

# STAFF AND AFFILIATES CODE OF CONDUCT 2021

The Vice-Chancellor, as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 23 March 2021

Last amended: 17 August 2023 (administrative amendments only)

19 December 2023 (administrative amendments only)

Signature:

Name: Professor Stephen Garton

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## 1 Name of policy

This is the *Staff and Affiliates Code of Conduct 2021*.

## 2 Commencement

This Code commences on 31 March 2021.

## 3 Code is binding

Except to the extent that a contrary intention is expressed, this Code binds the University, staff at all levels and affiliates.

## 4 Statement of intent

- (1) This Code:
  - (a) specifies the University's expected standards of conduct of staff and of affiliates; and
  - (b) reflects and advances the University's values of:
    - (i) respect and integrity;
    - (ii) diversity and inclusion
    - (iii) openness and engagement; and
    - (iv) courage and creativity.

**Note:** See the [Sydney in 2032 Strategy](#) and its successor documents.

- (2) This Code is part of the University's ethical framework along with the:
  - (a) University's ethical principles;
  - (b) [Student Charter 2020](#);
  - (c) [Research Code of Conduct 2023](#);
  - (d) [Business Ethics Statement](#);
  - (e) [Academic Integrity Policy 2022](#) ; and
  - (f) [Higher Degree by Research Supervision Policy 2020](#).
- (3) Without limiting its content, the University's employment framework includes this Code and the [University of Sydney Enterprise Agreement 2023-26](#) and its successor documents.

## 5 Application

- (1) This Code applies to staff at all levels and affiliates.
- (2) This Code does not apply to:
  - (a) students; or

**Note:** See [Student Charter 2020](#); [Research Code of Conduct 2023](#); [Student Sexual Misconduct Policy 2023](#) and [University of Sydney \(Student Discipline\) Rule 2016](#).



- (b) Fellows of the Senate, who are required to comply with the responsibilities and obligations that are stipulated in the Role Statement for Fellows of the Senate to which they subscribe.

## 6 Definitions

<b>affiliate</b>	<p>means a person appointed or engaged by the University to perform duties or functions on its behalf, including but not limited to:</p> <ul style="list-style-type: none"><li>• an honorary title holder engaged under the <a href="#">Honorary Titles Policy 2013</a>;</li><li>• a consultant or contractor to the University; and</li><li>• an office holder in a University entity, a member of any University committee, board or foundation.</li></ul> <p>An affiliate is not an employee of the University.</p>
<b>Business Ethics Statement</b>	<p>means the <a href="#">Supplier Business Ethics Statement</a> which sets out the University's expectations of its suppliers and commercial partners when dealing with the University.</p>
<b>conflict of interests</b>	<p>has the meaning given in subclause 8(2) of the <a href="#">External Interests Policy 2010</a>. At the date of this code, this is:</p> <p>Subject to the provisions of this policy, staff and affiliates must not:</p> <ul style="list-style-type: none"><li>• allow their external, personal or financial interests to come into actual, potential or perceived conflict with their duties to the University; or</li><li>• allow their duties to any external entity to come into actual, potential or perceived conflict with their duties to the University.</li></ul> <p><b>Note:</b> See clause 8 of the <a href="#">External Interests Policy 2010</a> for a detailed explanation of the operation of the conflict of interests rule.</p>

**Disclosure Officer**

has the meaning given in the [Reporting Wrongdoing Policy 2023](#). At the date of this Code, this means any of:

- The Chancellor
- A Fellow of Senate
- The Vice-Chancellor
- The Provost
- General Counsel
- Chief Internal Audit Officer
- Director, Workplace Relations
- Director Employment, Workplace Relations and Administrative Law in the Office of General Counsel
- Manager, Archives and Records Services
- Senior Manager, Workplace Behaviour and Conduct
- Senior Manager, Workplace Relations
- At sites other than the University's main campuses, the most senior employee ordinarily at that site. A list of these positions is available at [Report wrongdoing - The University of Sydney](#).

**ethical framework**

means the expectations and requirements established through the operation and interaction of:

- the University's ethical principles;
- this Code;
- the [Student Charter 2020](#);
- the [Research Code of Conduct 2023](#);
- the [Business Ethics Statement](#);
- the [Academic Integrity Policy 2022](#); and
- the [Higher Degree by Research Supervision Policy 2020](#).

**intellectual property**

has the meaning given in the [Intellectual Property Policy 2016](#). At the date of this Code, this:

includes rights (including, without limitation, rights of registration or application for registration) relating to:

- literary works (including computer programs), artistic, musical and scientific works;
- multimedia subject matter;
- performances of performing artists, phonograms and broadcasts;
- inventions in all fields of human endeavour;
- scientific discoveries;
- industrial designs;
- trademarks, service marks and commercial names and designations;
- plant varieties;
- circuit layouts.

It does not include any moral right.

**outside earnings activity**

has the meaning given in the [Outside Earnings of Academic Staff Policy 2011](#). At the date of this Code this is:

professional activity outside the scope of the academic's University employment which generates financial or in-kind benefits, including both private professional activity and University commercial activity.

**political donation**

means a gift, whether by monetary payment or in-kind contribution, made to or for the benefit of:

- a political party;
- an elected member of parliament or local government authority; or
- a candidate or group of candidates for election to a parliament or a local government authority.

This includes amounts paid as a contribution, entry fee or other payment for participation in, or otherwise obtaining a benefit from, a fundraising venture or function.

**political lobbying organisation**

means any group or individual registered on the [Australian Government Register of Lobbyists](#).

**staff**

means all University employees at all levels, including casual employees.

**University committee**

means any committee established by or with the authority of the Senate, or any governing body of a University entity.

<b>University entity</b>	means any entity established by, or with the authority of, the Senate.
<b>University resources</b>	includes, but is not limited to: <ul style="list-style-type: none"><li>• intellectual property;</li><li>• premises;</li><li>• facilities;</li><li>• funds;</li><li>• services;</li><li>• equipment;</li><li>• staff time; and</li><li>• support staff.</li></ul>

## **7 Principles**

- (1) The University strives to build a culture consistent with its values, which will inform its teaching, research, operations, engagement and professional practices.
- (2) In doing so, the University commits to:
  - (a) contributing to the public good and providing leadership in the community;
  - (b) the promotion of fairness, equity and a safe and healthy environment for our staff and students; and
  - (c) engaging in ethical business practices with our suppliers and stakeholders.
- (3) Consistently with its commitment to fostering a safe, healthy, respectful and inclusive place for work and study, the University expects all staff and affiliates to comply with this Code and generally to act in a manner that aligns with the University's values and ethical principles.

## **8 Professional conduct**

- (1) All staff and affiliates must:
  - (a) maintain and develop knowledge and understanding of their area of expertise or professional field;
  - (b) exercise their best professional and ethical judgment;
  - (c) carry out their duties and functions with integrity;
  - (d) act diligently and conscientiously;
  - (e) act fairly and reasonably, and treat students, staff, affiliates, visitors to the University and members of the public with respect, impartiality, courtesy and sensitivity;
  - (f) declare external interests and, where it is determined that those interests either give rise to or may give rise to a conflict of interests, either:
    - (i) comply with any approved management plan for those interests; or
    - (ii) if they cannot be managed, avoid them;



- (g) take all reasonable measures to maintain a co-operative and collaborative approach to working relationships, including refraining from engaging in behaviour which undermines, demeans or creates divisions between colleagues; and
- (h) comply with all applicable legislation (including, without limiting the generality of this paragraph, the legislation listed in the Schedule to this Code which may be amended from time to time by the Vice-Chancellor with the approval of Senate), industrial instruments, professional codes of conduct or practice, University rules, policies, procedures and local provisions including in relation to:
  - (i) the conduct of research;
  - (ii) education and training;
  - (iii) confidentiality and privacy;
  - (iv) equity, diversity and inclusion;
  - (v) health and safety;
  - (vi) appropriate and effective use of University resources including information communication and technology (ICT) resources; and
  - (vii) protection of the University's interests in intellectual property arising from its teaching and research.

## 9 Freedom of speech and academic freedom

- (1) The University's commitment to free, open enquiry and academic debate is stated in the [Charter of Freedom of Speech and Academic Freedom](#).
- (2) Staff and affiliates are expected to exercise their freedom of speech and academic freedom in a manner consistent with the principles in the [Charter of Freedom of Speech and Academic Freedom](#) and in accordance with this Code.

## 10 Conflicts of interests

- (1) The University acknowledges that staff and affiliates may have interests and commitments outside of the University.
- (2) All staff and affiliates must comply with the [External Interests Policy 2010](#) and, in particular:
  - (a) avoid any actual, potential or perceived conflicts between their personal interests or their duties to other parties, and their duties and responsibilities as staff or affiliates of the University;
  - (b) appropriately manage any conflicts of interests that cannot be avoided;
  - (c) promptly declare any conflict of interests through the declaration process specified in the [External Interests Policy 2010](#); and
  - (d) comply with the [Guidelines Concerning Commercial Activities](#).

## 11 Relationships with students

- (1) The University recognises that, within a community of adults, friendships may arise between staff, affiliates and students.

- (2) The University expects staff and affiliates to be aware of the inherent power dynamics in their relations with students and to conduct themselves accordingly. This includes:
- recognising and maintaining professional boundaries;
  - treating students respectfully, equitably and fairly; and
  - never engaging in favouritism, discrimination, bullying, sexual misconduct, sexual harassment or exploitation.

**Note:** See [Bullying, Harassment and Discrimination Prevention Policy 2015](#), [Student Sexual Misconduct Policy 2023](#) and [Staff Sexual Misconduct Policy 2023](#).

- (3) If a staff member or affiliate is a student's:
- current lecturer, tutor or demonstrator;
  - research supervisor; or
  - has any responsibility for, or influence over, the student's academic outcomes, financial security, visa status, safety and wellbeing, or other interests;

sexual or romantic relationships are never appropriate.

- (4) Relationships of the kind referred to in subclause 11(3) constitute a conflict of interests on the part of the staff member or affiliate, which:
- the staff member or affiliate must declare, consistently with the [External Interests Policy 2010](#); and
  - can only be managed by a change in lecturer, tutor, demonstrator or supervisor, or the reallocation of responsibilities.

**Note:** See the [Higher Degree by Research Supervision Policy 2020](#).

## 12 Intellectual property

All staff and affiliates must comply with the [Intellectual Property Policy 2016](#).

## 13 Secondary employment and outside earnings

- The University encourages academic staff to build relationships with the community, industry and government in their area of expertise and acknowledges that this may result in their engaging in work outside of the University.
- All outside earnings activities engaged in by academic staff must be conducted consistently with the [Outside Earnings of Academic Staff Policy 2011](#).
- Staff and affiliates may only use the University's logo and name when engaging in outside earnings activities:
  - in the manner specified in the [Brand Policy 2015](#); and
  - where required, with the approval of the relevant delegate.

**Note:** See [University of Sydney \(Delegations of Authority\) Rule 2020](#) and [Outside Earnings of Academic Staff Policy 2011](#)

- Except as permitted by the [External Interests Policy 2010](#) and the [Outside Earnings of Academic Staff Policy 2011](#), staff and affiliates engaged in paid University work must ensure that any non-University work they perform:



- (a) does not conflict with their University work or adversely affect their University work performance;
- (c) does not involve the use of University resources; and
- (d) is performed outside their normal working hours.

#### **14 Accepting gifts and benefits**

- (1) The University acknowledges that from time to time, staff may be offered gifts or benefits by partners, suppliers, students and others.
- (2) Staff and affiliates must not solicit nor accept any gifts or benefits, either for themselves or for another person, which might in any way, directly or indirectly:
  - (a) compromise or influence them in their official University capacity; or
  - (b) reasonably appear to do so.
- (3) Consistently with, and subject to, that general principle, staff and affiliates may accept occasional gifts or benefits if:
  - (a) it would be culturally inappropriate, or would cause significant offence, to decline;
  - (b) the recipient is satisfied that they cannot be compromised, or be seen as having been compromised, by doing so;
  - (c) the gift is not in the form of cash, gift card or voucher; and
  - (d) if the value of the gift exceeds \$300, it is declared as an external interest in accordance with the requirements of the [External Interests Policy 2010](#).
- (4) Any such declaration must be made as soon as possible after the gift is received.
- (5) Honoraria may be retained subject, if required, to being declared during the declaration of external interests process required by the [External Interests Policy 2010](#).
- (6) Staff and affiliates must report any inappropriate offer to an authorised disclosure officer, as specified in clause 19 and the [Reporting Wrongdoing Policy 2023](#).
- (7) Gifts to the University may only be accepted in accordance with the [Gift Acceptance Policy 2013](#).

#### **15 Public comment**

- (1) Staff and affiliates are encouraged to engage in debate on matters of public importance.
- (2) Staff and affiliates who identify themselves as staff or affiliates of the University when making public comment or representations, must comply with the [Public Comment Policy](#).

#### **16 Political donations**

- (1) Staff and affiliates are encouraged to participate in the political process in accordance with their rights and obligations as private citizens, and the [Public Comment Policy](#).

- (2) University funds and other resources must not be used to support any political party or candidate or political lobbying organisation.
- (3) Political donations and tickets for political fundraising activities, including dinners, functions and similar events, are a personal expense.

**Note:** See [Reasonable and Non-Allowable Expense Procedures 2022](#)

## 17 Use and security of information

- (1) Staff and affiliates must:
  - (a) maintain the integrity, confidentiality and privacy of University records and information to which they have access;
  - (b) retain, manage and dispose of all University records in accordance with the [Recordkeeping Policy 2017](#);
  - (c) take all reasonable precautions to prevent unauthorised access to, or misuse of, University records and information;
  - (d) only use ICT resources consistently with the requirements of the [Acceptable Use of ICT Resources Policy 2019](#); and
  - (e) comply with the [Privacy Policy 2017](#) and [Cyber Security Policy 2019](#).
- (2) Staff and affiliates must not:
  - (a) disclose or offer to supply confidential or private University records or information, except:
    - (i) when authorised to do so; or
    - (ii) when required or permitted to do so by University policy, State or Commonwealth law, court order or other legal instrument;
  - (b) access or use information, including information on electronic systems and hardcopy files, other than for an authorised purpose; or
  - (c) destroy, or authorise the destruction of, University records other than in accordance with relevant policy and legislation.

**Note:** See [Recordkeeping Policy 2017](#)

## 18 Use of University resources

- (1) Staff and affiliates must use University resources:
  - (a) appropriately; and
  - (b) only for University purposes, unless express permission has been granted for non-University or private use directly or through University policy or procedures.
- (2) Staff and affiliates must use the University's ICT resources consistently with the [Acceptable Use of ICT Resources Policy 2019](#), including limitations on private use.
- (3) Electronic communications using ICT resources (including personal emails) remain the property of the University at all times and may be accessed consistently with the provisions of the [Acceptable Use of ICT Resources Policy 2019](#) and applicable legislation.

## 19 Reporting of wrongdoing

- (1) Staff and affiliates must report instances of wrongdoing, including:
  - (a) corrupt conduct;
  - (b) maladministration;
  - (c) serious or substantial waste of public money;
  - (d) government information contravention; and
  - (e) other kinds of wrongdoing;to an authorised disclosure officer, in accordance with the [Reporting Wrongdoing Policy 2023](#).
- (2) Some reports may be protected under either or both of the [Public Interest Disclosures Act 1994 \(NSW\)](#) or the [Corporations Act 2001 \(Cth\)](#).
- (3) Further information about what disclosures are protected, and the nature of the applicable protection, is provided in the [Reporting Wrongdoing Policy 2023](#).

## 20 Equity of access and prevention of bullying, harassment, discrimination and sexual misconduct

- (1) Staff and affiliates must comply with the:
  - (a) [Bullying Harassment and Discrimination Prevention Policy 2015](#);
  - (b) [Student Sexual Misconduct Policy 2023](#); and
  - (c) [Staff Sexual Misconduct Policy 2023](#).
- (2) Staff and affiliates must not:
  - (a) bully;
  - (b) harass;
  - (c) discriminate against;
  - (d) engage in sexual misconduct towards; or
  - (e) victimise;any other person.

## 21 Work health and safety

- (1) While at work or performing duties or functions for the University, staff and affiliates must:
  - (a) comply with all applicable policies, procedures and standards, including but not limited to:
    - (i) the [Work Health and Safety Policy 2016](#); and
    - (ii) [Work Health and Safety Procedures 2016](#);
  - (b) take reasonable care for their own health and safety and the health and safety of others who may be affected by their acts or omissions at work; and
  - (c) cooperate with the University to secure compliance with all relevant health and safety laws.

- (2) Staff and affiliates must take care not to put themselves or other University community members at risk or reduce their ability to carry out their duties through the misuse of alcohol or drugs.
  - (a) Under no circumstances should staff or affiliates attend for duty under the influence of alcohol or drugs.

**Note:** See [Alcohol Policy 2019](#).

## 22 Implementation of this Code

- (1) The University will take reasonable steps to inform staff and affiliates of their responsibilities under this Code, including but not limited to:
  - (a) referring to this Code in contracts of employment;
  - (b) providing training on this Code to staff and affiliates at the beginning of, and throughout employment or affiliation; and
  - (c) notifying staff and affiliates of any revisions and amendments to this Code and relevant policies and procedures.
- (2) Staff and affiliates must:
  - (a) complete mandatory compliance training related to this Code, in accordance with University policy and management direction;
  - (b) maintain an understanding of, and familiarity with, the requirements of the Code, including any updates and changes to this Code and relevant University policy and procedures; and
  - (c) comply with this Code, and any changes from the date of their effect.
- (3) Subject to subclause 22(4), complaints alleging breaches of this Code will be managed in the manner specified in the [Resolution of Complaints Policy 2015](#).
- (4) Disclosures of wrongdoing under the [Reporting Wrongdoing Policy 2023](#) will be managed in the manner specified in that policy.

## 23 Breach of this Code

- (1) Breaches of this Code may constitute misconduct or serious misconduct.
- (2) Proven breaches may result in disciplinary action for staff, and commensurate action for affiliates, including the termination of employment or affiliation.

## 24 Roles and responsibilities

- (1) **The University Executive** is responsible for:
  - (a) providing a safe and healthy work environment for staff and affiliates; and
  - (b) taking reasonable steps to ensure staff and affiliates are aware of their responsibilities under this Code, including any amendments and updates (see subclause 22(1)).
- (2) **Staff and affiliates** are responsible for:
  - (a) familiarising themselves with the requirements of this Code and all policies and procedures referred to in it;

- (b) maintaining an understanding of the requirements of the Code and policies and procedures referred to in it; and
  - (c) complying with the requirements of the Code and policies and procedures referred to in it from their date of effect.
- (3) **Managers** are responsible for:
  - (a) informing staff and affiliates who report to them of the requirements of this Code; and
  - (b) requiring them to complete all mandatory compliance training.
- (4) **The General Counsel** is responsible for:
  - (a) reviewing, assessing, arranging appropriate investigations and overseeing appropriate resolution of any breaches of this Code referred to them; and
  - (b) reviewing this Code from time to time, and where appropriate, recommending amendments for currency with the University's legislative, regulatory and other obligations.
- (5) **The Chief Internal Auditor** is responsible for investigating any wrongdoing reported to an authorised disclosure officer in accordance with the [Reporting Wrongdoing Policy 2023](#).
- (6) **The Chief Human Resources Officer** is responsible for:
  - (a) developing and arranging for appropriate delivery of mandatory compliance training on this Code;
  - (b) monitoring completion rates of the mandatory compliance training and taking reasonable steps to require staff and affiliates complete it;
  - (c) overseeing the administration of the declaration of external interests process required by the [External Interests Policy 2010](#); and
  - (d) reviewing, arranging appropriate investigation or referral, and overseeing appropriate resolution of complaints or potential breaches of this Code which are brought to the attention of Human Resources.
- (7) **The Director, Marketing and Communications** is responsible for:
  - (a) monitoring compliance with the [Public Comment Policy](#), including the responsible and compliant use of social media; and
  - (b) referring any potential breaches of the [Public Comment Policy](#) to the Office of General Counsel.
- (8) **The Director, Research Post-Award Management** is responsible for addressing and resolving disputes about intellectual property consistently with clause 17 of the [Intellectual Property Policy 2016](#).
- (9) **The Manager, Privacy Compliance** is responsible for receiving complaints alleging breaches of privacy and coordinating an internal review of the complaint in accordance with the requirements of the [Privacy Policy 2017](#).

## 25 Rescissions and replacements

This document replaces the *Code of Conduct – Staff and Affiliates* which commenced on 7 October 1997 and which is rescinded as from the date of commencement of this document.

## NOTES

### Staff and Affiliates Code of Conduct 2021

Date adopted: 23 March 2021

Date commenced: 31 March 2021

Date amended: 17 August 2023 (administrative amendments)

19 December (administrative amendments)

Administrator: Chief Human Resources Officer

Review date: 31 March 2026

Rescinded documents: *Code of Conduct – Staff and Affiliates*

Related documents:

*Corporations Act 2001 (Cth)*

*Public Interest Disclosures Act 1994 (NSW)*

University of Sydney Enterprise Agreement 2023-2026

University of Sydney (Delegations of Authority) Rule 2020

Academic Integrity Policy 2022

Acceptable Use of ICT Resources Policy 2019

Alcohol Policy 2019

Brand Policy 2015

Bullying, Harassment and Discrimination Prevention Policy 2015

Charter of Freedom of Speech and Academic Freedom

Cyber Security Policy 2019

External Interests Policy 2010

Gift Acceptance Policy 2013

Higher Degree by Research Supervision Policy 2020

Honorary Titles Policy 2013

Intellectual Property Policy 2016

Outside Earnings of Academic Staff Policy 2011

Outside Earnings of Academic Staff Policy 2011

Privacy Policy 2017

Public Comment Policy

Recordkeeping Policy 2017

Reporting Wrongdoing Policy 2023

Research Code of Conduct 2023

Resolution of Complaints Policy 2015

Staff Sexual Misconduct Policy 2023

Student Charter 2020

Student Sexual Misconduct Policy 2023

Work Health and Safety Policy 2016

Bullying, Harassment and Discrimination Resolution Procedures 2015

Reasonable and Non-allowable Expense Procedures 2022

Staff Sexual Misconduct Procedures 2023

Work Health and Safety Procedures 2016

Business Ethics Statement

Guidelines Concerning Commercial Activities: Section 26B of the *University of Sydney Act 1989*

## AMENDMENT HISTORY

Provision	Amendment	Commencing
4(3); Related documents	Updated references to new Enterprise Agreement 2023-2026	17 August 2023
4(2)(e); 6	Updated reference to <a href="#">Academic Integrity Policy 2022</a>	17 August 2023
16(3); related documents	Updated reference to <a href="#">Reasonable and Non-Allowable Expense Procedures 2022</a>	17 August 2023
4(1)	Updated reference to University's Strategic Plan	17 August 2023
4(2)(c); 5(2)(a) note; 6; related documents	Replaced 'Research Code of Conduct 2019' with 'Research Code of Conduct 2023'	19 December 2023



<b>Provision</b>	<b>Amendment</b>	<b>Commencing</b>
5(2)(a)note; 11(2)(c) note; 20(1)(b); related documents	replaced 'Student Sexual Misconduct Policy 2018' with 'Student Sexual Misconduct Policy 2023'	19 December 2023
6	Definition for 'authorised disclosure officer' deleted.  Definition for 'Disclosure Officer' added.	19 December 2023
14(6); 19(1); 19(3); 22(4); 24(5)	Replaced 'Reporting Wrongdoing Policy 2012' with 'Reporting Wrongdoing Policy 2023'	19 December 2023
11(2)(c) note; 20(1)(c); related documents	replaced 'Staff Sexual Misconduct Policy 2020' with 'Staff Sexual Misconduct Policy 2023'	19 December 2023

## SCHEDULE

### Commonwealth legislation

- *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*
- *Foreign Influence Transparency Scheme Act 2018*
- *Modern Slavery Act 2018*