



CONFLICT OF INTEREST

Identifying conflict of interest risk areas for individuals

Checklist 1 – identifying a conflict of interest

Use this checklist when you are faced with a situation in which 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.

- ▼ What role do **you** play in this situation?

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 duties or responsibility to serve the public interest?'

What is the situation?	Yes	No
Would I, or anyone associated with me, benefit from or be detrimentally affected by my proposed decision or action?	<input type="checkbox"/>	<input type="checkbox"/>
Could there be benefits for me in the future?	<input type="checkbox"/>	<input type="checkbox"/>
Could these cast doubt on my objectivity?	<input type="checkbox"/>	<input type="checkbox"/>
Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of my proposed decision or action?	<input type="checkbox"/>	<input type="checkbox"/>
Do I or a relative, friend or associate stand to gain or lose financially in some covert or unexpected way?	<input type="checkbox"/>	<input type="checkbox"/>
Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not the appropriate person to deal with this matter?	<input type="checkbox"/>	<input type="checkbox"/>
Have I contributed in a private capacity in any way to the matter I am dealing with?	<input type="checkbox"/>	<input type="checkbox"/>
Have I made any promises or commitments in relation to the matter?	<input type="checkbox"/>	<input type="checkbox"/>
Have I received a gift or benefit from someone who stands to gain or lose from my proposed decision or action?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
Could this situation have an influence on future employment opportunities for me?	<input type="checkbox"/>	<input type="checkbox"/>
Are there any other benefits or factors that could cast doubts on my objectivity?	<input type="checkbox"/>	<input type="checkbox"/>
Do I still have any doubts about my proposed decision or action?	<input type="checkbox"/>	<input type="checkbox"/>

Should I seek help?	Yes	No
Am I confident of my ability to act impartially and in the public interest?	<input type="checkbox"/>	<input type="checkbox"/>
Do I need to seek advice or discuss the matter with an objective party?	<input type="checkbox"/>	<input type="checkbox"/>
Would I be happy if this was on the front page of the newspaper?	<input type="checkbox"/>	<input type="checkbox"/>
Is all the relevant information available to ensure a proper assessment?	<input type="checkbox"/>	<input type="checkbox"/>
Do I know what my agency's code of conduct or policy requires in relation to conflict of interest?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
Do I need to discuss any issues regarding this matter with my manager?	<input type="checkbox"/>	<input type="checkbox"/>
Do I understand the possible penalties that may apply if I proceed with an action or decision with an unresolved conflict of interest?	<input type="checkbox"/>	<input type="checkbox"/>
Can I now make a decision?	Yes	No
Have I assessed whether I need to obtain appropriate independent legal and other impartial advice?	<input type="checkbox"/>	<input type="checkbox"/>
Am I comfortable with my decision to seek (or not seek) advice, and (if it was sought) with advice that I have been given?	<input type="checkbox"/>	<input type="checkbox"/>
If I disagree with any advice given, am I able to defend my position?	<input type="checkbox"/>	<input type="checkbox"/>
Have I identified and recorded the facts and circumstances governing my evaluation of, and decision on, how I should handle the situation?	<input type="checkbox"/>	<input type="checkbox"/>
Does my decision allow me to act and be seen to act in a fair, impartial and objective manner?	<input type="checkbox"/>	<input type="checkbox"/>

Checklist 2 – identifying pecuniary interests

You can use this checklist to identify whether you have a pecuniary or non-pecuniary conflict of interest.

You have a pecuniary interest in a matter if you have or should reasonably have a realistic expectation that you or an associated individual stand to gain a benefit or suffer a loss, whether directly or indirectly.

- ▼ It is not necessary to be able to identify or quantify the benefit or loss.
- ▼ Money does not have to change hands – the benefit could be an increase in the value of property or other material interest.

As soon as a pecuniary interest of an associate is recognised you must treat it as if it was your own pecuniary interest. Using the checklist below may be useful.

What kind of interest do I have, if any?	Yes	No
Is there a realistic expectation that I will, directly or indirectly, gain a financial or other material benefit or suffer a financial or other material loss?	<input type="checkbox"/>	<input type="checkbox"/>
Will the matter affect my earning capacity or financial situation?	<input type="checkbox"/>	<input type="checkbox"/>
Will it have an impact on the value of any shares or property that I own?	<input type="checkbox"/>	<input type="checkbox"/>
Do I have a second job or private business that may be affected by the matter?	<input type="checkbox"/>	<input type="checkbox"/>
Do I have any debts owing to a person who will be affected by the matter?	<input type="checkbox"/>	<input type="checkbox"/>
Have I accepted hospitality, sponsored travel, gifts or other benefits from a person who will be affected by the matter?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a realistic expectation that someone in a personal or business relationship with me will, directly or indirectly, gain a financial or other material benefit or suffer a financial or other material loss?	<input type="checkbox"/>	<input type="checkbox"/>
By nature of my relationship with this person, would any benefit or loss they receive be expected, under normal circumstances, to flow through to me?	<input type="checkbox"/>	<input type="checkbox"/>

Checklist 3 – identifying non-pecuniary interests

This checklist will help you to identify conflicts of interest risks arising from your personal circumstances or pecuniary interests.

Specific policies may exist for some of the issues below, such as secondary employment. These policies may also need to be consulted.

Consider whether you have the following private interests that may result in potential conflicts of interest risks:

- financial and economic interests (e.g. debts or assets)
- family or private businesses
- secondary employment
- affiliations with for-profit and non-profit organisations, sporting bodies, clubs and associations
- affiliations with political, trade union or professional organisations and other personal-capacity interests

- ❑ obligations to professional, community, ethnic, family or religious groups in a personal or professional capacity or relationships to people living in the same household
- ❑ enmity or competition with another person or group
- ❑ significant family or other relationships with clients, contractors or other employees working in the same (or a related) agencies
- ❑ highly specialist skills in an area where demand for the skills frequently exceeds supply
- ❑ future employment prospects or plans (i.e. post-separation employment).

Adapted from CMC and ICAC resource: Managing Conflicts of Interest in the Public Sector – toolkit



The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: prevention@integrity.tas.gov.au or 1300 720 289.

For more Misconduct Prevention resources go to www.integrity.tas.gov.au/resources.