Conflicts of Interest
What is a Conflict of Interest?

- A conflict of interest is a situation arising where your public duty and personal interests conflict.

- *It’s not wrong to have a conflict of interest.*
  *What matters is how you deal with it.*

- It’s your responsibility to assess whether your personal interests conflict (or might be reasonably seen to conflict) with your role at the Institute.
What is a Conflict of Interest?

Conflicts of interest can be where a:

- Conflict of interest **ACTUALLY** exists
- **PERCEPTION** that a conflict of interest exists
- **POTENTIAL** conflict of interest may arise.

The ‘conflict’ in Conflict of Interest is to do with your public duty; an *alignment* of public and private interests can still present a conflict if a decision or action could be perceived to be motivated by a private interest. This applies even if that action is in the best interest of the agency and/or its clients. For example; getting a great deal on an asset purchase from a family member.
Conflicts of Interest Types

There are 2 common types of Conflicts of Interest:

- **Financial**
  
  The use of Institute resources (including funding, equipment or personnel) for personal financial gain

- **Non-Financial**
  
  The use of your position or authority to assist yourself and/or other(s)
Financial Conflicts of Interest

Examples may include:

- Using the Institute’s equipment to produce items to be used or sold privately
- Accepting gifts or payments from students for the attainment of a desired grade
- Receiving funds for the supply of training information and/or records to another training provider(s)
- Accepting supplier gifts or promotional material without appropriate authority
Non-Financial Conflicts of Interest

Examples may include:

- Participating as a selection panel member without disclosing your connection, association or involvement with the candidate(s)
- Providing services or resources to clubs, groups, associations or religious organisations without charge
- Inappropriate use of your position to market or promote yourself, your values or your beliefs
Reflection

- Identify a potential Conflict of Interest within your workplace

- Describe a situation where there may be a perceived Conflict of Interest within the Institute
Identifying a Conflict of Interest

Answering **yes** to any of the following may identify a Conflict of Interest:

- Could this harm the Institute or the Government?
- Could this harm my reputation or the reputation of others?
- Could my action or the action of others be subject to public scrutiny?
- Is there a real or perceived benefit to me?
- Am I the best person to be making a judgement on the situation?
- Should I seek advice from an independent person or agency?
Identifying a Conflict of Interest

The Corruption and Crime Commission (CCC) have developed the 6 Ps to help you identify Conflicts of Interest.

- Public duty versus private interests
- Potentialities
- Perception
- Proportionality
- Presence of mind
- Promises.
The 6 Ps - Public Duty Versus Private Interests

Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?
The 6 Ps - Potentialities

Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?
The 6 Ps - Perception

How will my involvement in the decision/action be viewed by others?

Are there risks associated for me/my organisation?

Remember, perception is important.
The 6 Ps - Proportionality

Does my involvement in the decision appear fair and reasonable in all the circumstances?
The 6 Ps - Presence of mind

What are the consequences if I ignore a conflict of interest?

What if my involvement was questioned publicly?
The 6 Ps - Promises

Have I made any promises or commitments in relation to the matter?

Do I stand to gain or lose from the proposed action/decision?
Disclosing Conflicts of Interest

In certain circumstances it may be possible for you to maintain your involvement in a matter after a Conflict of Interest has been identified and disclosed. This will depend on whether:

- The nature and extent of the Conflict of Interest and how quickly it is identified
- An opportunity exists, within a process, to ensure the integrity of the process is preserved
- Community and Institute interests are protected.

For example; where a friend of a potential employee is present on a selection panel. Disclosing your relationship or previous relationship with this person may be sufficient to continue the process.
Disclosing Conflicts of Interest

Various policies, procedures and guidelines are available to help you identify and disclose Conflicts of Interest.

For example, HR and Finance policies, recruitment and purchasing guidelines may contain specific information pertaining to a particular Conflict of Interest.

Other sources of information may be found on the intranet, at other Government agencies, or you can consult with your line manager or Human Resources area.
Managing Conflicts of Interest?

Simply disclosing a conflict of interest may not always be sufficient. You may need to manage the Conflict of Interest.

The Corruption and Crime Commission (CCC) have developed the 6 Rs to help you manage Conflicts of Interest.

- Register
- Restrict
- Recruit
- Remove
- Relinquish
- Resign.
The 6 Rs – Record & Register

Recording the Conflict of Interest in a register is an important first step; however this does not necessarily resolve the conflict.

It may be necessary to assess the situation and determine whether one or more of the following strategies is also required.
The 6 Rs – Restrict

It may be appropriate to restrict your involvement in the matter, for example: refrain from taking part in a debate about a specific issue; abstain from voting on decisions; and/or restrict access to information relating to the Conflict of Interest.

If this situation occurs frequently, and an ongoing Conflict of Interest is likely, other options may need to be considered.
The 6 Rs – Recruit

If it is not practical to restrict your involvement, an independent third party may need to be engaged to:
participate in;
oversee; or
review
the integrity of the decision making process.
The 6 Rs – Remove

Removal from involvement in the matter altogether is the best option when other documented policies or strategies leave you or the Institute exposed to risk.
The 6 Rs – Relinquish

Relinquishing the personal or private interests may be a valid strategy for ensuring there is no conflict with your public duty.

This may be the relinquishment of shares, or membership of a club or association.
The 6 Rs – Resign

Resignation may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.
Possible Consequences of Conflicts of Interest

- Damage to student, community and industry confidence
- Damage to your personal reputation or the reputation of the Institute
- Disciplinary action
- Termination of employment
- Liability for civil or criminal action
Summary

- **Assess** – Determine if there is a Conflict of Interest by considering your public duty, the nature of the matter and your personal interests.

- **Discuss** – Declare your interest and seek advice on the best way to manage the conflict in the public interest.

- **Manage** – Take steps to ensure the public interest is protected and the conflict is managed appropriately.
Where Can I Get More Information?

There are many sources of information on this topic. It is always a good start to speak to your manager or human resources area.

You will find useful links and information by clicking on the Resources in Module 6 of the AEDM Home Page.
Thank you for reading the learning materials “Module 6: Conflicts of Interest” you can now proceed to the quiz.

You will find the Assessment quiz by clicking on

in Module 6 on the AEDM Home Page.