



CABINET OFFICE

19 July 2024

[REDACTED]

Ref: OIA OIA-2023/24-0970

Tēnā koe [REDACTED]

Official Information Act request: [REDACTED] Information relating to Shane Jones' potential conflict of interest

Thank you for your Official Information Act (the Act) request received on 17 June 2024. You requested:

Could you please provide the following information (meaning all documents (including but not limited to letters, briefing papers, file notes, calendar information, reports, meeting minutes or notes, and memoranda), and all communications (including but not limited to meeting notes or minutes, records of telephone calls and any electronic communications via email, SMS, messaging apps e.g. WhatsApp)):

- 1. Information about Shane Jones' "potential conflict unrelated to portfolio responsibilities", where in order to deal with that conflict he "will not receive papers or participate in certain decisions".*
- 2. Information about Shane Jones' potential conflict relating to Trans-Tasman Resources, to the extent this request may differ from (1).*
- 3. Information relating to Trans-Tasman Resources that Shane Jones "provided ... to the Cabinet Office", including the formal letter by which he stood aside from decisions relating to Trans-Tasman Resources.*

Information being released

In relation to part 1 of your request, I have decided to release some information about Shane Jones' "potential conflict unrelated to portfolio responsibilities", which was referred to in our recent proactive release:

<https://www.dpmc.govt.nz/publications/ministers-interests-2023-2024>.

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That information is as follows:

Minister	Matter at issue	Nature of conflict	Action taken
Hon Shane Jones	Potential conflict regarding local government representation (Māori wards) unrelated to portfolio responsibilities.	Personal	Hon Jones will not receive papers or participate in certain decisions relating to local government representation (Māori wards).

In relation to parts 2 and 3 of your request, I have also decided to release some information about Hon Shane Jones' potential conflict relating to Trans-Tasman Resources in the form of a summary (as permitted by section 16(1)(e) of the Act). That information is:

- Hon Shane Jones sought my advice as the Secretary of Cabinet as to whether he should stand aside from decisions relating to the Trans-Tasman Resources project if they were to arise in his Resources portfolio, given he is also the Minister of Oceans and Fisheries.
- Cabinet Office's advice to Hon Jones' office was that a transfer of responsibility to another Minister is not required in this context, as Ministers can and do exercise multiple responsibilities at times in relation to the same matter.
- Hon Shane Jones accepted the advice of the Cabinet Office and no transfer has been implemented.

The reason for releasing this information in the form of a summary instead of providing the documents are the same as the reasons as set out below for withholding some information.

Information to be withheld

There is additional information covered by your request that I have decided to withhold. The Cabinet Office holds information about Hon Shane Jones' declarations of interest and our advice to him on those interests.

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.

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.

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Having considered your request and the information held, I am withholding the additional information held by the Cabinet Office 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.

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.

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



Rachel Hayward
Secretary of the Cabinet