A Checklist for Identifying Conflicts of Interest

1. The purpose of this tool is to provide a checklist that you can methodically work through when you are faced with a situation in which you think you might have an actual, perceived or potential conflict of interest.

FIRST STEPS:

Describe the matter or issue being considered and the situation in which you are involved.

MAKING AN ASSESSMENT:

In assessing whether you have an actual, reasonably perceived or potential conflict of interest, it may be helpful to ask yourself the following questions. The test when assessing these situations is to ask yourself – could this conflict with my public duty to serve the public interest?

2. What is the situation?

- Would I, or anyone associated with me benefit from or be detrimentally affected by my proposed decision or action?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?
- Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
- Do I or a relative, friend or associate of theirs stand to gain or lose financially in some covert or unexpected way?
- Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
- Have I contributed in a private capacity in any way to the matter my agency is dealing with?
- Have I made any promises or commitments in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?
- Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?
- Could this situation have an influence on any future employment opportunities outside my current official duties?
- Could there be any other benefits or factors that could cast doubts on my objectivity?
- Do I still have any doubts about my proposed decision or action?
3. What perceptions could others have?

- What assessment would a fair-minded member of the public make of the circumstances?
- Could my involvement in this matter cast doubt on my integrity or on my agency’s integrity?
- If I saw someone else doing this, would I suspect that they might have a conflict of interest?
- If I did participate in this action or decision, would I be happy if my colleagues and the public became aware of my involvement and any association or connection?
- How would I feel if my actions were highlighted in the media?
- Is the matter or issue one of great public interest or controversy where my proposed decision or action could attract greater scrutiny by others?

4. Should I seek help?

- Am I confident of my ability to act impartially and in the public interest?
- Do I feel a need to seek advice or discuss the matter with an objective party?
- Does this person know more about these things than I do?
- Is all the relevant information available to ensure a proper assessment?
- Do I know what my agency’s code of conduct requires in relation to conflicts of interests?
- Do I need to discuss any issues regarding this matter with my manager?
- Do I understand the possible penalties that may apply if I proceed with an action or decision with an unresolved conflict of interest?

Remember – seeking and following advice by suitably qualified persons is evidence of good faith but does not transfer the responsibility from the individual to decide whether or not they have a conflict of interests.

5. Have I recognised the type of interest?

An important step is to recognise whether or not the interest is a pecuniary interest (also known as a material personal interest). Because there can be legal consequences, public officials should not rely on their own opinion, but should seek independent legal advice if there is any doubt. The Checklist for identifying pecuniary interests will help you determine whether you may be dealing with a pecuniary interest.

6. Can I now make a decision?

- Have I assessed whether I need to obtain appropriate independent legal and other impartial advice?
- Am I comfortable with my decision to seek (or not seek) advice, and with advice that I have been given?
- If I disagree with any advice given, am I able to state a defensible case to those who made the assessment?
- Can I determine what is the best option to ensure impartiality, fairness and protect the public interest?
- Does this option ensure openness and transparency in my proposed decision or action?
- Have I identified and documented the facts and circumstances governing my evaluation of, and decision on, how I should handle the situation?
- Does my decision allow me to act and be seen to act in a fair, impartial and objective manner?