



# Cabinet Office

## Proactive release of information about management of ministerial conflicts of interest

1 October 2019 – 30 September 2020

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### Explanatory note

- 1 The table below is a summary of certain actions taken by Ministers during the period 1 October 2019 to 30 September 2020 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.
- 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 (or other relevant meetings), the transferor will declare his/her interest and withdraw from the meeting (or seek the agreement of colleagues to continue to take part).

- 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 then Prime Minister and the former 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](http://www.dpmc.govt.nz/cabinet-manual).

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Grant Robertson	<p>Portfolio conflict between responsibilities of the Minister of Finance under the Overseas Investment Act:</p> <ul style="list-style-type: none"> <li>- deciding applications for consent</li> <li>- making decisions in relation to transactions of national interest under section 20B(1) and 20C(1)</li> </ul> <p>As a Crown shareholder in a number of Crown companies that may be involved in consent applications under the Act.</p>	Portfolio	<p>Specified decision-making powers and responsibilities of the Minister of Finance with respect to applications for consent under the Overseas Investment Act 2005 transferred to Hon Stuart Nash on 16 June 2020.</p> <p>The transfer excludes decision-making and other matters under ss 20A to 20G of the Act relating to transactions of national interest, or the risks management regime under Part 3 of the Act.</p> <p>Actions (1) – (4) put in place.</p>
Hon Grant Robertson	<p>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.</p>	Portfolio	<p>Responsibilities as Minister of Finance in relation to aviation policy and regulation transferred to Hon David Parker on 10 July 2020. Replaces existing transfer to Hon Dr David Clark.</p> <p>As a consequence of transfer: Treasury will report to Mr Parker directly on aviation policy; Mr Parker, and other Ministers with aviation regulatory interests, will bring aviation policy and regulatory issues to Cabinet without any input from Mr Robertson; Mr Robertson will bring to Cabinet any ownership issues relating to Air New Zealand; if a matter arises at Cabinet which conflicts with Mr Robertson'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 Grant Robertson	Potential conflict, as Minister of Finance, between roles as Crown shareholder in Air New Zealand Limited and responsibility for exercising powers under section 44 of the National Provident Fund Restructuring Act 1990, including in relation to the employer contribution rate for the Aircrew Superannuation Scheme.	Portfolio	<p>Responsibility for exercising powers under section 44 of the National Provident Fund Restructuring Act 1990 insofar as that responsibility relates to the employer contribution rate for the Aircrew Superannuation Scheme transferred to Hon David Parker on 10 July 2020. Replaces existing transfer to Hon Dr David Clark.</p> <p>Actions (1) to (3) put in place. Mr Robertson will declare his interest if these matters are discussed at Cabinet.</p>
Hon Grant Robertson	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 David Parker on 10 July 2020. Replaces existing transfer to Hon Dr David Clark.</p> <p>Actions (1) to (3) put in place. Mr Robertson will declare his interest if these matters are discussed at Cabinet.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Grant Robertson	Potential conflict between responsibility, jointly with other Tourism Recovery Ministers, for decisions regarding the framework for determining eligibility for loans to Inbound Tourism Operators and a close association.	Personal	<p>Responsibilities as Minister of Finance in relation to the August 2020 decisions on the grant of loans from the Crown to Inbound Tourism Operators, including powers as Minister of Finance under the Public Finance Act 1989 to determine if it is necessary or expedient in the public interest to do so transferred to Hon David Parker on 27 August 2020.</p> <p>Actions (1) and (2) put in place.</p>
Hon Andrew Little	Potential portfolio conflict between responsibilities as Minister for Workplace Relations and Safety and responsibilities as Minister Responsible for Pike River Re-Entry.	Portfolio	<p>Responsibilities as Minister for Workplace Relations and Safety for any matters relating to the Pike River Recovery Agency or the Pike River re-entry operations transferred to Hon David Parker on 5 August 2020.</p> <p>Actions (1) and (2) put in place.</p>
Hon Stuart Nash	Potential conflict between the development of a specific tax policy, as Minister of Revenue, and a personal pecuniary interest.	Personal	<p>Responsibility as the Minister of Revenue for the development of the policy transferred to Hon David Parker on 4 November 2019.</p> <p>Actions (1) – (4) put in place.</p> <p>Transfer brought to an end on 2 December 2019 when the pecuniary interest ceased.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Stuart Nash	Portfolio conflict between responsibility, jointly with the Minister of Finance, for decisions on application for consent in the case of fishing quota decisions under section 24(1)(c) of the Overseas Investment Act, and transferred responsibilities to decide applications under section 24 of the Act.	Portfolio	Decision-making powers and responsibilities of the Minister of Fisheries under s 24(1)(c) of the Act transferred to Hon Kris Faafoi on 17 June 2020.  Actions (1) and (2) put in place.
Hon Kris Faafoi	Perception of a portfolio conflict between responsibility as Minister for Broadcasting, Communications and Digital Media, for the appointment of directors to the Radio New Zealand Board, and responsibility as Minister for Commerce and Consumer Affairs for approving the appointment of a member of a corporation sole under the Crown Entities Act 2004.	Portfolio	Responsibilities as Minister of Commerce and Consumer Affairs under s 46 of the Crown Entities Act 2004, in relation to a particular appointment to the Radio New Zealand Board transferred to Hon Stuart Nash on 16 July 2020.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Kris Faafoi	Potential conflict between responsibilities as Minister of Immigration and role as MP for Mana.	Constituency	<p>Responsibility for decisions as Minister of Immigration that would affect constituents in Mana transferred to Hon Poto Williams on 7 August 2020.</p> <p>Actions (1) – (3) put in place.</p> <p>Electorate office will refer immigration inquiries directly to Ms Williams' office or to another local MP. Mr Faafoi will not be involved.</p>
Hon Ron Mark	Conflict between responsibility as Minister for Veterans in making a replacement declaration of operational service in the Sinai Peninsula, and Minister's deployment in the Sinai during the relevant period.	Personal	<p>Responsibility for making declarations of operational service under s 9 Veterans Support Act 2014 in relation to the replacement declaration of operational service in the Sinai transferred to Rt Hon Winston Peters on 8 July 2020.</p> <p>Actions (1) and (2) put in place.</p>
Hon Shane Jones	Conflict between Minister's responsibilities as Minister of Forestry and the interests of a particular company, the directors of which are close associates.	Personal	<p>Responsibility as Minister of Forestry for matters that directly and specifically affect the interests of the company transferred to Hon Damien O'Connor on 19 February 2020.</p> <p>Actions (1) – (4) put in place.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Shane Jones	Potential conflict between responsibility for determining applications for Provincial Growth Fund funding, jointly with other Regional Economic Development Ministers, and the interests of a close associate, who is a director of a company that applied for funding.	Personal	<p>Responsibility as the Minister for Regional Economic Development and Minister of Forestry in relation to matters that directly and specifically affect the interests of the company or the individual concerned transferred to Hon Damien O'Connor on 17 April 2020.</p> <p>Actions (1) – (4) put in place.</p>
Hon Shane Jones	Potential conflict between responsibility for determining applications for Provincial Growth Fund funding, jointly with other Regional Economic Development Ministers, and the interests of a close associate, who is a director or shareholder of companies that may apply for funding.	Personal	<p>Responsibility as Minister for Regional Economic Development for matters that directly and specifically affect the interests of the Minister's close associate or any of the companies of which he is a director or shareholder transferred to Hon Damien O'Connor on 28 May 2020.</p> <p>Actions (1) – (4) put in place.</p>
Hon Dr David Clark	Potential conflict between responsibility as Minister of Health making appointments of members of a DHB and a close association with a proposed appointee.	Personal	<p>Responsibility as the Minister of Health for the appointment transferred to Hon Grant Robertson on 6 November 2019.</p> <p>Actions (1), (2) and (4) put in place. In addition, Cabinet papers or other official papers that addressed the appointment would record the conflict of interest and the transfer of responsibility.</p>