



Cabinet Office

Proactive release of information about management of ministerial conflicts of interest

1 October 2014 – 30 September 2015

18 December 2015

Explanatory note

- 1 The table below is a summary of actions taken by Ministers during the period 1 October 2014 to 30 September 2015 in order to manage actual or potential conflicts of interest. It includes transfers of responsibility to other Ministers and standing arrangements not to receive Cabinet papers. Other steps for managing conflicts of interest set out at paragraph 2.70 of the Cabinet Manual (such as declarations of interest, and ad hoc or short term arrangements not to receive papers) are not included.
- 2 The Office of the Ombudsman has reviewed this summary and confirmed that it is consistent with the more detailed record held by the Cabinet Office.
- 3 The actions listed in the table are standing arrangements, and may cover multiple instances when responsibility was exercised by another Minister or papers were not received. It is also possible that there have been no such instances, because the particular issue has not arisen in practice. The table only includes new arrangements put in place in the period 1 October 2014 to 30 September 2015, and is not a full summary of all transfers of responsibility and arrangements not to receive papers that have been made or are currently in place.
- 4 The nature of each actual or potential conflict of interest is described using the following categories:
 - Pecuniary: relating to a Minister's personal financial interests such as assets, debts and gifts
 - Personal: relating to a Minister's non-financial personal interests, such as family, whanau or close associates, former employment and business activities, and (in certain limited circumstances) current and past involvement with specific organisations
 - Portfolio: relating to different aspects of a Minister's official responsibilities
 - Constituency: relating to a Minister's role as a member of Parliament
- 5 The following actions commonly occur as a consequence of a transfer:
 - (1) officials report directly to the transferee in relation to the specified matter(s);
 - (2) any information relating to the specified matter(s) received by the transferor's office is referred to the transferee;
 - (3) the transferor does not receive Cabinet papers or other official papers or reports on the specified matter(s); and
 - (4) if the specified matter(s) is/are discussed at Cabinet, the transferor will declare his/her interest and withdraw from the meeting.

- 6 These actions are referred to below as “action (1)”, “action (2)” etc.
- 7 The annual proactive release of information about the management of ministerial conflicts of interest (covering transfers of responsibility and arrangements not to receive papers) was agreed by the Prime Minister and the Chief Ombudsman in 2012. The release is intended to provide public assurance that systems are in place to manage conflicts of interest effectively, while protecting the privacy of individuals, the confidentiality of Cabinet discussions, and the confidentiality of correspondence between the Cabinet Office and the Prime Minister and other Ministers about actual or potential conflicts of interest.
- 8 Further information on the management of ministerial conflicts of interest is set out at paragraphs 2.56-2.77 of the Cabinet Manual 2008, available at www.cabinetmanual.cabinetoffice.govt.nz.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Bill English	Potential conflict, as Minister of Finance, between role as the Crown shareholder in Air New Zealand Limited and responsibility for providing the Finance portfolio perspective on aviation policy and regulation.	Portfolio	<p>Responsibilities as Minister of Finance in relation to aviation policy and regulation transferred to Hon Steven Joyce on 17 December 2014.</p> <p>(Replaced transfer of 28 February 2012 to Hon Steven Joyce.)</p> <p>As a consequence of transfer: Mr English will not receive papers; Treasury reports to and works with Mr Joyce directly on the specified matter; Mr Joyce, and other Ministers with aviation regulatory interests, bring aviation policy and regulatory issues to Cabinet without any input from Mr English; Mr English brings to Cabinet any ownership issues relating to Air New Zealand; if a matter arises at Cabinet which conflicts with Mr English's responsibility for the Crown shareholding in Air New Zealand to the extent it is inappropriate for him to stay, he will declare an interest and withdraw.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Bill English	Potential conflict, as Minister of Finance, between roles as the Crown shareholder in Air New Zealand Limited and a Crown shareholder in three airports (Christchurch International Airport Limited, Dunedin International Airport Limited, and Hawke's Bay Airport Limited).	Portfolio	<p>Responsibility for the Crown shareholding in the three airports transferred to Hon Paula Bennett on 17 December 2014.</p> <p>(Replaced transfer of 28 February 2012 to Hon Dr Jonathan Coleman.)</p> <p>Actions (1) to (3) occur as a consequence of transfer. Mr English will declare his interest if these matters are discussed at Cabinet.</p>
Hon Bill English	Potential conflict, as Minister of Finance, between roles as Crown shareholder in Air New Zealand Limited and responsibility for exercising certain powers under the National Provident Fund Restructuring Act 1990.	Portfolio	<p>Responsibility for exercising certain powers under the National Provident Fund Restructuring Act 1990 transferred to Hon Paula Bennett on 17 December 2014.</p> <p>(Replaced transfer of 28 February 2012 to Hon Dr Jonathan Coleman.)</p> <p>Actions (1) to (3) occur as a consequence of transfer. Mr English will declare his interest if these matters are discussed at Cabinet.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Bill English	Potential conflict, as Minister of Finance, between role as Crown shareholder in the New Zealand Local Government Funding Agency Limited ("LGFA"), and the services that Treasury provides, through the Debt Management Office, to the LGFA.	Portfolio	<p>Responsibilities as Crown shareholder in the LGFA transferred to Hon Steven Joyce on 17 December 2014.</p> <p>(Replaced transfer of 28 February 2012 to Hon Steven Joyce.)</p> <p>Actions (1) to (3) occur as a consequence of transfer. Mr English will declare his interest if these matters are discussed at Cabinet.</p>
Hon Bill English	Potential conflict, as Minister of Finance, between role as Crown shareholder in Mighty River Power Limited, and decision-making role with respect to an application concerning a proposed overseas investment transaction under the Overseas Investment Act 2005 where Mighty River Power is the prospective vendor.	Portfolio	<p>Decision-making powers and responsibilities under Overseas Investment Act 2005 with respect to the application transferred to Hon Paula Bennett on 5 June 2015.</p> <p>Actions (1) to (3) occur as a consequence of transfer. Mr English will declare his interest if these matters are discussed at Cabinet.</p>
Hon Amy Adams	Potential conflict regarding Ms Adams' responsibilities as Minister for Communications in respect of a certain company and its subsidiaries.	Personal	<p>Responsibility for any decisions in respect of the company or its subsidiaries transferred to Hon Steven Joyce on 5 November 2014.</p> <p>(Replaced transfer of 1 March 2012 to Hon Steven Joyce.)</p> <p>Actions (1) to (4) occur as a consequence of transfer.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Amy Adams	Potential conflict regarding Ms Adams' responsibilities as Minister for Communications in respect of a certain company and its subsidiaries.	Personal	<p>Responsibility for any decisions that relate directly to the company or its subsidiaries, or affect the company or its subsidiaries disproportionately to other companies in the industry, transferred to Hon Steven Joyce on 4 August 2015.</p> <p>(Replaced transfer of 5 November 2014 to Hon Steven Joyce.)</p> <p>Actions (1) to (3) occur as a consequence of the transfer, where any such decisions are to be made. Action 4 occurs as appropriate.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Christopher Finlayson	Potential conflict regarding Mr Finlayson's responsibilities as Minister for Treaty of Waitangi Negotiations in respect of particular iwi.	Personal	<p>Joint responsibility for part of matter at issue, and full responsibility for remainder of matter at issue, transferred to Hon Michael Woodhouse on 28 October 2014.</p> <p>(Replaced transfer of 2 October 2013 to Hon Michael Woodhouse.)</p> <p>With respect to the part of the matter for which joint responsibility is transferred, information sharing and decision-making arrangements are implemented as a consequence of transfer.</p> <p>With respect to remainder of matter at issue, actions (1) to (3) occur as a consequence of transfer, and action (4) occurs as appropriate.</p>
Hon Hekia Parata	<p>Potential conflict between Ms Parata's Ministerial responsibilities and her family interests, in relation to radio spectrum issues in which Māori have an interest.</p> <p>Ms Parata's husband, Sir Wira Gardiner, was a director of Te Haurahi Tika Trust, a Māori Spectrum stakeholder that deals with radio spectrum matters between the Crown and iwi, until 1 August 2015.</p>	Personal	<p>Ms Parata will not receive papers.</p> <p>Arrangement in place to September 2015.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Hekia Parata	<p>Potential conflict between Ms Parata's Ministerial responsibilities and her family interests, in relation to Local Government Commission.</p> <p>Ms Parata's husband, Sir Wira Gardiner, is Chair of the Local Government Commission.</p>	Personal	Ms Parata will not receive papers.
Hon Nathan Guy	Potential conflict unrelated to portfolio responsibilities.	Personal	Mr Guy will not receive papers.
Hon Nikki Kaye	Potential conflict regarding Ms Kaye's responsibilities as Minister for ACC.	Personal	<p>Responsibility for all ACC matters relating to matter at issue transferred to Hon Paul Goldsmith on 6 November 2014.</p> <p>Actions (1) to (4) occur as a consequence of transfer.</p>
Hon Nikki Kaye	Potential conflict between Ms Kaye's responsibilities as Minister of Civil Defence and Minister for ACC.	Portfolio	<p>Functions and powers, as Minister for ACC, in relation to matter at issue transferred to Hon Paul Goldsmith on 17 August 2015.</p> <p>Actions (1) and (2) occur as a consequence of the transfer.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Michael Woodhouse	Potential conflict between Mr Woodhouse's responsibilities as Minister of Immigration and his role as a list MP based in Dunedin.	Constituency	<p>Responsibilities as Minister of Immigration for any decisions affecting residents of the Dunedin North and Dunedin South electorates transferred to Hon Craig Foss on 20 October 2014.</p> <p>(Replaced transfer of 20 March 2013 to Hon Nikki Kaye.)</p> <p>Actions (1), (2) and (3) occur as a consequence of transfer. Minister's Out of Parliament office will not become involved in immigration enquiries from Dunedin residents. They will advise Dunedin residents that they have the option of approaching another local MP's office or making a written submission directly to Hon Foss's office.</p>
Hon Todd McClay	Potential conflict between Mr McClay's responsibility as Minister for State Owned Enterprises and his advocacy, as MP for Rotorua prior to his appointment as Minister for State Owned Enterprises, for a certain company.	Constituency	<p>Responsibility as Minister for State Owned Enterprises for all matters relating to the company transferred to Hon Steven Joyce on 10 November 2014.</p> <p>Actions (1) to (4) occur as a consequence of transfer.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Maggie Barry	<p>Potential conflict regarding Ms Barry's responsibilities as Minister for Conservation for matters relating to Pike River Coal Mine.</p> <p>Ms Barry is a close family relative of Bernie Monk, a spokesperson for some of the Pike River families.</p>	Personal	<p>Responsibility as Minister of Conservation for all matters relating to Pike River Coal Mine transferred to Hon Dr Nick Smith on 28 October 2014.</p> <p>Actions (1) to (4) occur as a consequence of transfer.</p>
Hon Maggie Barry	<p>Potential conflict between Ms Barry's decision-making responsibilities as Minister of Conservation, and her role as MP for North Shore, in relation to a decision concerning the terms of a Treaty settlement.</p>	Constituency	<p>Responsibility as Minister of Conservation for the decision transferred to Hon Dr Nick Smith on 29 June 2015.</p> <p>Actions (1) and (2) occur as a consequence of the transfer.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Craig Foss	Potential conflict between Mr Foss's responsibilities as Associate Minister of Immigration and his role as MP for Tukatuki.	Constituency	<p>Responsibilities as Associate Minister of Immigration for any decision affecting constituents in the Tukatuki and Napier electorates transferred to Hon Michael Woodhouse on 21 October 2014.</p> <p>(Replaced transfer of 20 March 2013 from Hon Nikki Kaye to Hon Michael Woodhouse.)</p> <p>Actions (1), (2) and (3) occur as a consequence of transfer. Minister's Out of Parliament office will not become involved in immigration enquiries from constituents from the Tukatuki and Napier electorates. They will advise constituents that they have the option of approaching another local MP's office or making a written submission directly to Hon Woodhouse's office.</p>
Hon Craig Foss	Potential conflict regarding Mr Foss's ministerial roles in respect of certain companies.	Pecuniary	<p>Responsibility for any decisions concerning the companies transferred to Hon Steven Joyce on 6 November 2014.</p> <p>(Replaced transfer of 29 April 2013 to Hon Dr Jonathan Coleman.)</p> <p>Actions (1) to (4) occur as a consequence of transfer.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Craig Foss	Potential conflict between Mr Foss's responsibilities as Associate Minister of Immigration with delegated responsibility for decisions on requests for exceptions to Government Residence Instructions and his role as MP for Tukituki.	Constituency	Decision-making powers and responsibilities under the Immigration Act 2009 with respect to the request at issue transferred to Hon Nikki Kaye on 9 June 2015. Action (2) occurs as a consequence of transfer. Mr Foss will not be involved with the request.
Hon Jo Goodhew	Potential conflict related to responsibilities as Associate Minister for Social Development.	Personal	Mrs Goodhew will not receive papers.
Hon Jo Goodhew	Potential conflict related to responsibilities as Associate Minister for Primary Industries.	Personal	Mrs Goodhew will not receive papers.
Hon Louise Upston	Potential conflict between Ms Upston's responsibilities as Minister for Land Information and her involvement, as MP for Taupo prior to her appointment as Minister, with a dispute concerning Public Works Act compensation.	Constituency	Responsibility as Minister for Land Information for all matters relating to the dispute transferred to Hon Michael Woodhouse on 24 November 2014. Actions (1) to (4) occur as a consequence of transfer.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Peter Dunne	Potential conflict between Mr Dunne's responsibilities as Minister of Internal Affairs and his role as MP for Ōhāriu, and in respect of other people whom Mr Dunne may identify as raising a perceived or actual conflict.	Constituency / personal	<p>Responsibilities as Minister of Internal Affairs under the Gambling Act 2003, Passports Act 1992 and Citizenship Act 1997 (with exceptions), in respect of people from Ōhāriu electorate and other persons who may be identified by the Minister to avoid a perceived or actual conflict of interest, transferred to Hon Nicky Wagner on 23 October 2014.</p> <p>(Replaced transfer of 11 February 2014 to Hon Amy Adams.)</p> <p>Actions (1) and (2) occur as a consequence of transfer. Minister's staff will forward the relevant documents to Hon Wagner's office and will act as Hon Wagner's liaison to the Department of Internal Affairs.</p>
Hon Te Ururoa Flavell	Potential conflict between Mr Flavell's responsibilities as Minister for Māori Development in respect of a certain iwi.	Personal	<p>Responsibility for all Treaty settlement matters in respect of the iwi transferred to Hon Paula Bennett on 24 November 2014.</p> <p>Actions (1) to (4) occur as a consequence of transfer.</p>