

CHECKLIST - IDENTIFYING A CONFLICT OF INTEREST

The purpose of this checklist is to provide DAP members with steps that they can work through to determine if they have an actual, potential or perceived conflict of interest. DAP Members are encouraged to also consult the DAP Code of Conduct and the WA Public Sector Integrity Coordinating Group's [Conflict of Interest Guidelines](#).

FIRST STEP

Describe the matter/issue and the situation in which you are involved. What is your public duty in serving the public interest?

MAKING AN INITIAL ASSESSMENT – WHAT IS THE SITUATION?

When assessing if you have an actual, potential or perceived conflict of interest, it may be beneficial to ask yourself the following questions. When answering these questions, ask yourself “could this conflict impact my public duty to service the public interest?”

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. Would I or anyone associated with me benefit from or be detrimental affected by my proposed decision or action | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Could there be benefits for me in the future that could cast doubt on my objectivity | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. 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"/> |
| 4. 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"/> |
| 5. 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"/> |
| 6. Do I hold any personal or professional view or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Have I contributed in a private capacity in any way to the matter that I am participating in? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Have I made any promises or commitments in relation to the matter? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Have I received a benefit or offer of hospitality from someone who stands to gain or lose my proposed decision or action? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Am I a member of an association, club or professional organisation or do I have particular ties to and affiliation with organisations or individuals who stand to gain or lose from my proposed decision? | <input type="checkbox"/> | <input type="checkbox"/> |

11. Could this situation have an influence on any future employment opportunities outside my current official duties?
12. Could there be any other benefits or factors that could cast doubt on my objectivity?
13. Do I still have doubts about my proposed decision or action?

WHAT PERCEPTIONS COULD OTHERS HAVE?

When considering whether a conflict of interest may exist, it is important consider how an external person may view your actions i.e. what would their perception be of your actions, and would that person consider those to be appropriate of a person employed to service the public interest?

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. What assessment would a reasonable minded member of the public make of the circumstances? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Could my involvement in the matter cast doubt on my integrity or on the DAP's integrity? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If I saw someone else doing this, would I suspect that they may have a conflict of interest? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. If I did participate in this action or decision, would I be happy if my colleagues and/or the public became aware of my involvement and any association or connection? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. How would I feel if my actions were highlighted in the media? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the matter or issue one of great public interest or controversy where my proposed decision or action could attract greater scrutiny by others? | <input type="checkbox"/> | <input type="checkbox"/> |

SHOULD I SEEK HELP?

Discussing the matter with the DAP Executive Director may assist in assessing whether a conflict exists. DAP Members are also encouraged to read to the DAP Code of Conduct for additional information.

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Do I feel a need to seek advice or discuss the matter with an objective party. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Does this person know more about this matter than I do? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is all the relevant information regarding the matter available to ensure a proper assessment? | <input type="checkbox"/> | <input type="checkbox"/> |

4. Do I know what the DAP Code of Conduct requires in relation to my conflict of interest?
5. Do I need to discuss any issues regarding this matter the DAP Executive Director
6. Do I understand the possible penalties that may apply if I proceed with an action or decision with an unresolved conflict of interest?

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

CAN I NOW MAKE A DECISION?

Finally, DAP Members are encouraged to ask themselves the following questions to determine the presence of an actual, potential or perceived conflict of interest.

- | | | Yes | No |
|----|--|--------------------------|--------------------------|
| 1. | Have I assessed whether I need to obtain independent legal or other impartial advice? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | Am I comfortable with my decision to seek (or not seek) advice, and with the advice that I have been given? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. | If I disagree with any advice given, am I able to state a defensible case to those that made the assessment? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. | Can I determine what the best option is to ensure impartiality, fairness and protect the public interest? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. | Does this option ensure openness and transparency in my proposed decision or action? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | Have I identified and documented the facts and circumstances governing my evaluation of, and decision on, how I should handle the situation? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. | 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"/> |