



Cabinet Office

Proactive release of information about management of ministerial conflicts of interest

1 October 2016 – 30 September 2017

Explanatory note

- 1 The table below is a summary of actions taken by Ministers during the period 1 October 2016 to 30 September 2017 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 2.74 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 2016 to 30 September 2017, 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, whānau 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 2.59-2.81 of the Cabinet Manual 2017, available at www.dpmc.govt.nz/cabinet-manual.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Steven Joyce	Potential conflict regarding Mr Joyce's responsibilities as Minister of Finance in relation to a personal matter.	Personal	<p>No individual ministerial responsibility likely.</p> <p>Actions (3) and (4) put in place.</p>
Hon Steven Joyce	<p>Potential conflict in relation to role as Minister of Finance, with overall responsibility for matters decided under the Overseas Investment Act, and role as Crown shareholder in Solid Energy (as Minister of Finance).</p> <p>Applications received by the Overseas Investment Office for a consent in relation Solid Energy assets, to be decided by the Associate Minister of Finance in accordance with delegated responsibilities.</p>	Portfolio	<p>In order to clarify ministerial responsibility for the decision, delegation to Hon Simon Bridges for decision-making as Minister of Finance under the Overseas Investment Act replaced with a transfer of responsibility in respect of the decision relating to Solid Energy Assets.</p> <p>Transfers made in June 2017.</p> <p>Actions (1) – (4) put in place.</p> <p>In addition, arrangements put in place to ensure that Mr Bridges did not receive information relating to Solid Energy other than for the purpose of deciding the application.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Simon Bridges	<p>Potential conflict in relation to role as Associate Minister of Finance deciding an application for consent for the merger of Sky Network Television Limited and Vodafone New Zealand, and role as Crown shareholder in TVNZ (as Minister for Communications).</p> <p>TVNZ's services compete directly with services to be provided by the proposed merger.</p>	Portfolio	<p>Responsibility as Associate Minister of Finance for the decision under the Overseas Investment Act in relation to the merger of Sky and Vodafone transferred to Hon Amy Adams on 20 February 2017.</p> <p>Actions (1) – (4) put in place.</p> <p>Note: As Crown shareholder in TVNZ as Minister of Finance, Hon Steven Joyce put in place similar arrangements.</p>
Hon Michael Woodhouse	Potential conflict between responsibilities as Minister of Immigration and role as Dunedin-based list MP.	Constituency	<p>Responsibility for decisions as Minister of Immigration that would affect constituents in the Dunedin electorates, transferred to Hon David Bennett on 7 February 2017.</p> <p>Actions (1) – (4) put in place.</p> <p>Arrangement replaced by an identical transfer of responsibilities to Hon Scott Simpson on 9 May 2017 following change in ministerial responsibilities.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Nikki Kaye	Potential conflict between responsibilities as Minister of Education in relation to decisions that affect schools in the Auckland Central electorate, and role as MP for Auckland Central.	Constituency	<p>Functions, duties and powers as Minister of Education that relate directly to an individual school or schools in the Auckland Central electorate transferred to Hon Tim Macindoe on 26 July 2017.</p> <p>Actions (1) and (2) put in place. Hon Kaye to continue to receive papers for noting purposes only.</p>
Hon Todd McClay	Potential conflict between responsibility as Minister for State Owned Enterprises under the Crown Forest Assets Act 1989 for a decision in respect of certain land, and role as MP for Rotorua.	Constituency	<p>Responsibility as Minister for State Owned Enterprises for decision under the Crown Forest Assets Act in respect of certain land transferred to Hon Christopher Finlayson on 1 November 2016.</p> <p>Actions (1) – (4) put in place.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Judith Collins	Potential conflict between responsibilities as Minister of Energy and Resources in relation to Crown minerals, and Ms Collins' family's interests in gold mining and other aggregates.	Personal	<p>Responsibility as Minister of Energy and Resources in relation gold and other minerals, excluding coal, transferred to Hon Simon Bridges on 9 February 2017.</p> <p>This transfer covers statutory decisions under the Crown Minerals Act 1991 and other relevant legislation, as well as responsibility for non-statutory functions that relate to gold and other minerals (excluding coal), such as engagement with the domestic mining sector.</p> <p>Actions (1) – (4) put in place.</p>
Hon Mark Mitchell	Potential conflict between responsibilities as Minister for Land Information in relation to a consent under the Overseas Investment Act 2005 and a personal interest.	Personal	<p>Responsibilities as Minister for Land Information in relation to the consent application under the Overseas Investment Act transferred to Hon Louise Upston on 15 June 2017.</p> <p>Actions (1) – (4) put in place.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Nicky Wagner	<p>Potential conflict between responsibilities as Minister supporting Greater Christchurch Regeneration for any decision in relation to the Cranford Regeneration Plan, and role as local MP.</p> <p>Ms Wagner has previously advocated on behalf of constituents in relation to the Plan.</p>	Constituency	<p>Responsibilities as Minister supporting Greater Christchurch Regeneration for any decisions required in relation to the Cranford Regeneration Plan transferred to Hon Gerry Brownlee on 13 June 2017.</p> <p>Actions (1) – (4) put in place.</p>
Hon David Bennett	<p>Potential conflict between responsibilities as Associate Minister of Immigration and role as MP for Hamilton East.</p>	Constituency	<p>Responsibility for decisions as Associate Minister of Immigration that would affect constituents in the Hamilton electorates, including constituents based in Cambridge, Te Awamutu and Ngaruawahia, transferred to Hon Michael Woodhouse on 12 January 2017.</p> <p>Actions (1) – (4) put in place.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Tim Macindoe	Potential conflict between responsibilities as Associate Minister of Education in relation to decisions that affect schools in the Hamilton West electorate, and role as MP for Hamilton West.	Constituency	<p>Delegated functions, duties and powers as Associate Education that relate directly to an individual school or schools in the Hamilton West electorate transferred to Hon Nikki Kaye on 26 July 2017.</p> <p>Actions (1) and (2) put in place. Hon Macindoe to continue to receive papers for noting purposes only.</p>
Hon Scott Simpson	Potential conflict between responsibilities as Associate Minister of Immigration and role as MP for Coromandel	Constituency	<p>Responsibility for decisions as Associate Minister of Immigration that would affect constituents in the Coromandel electorate, transferred to Hon Michael Woodhouse on 22 May 2017.</p> <p>Actions (1) – (4) put in place.</p>