlled entity had transactions with the **University of Newcastle or its controlled entities**, *we strongly recommend you include their details in Part 1 for completeness*.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Question** | **Response** | | **Guidance** |
| **Yes** | **No** |
|  | **During the stated period, in respect of the** **University of Newcastle and its controlled entities:** |  |  |  |
| 1 | Did you, a close family member, any entity controlled or jointly controlled by you and/or a close family member have any transaction or arrangement on terms or conditions that were more favourable than those entered into at an arm’s length? |  |  | If you have answered ‘yes’, please complete Part 3.  Refer to Part 5 for definition of ‘entity controlled or jointly controlled’. |
| 2 | Did you, a close family member, an entity controlled or jointly controlled by you and/or a close family member receive any grants, subsidies, ex-gratia payments or loans? |  |  | If you have answered ‘yes’, please complete Part 3. |
| 3 | Did you, a close family member, an entity controlled or jointly controlled by you and/or a close family member have any debts forgiven or partially forgiven? |  |  | If you have answered ‘yes’, please complete Part 3. |
| 4 | Did you, a close family member, an entity controlled or jointly controlled by you and/or a close family member provide or receive any collateral, guarantee, indemnity or commitment (including executory contract)? |  |  | If you have answered ‘yes’, please complete Part 3.  Refer to Part 5 for definition of ‘guarantee’ and ‘executory contract’. |
| 5 | Did you, a close family member, an entity controlled or jointly controlled by you and/or a close family member enter into any contractual arrangements to purchase, sell, lease or transfer assets and licenses; or to provide, purchase or transfer goods and services with a total contract value greater than  $100,000 (excl. GST)? |  |  | If you have answered ‘yes’, please complete Part 3. |
| 6 | Are there any outstanding balances above $100,000 (excl. GST) brought forward from a transaction or arrangement entered into prior to 1 January, between you, a close family member, any entity controlled or jointly controlled by you and/or a close family member and the **University of Newcastle or its controlled entities**? |  |  | If you have answered ‘yes’, please complete Part 3. |

**KMP SIGN-OFF AND DECLARATION:** I have made inquiries of my close family members and to the best of my knowledge; the information provided in this Certificate is complete and accurate for the period 1 January 20\_\_ to 31 December 20\_\_. I understand this information is collected for the purpose of preparing note disclosures for inclusion in the financial statements of the **University of Newcastle**.

**Print name:**  **Signature:**  **Position: Date:**

**Part 3**

**Related party transactions for 1 January 20\_\_ to 31 December 20\_\_**

***\*\*\*Council and Executive Committee members only (Key Management Personnel)\*\*\****

Please complete the table below for each individual transaction that has, or may have, occurred during the stated period; and outstanding balances brought forward from previous period (i.e. prior to 1 January and still outstanding). If you are unsure of a transaction *we strongly recommend* that you include them in the table for completeness. Where you are unsure please state that you are unsure. If additional space is required, please insert additional pages.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Example transaction** | **Transaction 1** | **Transaction 2** |
| **Type of transaction**  *Please provide details and nature of the transaction.* *Refer to Part 5 for examples of the types of transactions, arrangements or business dealings.* | *Provision of cleaning services for student accommodation facilities* |  |  |
| **Is the transaction/outstanding balance directly between you and the University of Newcastle or its controlled entities?** | *🞎 Yes 🗹 No* | 🞎 Yes 🞎 No | 🞎 Yes 🞎 No |
| **If not, please provide details of the related party and their relationship with you**  *Provide details of: person’s name, entity name and ABN/ACN (if applicable), relationship with person and/or entity.* | * *John Smith – spouse,* * *ABC Ltd – cleaning company owned by my spouse* * *ABN: 12 345 345 345* |  |  |
| **Transaction amount relating to the stated period, balances brought forward and outstanding balances excl. GST** | *1/1/18-31/12/18: $120,000*  *Brought forward: Nil*  *Outstanding: $10,000 @ 31/12/17* |  |  |
| **Total agreed/contracted amount (if it extends beyond stated period) excl. GST** | *$600,000 - over 5 years*  *(1/1/15 to 31/12/19)* |  |  |
| **Terms and conditions of the transaction**  *Please provide details of the significant terms and conditions including whether it is secured, and the nature of the consideration to be provided in settlement.* | * *Won through open tender* * *Standard terms* * *Unsecured* * *Settlement by bank transfer* |  |  |

*Completed by:*

**Print name:**  **Signature:**  **Position: Date:**

**Part 4**

**Close family members - consent form**

*[To be completed by each family member whose information is disclosed in this certificate. If additional copies of the form are required, please make copies for each close family member, complete and return with this form].*

I authorise (to provide personal information about me in respect of transactions between me, or entities controlled/jointly controlled by me, andthe **University of Newcastle and its controlled entities**.

For the purposes of s26(2) of the *Privacy and Personal Information Protection Act 1998*, I hereby consent to the **University of Newcastle** collecting, using and disclosing my personal information for the purposes of meeting its financial reporting obligations.

|  |  |
| --- | --- |
| Full name (print): |  |
| Signature: |  |
| Date: |  |

#### For your information: If you wish to access the information provided in the certificate, or make changes to it, please contact the **University of Newcastle** at University Drive, Callaghan NSW 2308 or the Director People and Workforce Strategy Tina Crawford at [Tina.Crawford@newcastle.edu.au](mailto:Tina.Crawford@newcastle.edu.au).

A full copy of the *Privacy and Personal Information Protection Act 1998* can be accessed at the NSW Legislation website: <http://legislation.nsw.gov.au/>

**Part 5**

**Defined terms for the purposes of the Statement of Interests Declaration and Key Management Personnel certificate**

1. **Key management personnel** (KMP) is a defined term meaning those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. The University of Newcastle considers members of its Council and Executive Committee to be KMPs.
2. **Close family members** is a defined term meaning those family members who may be expected to influence, or be influenced by, your dealings with the **University of Newcastle or its controlled entities**. It includes, but is not limited to:
   * your children
   * your spouse or domestic partner
   * children of your spouse or domestic partner
   * dependants of you, and
   * dependants of your spouse or domestic partner.

‘Children’ include step, adoptive, dependant, non-dependant, adult children and children not living at home (unless they are estranged).

‘Spouse or domestic partner’ includes married, de facto, civil union partnerships, but excludes separated or

divorced spouses or partners.

‘Dependants’ are any family members who are financially supported by you or your spouse or domestic

partner and may include elderly dependants or disabled family members.

Close family members excludes siblings, parents and other extended family, unless they may be expected to influence, or be influenced by, your dealings with the **University of Newcastle or its controlled entities**. This may arise where they are a dependant as defined above, living in your household or where you have shared business interests.

If you are unsure whether a person is a close family member under this definition, we strongly recommend you include their details in the Certificate for completeness.

1. An entity is **controlled or jointly controlled** typically when you and/or any close family members exercise effective control (whether singularly or combined) through the shareholding and/or voting power in the entity.

Examples of entities controlled or jointly controlled by you and/or any close family members could be:

* + A company where you and/or close family members control more than 50% of the voting power
  + A company where you have a 30% shareholding and your spouse has a 30% shareholding
  + A company where you have a 40% shareholding and the remaining shareholding is widely dispersed
  + A partnership of two people where your spouse is one of the partners
  + A superannuation fund self-managed by you or your spouse (including through a corporate trustee) Examples of entities not controlled or jointly controlled by you and/or any close family members could be:
  + A company where you have a 25% shareholding and your spouse has a 5% shareholding
  + A partnership of three people where your spouse is one of the partners
  + A large consultancy practice with multiple partners where your son is a partner
  + Blind trusts

1. **Transactions, arrangements or business dealings** may include (exclude any transactions that are in common with and on the same terms as the general public):

* purchase or sale of goods (finished or unfinished)
* purchase or sale of property and other assets
* rendering or receiving services (including employment)
* contractual arrangements including leases
* property and other asset transfers
* licensing arrangements and transfers
* loans, guarantees, debt forgiveness and collateral arrangements
* grants, subsidies and ex gratia payments
* commitments to do something if a particular event occurs or does not occur in the future (including executory contracts)

1. **Transactions in common with the general public** are excluded from this certification. These transactions are where you and/or close family members interact with the **University of Newcastle** under the same terms and conditions as a public citizen in respect of transactions in the normal course of the University delivering its normal public service objectives. Examples of transactions common to the general public are:

* undertaking higher education courses
* purchase of food and beverages at university outlets
* utilisation of car parking facilities
* payments for the use of student accommodation facilities
* hire of function/conference facilities

1. A **guarantee** is a legally binding promise whereby one party assumes responsibility for the debt or performance obligation of another party should that party default in some way.
2. An **executory contract** is a contract under which neither party has performed any of its obligations nor both parties have partially performed their obligations to an equal extent.