



Cabinet Office

Proactive release of information about management of ministerial conflicts of interest

1 October 2018 – 30 September 2019

Explanatory note

- 1 The table below is a summary of certain actions taken by Ministers during the period 1 October 2018 to 30 September 2019 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 (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.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Grant Robertson	Potential perceived conflict between responsibilities as Minister of Finance and a personal interest regarding an iwi arising from a family relationship.	Personal	Responsibility for certain Treaty settlement matters in respect of the iwi transferred to Hon Phil Twyford on 4 October 2018. Actions (1) – (4) put in place.
Hon Nanaia Mahuta	Potential conflict between responsibilities as Minister for Māori Development in respect of Ngāti Maniapoto.	Personal	Responsibility for Treaty settlement matters in respect of the iwi transferred to Hon Kelvin Davis on 6 March 2019. Actions (1) – (4) put in place.
Hon Stuart Nash	Potential conflict between responsibility for a decision as Minister of Revenue and a close associate's role on a trust.	Personal	Responsibilities as Minister of Revenue in relation to the decision concerning the trust transferred to Hon Grant Robertson on 29 October 2018. Actions (1), (2) and (4) put in place. The transfer does not include any steps required to implement the decision made by Cabinet.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Iain Lees-Galloway	Potential conflict between responsibilities as Minister of Immigration and role as MP for Palmerston North.	Constituency	<p>Responsibility for decisions as Minister of Immigration that would affect constituents in Palmerston North transferred to Associate Minister of Immigration Poto Williams.</p> <p>The transfer was made on 9 July 2019.</p> <p>The Minister's electorate office will refer immigration inquiries directly to Hon Poto Williams' office. Mr Lees-Galloway will not be involved.</p>
Hon Kris Faafoi	<p>As the Minister of Customs, Hon Faafoi is required under section 407 of the Customs and Excise Act 2018 to consult with the Minister of Commerce and Consumer Affairs on certain rules of origin regulations. Hon Faafoi is also the Minister of Commerce and Consumer Affairs. Therefore, in relation to consultation on the CPTPP regulations, officials have advised that it would be preferable to have another Minister involved.</p> <p>(Note: the Minister is no longer Minister of Customs, but he was at the relevant time)</p>	Portfolio	<p>Responsibilities as Minister of Commerce and Consumer Affairs in relation to the consultation required under s 407 of the Customs and Excise Act 2018 for regulations associated with the CPTPP transferred to Hon Stuart Nash.</p> <p>The transfer was made 6 November 2018.</p> <p>Actions (1) and (2) were put in place.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Shane Jones	Potential conflict between responsibility for a decision as Minister for Regional Development and his former role as a trustee of a particular trust.	Personal	<p>Responsibilities as Minister for Regional Development in relation to a decision concerning the trust transferred to Hon Dr David Clark.</p> <p>The transfer was made on 19 March 2019.</p> <p>Actions (1) – (4) put in place.</p>
Hon Poto Williams	Potential conflict between responsibilities as Associate Minister of Immigration and role as MP for Christchurch East.	Constituency	<p>Responsibility for decisions as Associate Minister of Immigration that would affect constituents in Christchurch East transferred to Minister of Immigration Iain Lees-Galloway.</p> <p>The transfer was made on 9 September 2019.</p> <p>Actions (1) – (3) were put in place.</p> <p>The Minister's electorate office will advise constituents with immigration related enquiries to approach another local MP or to write to the Minister of Immigration directly.</p>

Minister's name	Matter at issue	Nature of conflict	Action taken
<p>Hon Eugenie Sage</p>	<p>As Minister for Land Information, Hon Eugenie Sage made a decision to decline consent to an application by Oceana Gold (New Zealand) Ltd under the Overseas Investment Act to acquire certain sensitive land. Oceana Gold subsequently applied for judicial review of the Minister's decision.</p> <p>Oceana Gold then lodged fresh applications.</p> <p>Given these particular circumstances, in order to avoid the potential perception of a conflict in relation to decisions on these new applications it was appropriate for them to be considered by different Ministers.</p> <p>The decision on such applications is one to be made jointly by the Minister for Land Information and the Minister of Finance (in respect of the latter, this power had been delegated to the Associate Minister of Finance, Hon David Clark, and was therefore resumed by the Minister of Finance, Hon Grant Robertson – no transfer of responsibility was required).</p>	<p>Personal</p>	<p>Transfer of responsibilities for all decision-making powers and responsibilities of the Minister for Land Information in relation to the decision transferred to Hon David Parker.</p> <p>The transfer was made on 3 September 2019.</p> <p>Actions (1) – (3) were put in place.</p>