



Cabinet Office

Proactive release of information about management of ministerial conflicts of interest

26 October 2017 – 30 September 2018

Explanatory note

- 1 The table below is a summary of certain actions taken by Ministers during the period 26 October 2017 to 30 September 2018 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, 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 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.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Kelvin Davis	Potential conflict unrelated to portfolio responsibilities.	Personal	Mr Davis will not receive papers or participate in certain decisions.
Hon Grant Robertson	<p>Potential conflict in relation to role as Minister of Finance, for decisions on applications under the Overseas Investment Act, and role as Crown shareholder in a number of State-Owned Enterprises, Crown Entity Companies and Mixed-Ownership Model Companies.</p> <p>From time to time, assets that these companies have an ownership or control interest in may be involved in consent applications under the Overseas Investment Act.</p>	Portfolio	<p>Responsibility for decisions as Minister of Finance under the Overseas Investment Act with respect to applications that relate directly or indirectly to assets owned or interests held by one or more companies of which the Minister of Finance is a Crown shareholding Minister transferred to Hon Dr David Clark on 28 November 2017.</p> <p>Actions (1) – (3) put in place.</p> <p>In addition, any submissions on such applications to Cabinet do not require the Minister of Finance's agreement, and he will declare an interest if any application of this nature is discussed at Cabinet.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Grant Robertson	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 Dr David Clark on 15 December 2017.</p> <p>As a consequence of transfer: Treasury will report to Dr Clark directly on aviation policy; Dr Clark, 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>
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 Dr David Clark on 15 December 2017.</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, 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	Responsibilities as Crown shareholder in the LGFA transferred to Hon Dr David Clark on 15 December 2017. Actions (1) to (3) put in place. Mr Robertson will declare his interest if these matters are discussed at Cabinet.
Hon Grant Robertson	Potential conflict between responsibility as Minister of Finance for decision under the Public Finance Act 1989 to grant an indemnity for the touring exhibition <i>Terracotta Warriors: Guardians of Immortality</i> , and responsibilities as Associate Minister for Arts, Culture and Heritage. Delegated responsibilities include oversight and funding of Te Papa.	Portfolio	Decision-making powers and responsibilities as Minister of Finance in relation to the indemnification sought by Te Papa for the exhibition transferred to Hon Dr David Clark on 14 August 2018. Actions (1) and (2) put in place.
Hon Phil Twyford	Potential conflict between responsibility, as Minister for Transport, for the Civil Aviation Authority (CAA), and personal interest as the subject of an investigation by the CAA.	Personal	All ministerial responsibility for the CAA transferred to Hon Julie-Anne Genter on 24 May 2018, until the matter was resolved. Actions (1) – (4) put in place. Transfer brought to an end 9 July 2018.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Dr Megan Woods	Potential conflict between responsibility as Minister for Greater Christchurch Regeneration for approving the final settlement of the Crown's residential red zone (RRZ) land claims with the Earthquake Commission (EQC), and role as Minister responsible for the EQC.	Portfolio	All decision-making powers and responsibilities for settling the EQC RRZ insurance recoveries on behalf of Land Information New Zealand transferred to Hon Eugenie Sage by letter dated 13 December 2017. Actions (1) – (2) put in place.
Hon Dr Megan Woods	Potential conflict between responsibility for a decision as Minister of Energy and Resources and a personal interest.	Personal	Responsibilities as Minister of Energy and Resources in relation to the decision transferred to Hon Grant Robertson on 19 December 2017. Actions (1) – (3) put in place. In addition, Dr Woods would declare her interest if the decision was discussed at Cabinet.
Hon Dr Megan Woods	Potential conflict between role as MP for Wigram, and responsibility as Minister for Greater Christchurch Regeneration for decisions under section 71 of the Greater Christchurch Regeneration Act 2016 to enable a recreation and sports facility to be developed on Yaldhurst Road.	Constituency	Responsibility as Minister for Greater Christchurch Regeneration for the decision under section 71 of the Greater Christchurch Regeneration Act 2016 in relation to the Yaldhurst proposal transferred to Hon Nanaia Mahuta on 23 July 2018. Actions (1) and (2) put in place. In addition, Dr Woods would declare her interest if these matters were discussed at Cabinet.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon David Parker	Potential conflict between responsibilities as Minister of Economic Development for progressing infrastructure and funding decisions for the hosting of the America's Cup in Auckland, and any decisions as Minister for the Environment in consenting facilities associated with the Cup.	Portfolio	All decision-making powers and responsibilities as Minister for the Environment in relation to America's Cup matters transferred to Hon Chris Hipkins on 14 February 2018. Actions (1) and (2) put in place.
Hon Nanaia Mahuta	Potential conflict between certain responsibilities as Minister for Māori Development and affiliation to Waikato-Tainui.	Personal	Responsibilities as Minister for Māori Development on those matters transferred to Hon Kelvin Davis on 21 September 2018. Actions (1) – (4) put in place. Responsibility for one related Cabinet paper transferred to Hon Willie Jackson on 21 September 2018. Actions (1) – (4) put in place.
Hon Nanaia Mahuta	Potential conflict unrelated to portfolio responsibilities.	Personal	Ms Mahuta will not receive papers or participate in certain decisions.
Hon Iain Lees-Galloway	Potential conflict between responsibilities as Minister of Immigration and role as MP for Palmerston North.	Constituency	Responsibility for decisions as Minister of Immigration that would affect constituents in Palmerston North transferred to Hon Kris Faafoi on 13 November 2017. Electorate office will refer immigration inquiries directly to Mr Faafoi's office. Mr Lees-Galloway will not be involved.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Jenny Salesa	Perception of a conflict between responsibilities as Associate Minister of Education in relation to McAuley High School, and a personal interest.	Personal	Any responsibilities as Associate Minister of Education for matters relating to McAuley High School transferred to Hon Chris Hipkins on 30 August 2018. Actions (1) – (4) put in place.
Hon Damien O'Connor	Potential conflict between responsibility as Minister of Agriculture in relation to a particular project, and a personal interest.	Personal	Any function, duty or power conferred on the Minister of Agriculture in relation to the project transferred to Hon Stuart Nash on 31 January 2018. Actions (1) – (3) put in place. In addition, Mr O'Connor will declare an interest if these matters are discussed at Cabinet.
Hon Ron Mark	Potential conflict unrelated to portfolio responsibilities.	Personal	Mr Mark will not receive papers or participate in certain decisions.
Hon Kris Faafoi	Potential conflict between responsibilities as Associate Minister of Immigration and role as MP for Mana.	Constituency	Responsibility for decisions as Associate Minister of Immigration that would affect constituents in Mana transferred to Hon Iain Lees-Galloway on 13 November 2017. Electorate office will refer immigration inquiries directly to Mr Lees-Galloway's office. Mr Faafoi will not be involved.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Peeni Henare	<p>Potential conflict between Mr Henare's ministerial responsibilities and an existing role.</p> <p>Mr Henare is a member of the Waitangi National Trust Board, as a representative of Māori living in the North Auckland Peninsula.</p>	Constituency	Mr Henare will not receive papers or participate in decisions that relate to the Waitangi National Trust Board.
Hon Peeni Henare	Potential conflict unrelated to portfolio responsibilities.	Personal	Mr Henare will not receive papers or participate in certain decisions.
Hon James Shaw	Potential conflict between responsibilities as Acting Associate Minister of Health in relation to an individual case, and a personal interest.	Personal	<p>Responsibilities as Acting Associate Minister of Health for that matter transferred to Hon Dr David Clark on 10 September 2018.</p> <p>Actions (1) – (4) put in place.</p>
Hon Eugenie Sage	Potential perceived conflict between decision as Minister of Conservation on a Westpower Ltd concession application under the Conservation Act 1987 to construct and operate a hydro-electric power scheme on the Waitaha River, and public statements on the application and family member making a submission, both prior to becoming a Minister.	Personal	<p>Responsibility for decision as Minister of Conservation transferred to Hon David Parker on 17 January 2018.</p> <p>Actions (1) – (2) put in place.</p>