



CABINET OFFICE

27 May 2024

[REDACTED]
[REDACTED]

Ref: OIA OIA-2023/24-0774

Tēnā koe [REDACTED]

Official Information Act request: Minister of Health's conflict of interest

Thank you for your Official Information Act request received on 17 April 2024. You requested:

I am contacting you regarding the Conduct, public duty, and personal interests policy, specifically in regards to conflicts of interests, including section 2.74. You will be aware that the End-of-Life Act (EOLA) has a three year review 'built into' the Act. That review is coming up in Nov 2024. Shane is currently working on the terms of reference for the review.

My email below to Minister Reti in effect points out that the Minister and MOH are currently 'flying blind' in trying to set the terms for the EOLA review. It is nonsensical that Minister Reti is currently working on the scope of the EOLA review yet in addition to MOH not holding any data on palliative sedation therapy deaths it also doesn't hold a breakdown on the reasons that people have been declined access to assisted dying under the EOLA. Without that raw data how can they possibly have an appropriate review...

I note that Cabinet has specific policies on conflict of interest. The policies also state under 2.63 "A conflict of interest may be direct or indirect". Shane casted his vote as an MP as no for the existing EOLA. My understanding is that he is a strict Mormon. The Mormon church have a black and white view that is STONGLY opposed to assisted dying. Regrettably, Shanes response fails to address or indeed even acknowledge my concerns regarding this conflict of interest.

<https://www.dPMC.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual/2-ministers-crown-appointment-role-and-conduct/conduct-public-duty-and-personal-interests>

I am requesting that your office takes urgent steps to have Minister Reti recused from any further involvement in the EOLA including the review and the setting of the terms of reference that is currently occurring without oversight and signoff by Mr Reti in his capacity as the Minister of Health.

Additionally, under the OIA please advise if Minister Reti declared this conflict

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of interest to you and/or the CEO of the MOH, as he is required to do under the conflict of interest policy. And if the answer is yes then under the OIA please provide all information on that matter.”

Information to be withheld

The Cabinet Office, on behalf of the Prime Minister, supports Ministers in identifying and managing conflicts of interest that may arise in relation to their portfolios or other ministerial responsibilities. The Cabinet Office met with all Ministers following their appointment, including Hon Dr Reti, for a confidential discussion about their interests, in line with standard practice and the guidance in the Cabinet Manual.

Successive Ombudsmen have long held the view that Cabinet Office advice to Ministers is inherently confidential. It is in the public interest that the Cabinet Office can obtain and assess information about conflicts of interest and provide advice to Ministers on how to resolve them. Ministers are encouraged to seek advice from the Secretary of the Cabinet on a confidential basis. Details regarding conflicts of interest are not generally disclosed, in order to ensure the confidentiality of Cabinet proceedings, to maintain the effective conduct of public affairs and in some cases to protect personal privacy.

The Cabinet Office holds information about all declarations of interest made by Hon Dr Reti and the advice it has given him about those declarations. Having considered your request and the information held, I am withholding this information under the following sections of the Act:

- section 9(2)(a), to protect the privacy of natural persons;
- section 9(2)(ba)(ii), to protect information which is subject to an obligation of confidence, where the making available of the information would damage the public interest;
- section 9(2)(f)(iv), to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials; and
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers or officials in the course of their duty.

For the same reasons, I am also unable to provide you with any information about any steps the Cabinet Office may or may not take regarding any particular conflict of interest.

In making my decision, in accordance with section 9(1) of the Act I have considered whether the public interest in disclosure outweighs the need to withhold the information, and I have concluded that it does not.

Every year the Cabinet Office proactively releases some information about the management of ministerial conflicts in accordance with an agreement with the Office of the Ombudsman. This information covers transfers of responsibility and arrangements not to receive papers. These annual releases are published on the Department of the Prime Minister and Cabinet's website at: [Annual Ministers' interests releases | Department of the Prime Minister and Cabinet \(DPMC\)](#).

Information about certain financial and other interests of MPs (including Ministers) is published on an annual basis in the Register of Pecuniary and Other Specified Interests of Members of Parliament, available at: <https://www.parliament.nz/en/mps-and-electoralates/members-financial-interests/>.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Nicola Purvis
Acting Secretary of Cabinet