

Country case: Conflict of interest guidelines of the Government of Western Australia

Description

The Integrity Coordinating Group (ICG) of the Government of Western Australia has developed guidelines to help public officers identify and manage conflicts of interest. The guidelines provide public authorities with information and practical tools about integrity in decision making, which can be used to strengthen and sustain their decision-making processes. The following questions are addressed:

- What is a conflict of interest?
- Is it wrong to have a conflict of interest?
- Who is responsible for identifying and managing conflicts of interest?
- How can officers identify if a conflict of interest exists?.

Public Procurement
Principle: **Integrity,
Risk Management**

Procurement Stage:
Tendering

Audience: **Policy Maker,
Procuring Entity**

To identify conflict of interest, the ICG suggests considering the “6Ps”

Public duty versus private interests	Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?
Potentialities	Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?
Perception	Remember, perception is important. How will my involvement in the decision/action be viewed by others?
Proportionality	Does my involvement in the decision appear fair and reasonable in all the circumstances?
Presence of mind	What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?
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?

The ICG has also provided major options, or “6Rs”, for officers and supervisors to manage conflicts of interest.

Record/register	Recording the disclosure of a 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.
Restrict	It may be appropriate to restrict your involvement in the matter, for example, refrain from taking part in 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.
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.
Remove	Removal from involvement in the matter altogether is the best option when ad hoc or recruitment strategies are not feasible, or appropriate.
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.
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.

The ICG recognises there cannot be a “one-size-fits-all” approach to conflicts of interest across the public sector. These scenarios are designed to provide practical tips for identifying and managing some of the more common conflict-of-interest situations:

- sponsorship from the private sector
- wearing two hats – dual roles as a public officer
- representative members on boards and committees
- allocation of grants for community-based services
- gifts, benefits and hospitality
- recruitment, selection and appointment
- secondary employment
- managing procurement processes, tenders and contracts.

The scenarios illustrate examples of how conflicts of interest may be identified and what strategies may be employed to manage them. The choice of strategies may vary across the sector, and will depend on the operating environment, legislative requirements and practical solutions.

Source: OECD (2016), [Towards Efficient Public Procurement in Colombia: Making the Difference](#), OECD Publishing, Paris.