

20-D-01722

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Thank you for your email of 7 September 2020 to the Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

1. *Please could I be provided all Conflict of Interest Statements provided to the Ministry by the Science and Technical Advisory Group members of the Essential Freshwater/Action for Healthy Waterways programme.*
2. *Please could I be provided your Ministry's conflict of interest policy/protocol.*
3. *How many people, contracting to or contracted by the Ministry who worked on Essential Freshwater/Action for Healthy Waterways, were also working for any dairy industry organisation or business (including Fonterra, Dairy NZ)?*

On 1 October, the Ministry extended the timeframe to respond to your request by 10 working days to allow for further consultation with Science and Technical Advisory Group (STAG) members.

We have identified 18 documents in scope of your request, as listed in the attached document schedule. All documents have been released in full.

The STAG's terms of reference included in the information released to you set out expectations for all panel members in relation to conflicts of interest. The STAG Chair considered and managed any potential conflicts disclosed to him. All members were asked to complete a conflict of interest declaration. Eleven did so and these declarations are attached.

The three members of the STAG who were also members of Kāhui Wai Māori (KWM), which provided Te Ao Māori input into the government's water work programme, provided conflict of interest declarations in their capacity as members of KWM. These three declarations are attached.

Four documents that set out the Ministry for the Environment's policies and protocols for conflicts of interest are attached.

In respect of the third part of your request, one person contracted by the Ministry to work on the Essential Freshwater programme was also contracted at the same time in the dairy industry. This conflict was identified and managed.

The STAG was established to support officials with science and technical advice for the Government's water work programme. More information about the role of the STAG, including its membership, terms of reference and meeting minutes, can be found at:

<https://www.mfe.govt.nz/fresh-water/science-and-technical-advisory-group>.

You have the right to seek an investigation and review by the Office of the Ombudsman of the Ministry's response, in accordance with section 28(3) of the Act. The relevant details can be found on its website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Yours sincerely



**Hayden Johnston**  
Acting Director, Water and Land Use Policy

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Official Information Act 1982

### Document schedule

Document no.	Document date	Title	Decisions
1	26 January 2019	Conflict of Interest declaration form Graham Sevicke-Jones	Release in full
2	24 January 2019	Conflict of Interest declaration form Jon Roygard	Release in full
3	24 January 2019	Conflict of Interest declaration form Bryce Cooper	Release in full
4	24 January 2019	Conflict of Interest declaration form Rawiri Smith	Release in full
5	24 January 2019	Conflict of Interest declaration form Ken Taylor	Release in full
6	Not dated	Conflict of Interest declaration form Mike Joy	Release in full
7	24 January 2019	Conflict of Interest declaration form Joanne Clapcott	Release in full
8	24 January 2019	Conflict of Interest declaration form Clive Howard-Williams	Release in full
9	13 November 2018	Conflict of Interest declaration form Adam Canning	Release in full
10	20 February 2019	Conflict of Interest declaration form Jenny Webster-Brown	Release in full
11	18 November 2018	Conflict of Interest declaration form Marc Schallenberg	Release in full
12	31 October 2019	Conflict of Interest declaration form Tanira Kingi	Release in full
13	19 November 2018	Conflict of Interest declaration form Mahina-a-rangi Baker	Release in full
14	1 November 2018	Conflict of Interest declaration form James Ataria	Release in full
15	November 2009	What is a Conflict of Interest? MfE information sheet – from SSC Guidelines	Release in full
16	Downloaded 22 September 2020	Conflicts of Interest MfE Intranet guidance	Release in full
17	Downloaded 22 September 2020	Conflicts of Interest/Gift Declaration – Guidance MfE Intranet guidance	Release in full
18	2020	Guide on Conflict of Interest	Release in full

### Appendix 3 to Freshwater Science and Technical Advisory Group terms of reference:

#### Conflict of Interest declaration form

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name: Graham Seivcke - Jones

I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.

I declare the following situation(s) that would cause a conflict of interest to exist

Work has a regional council which has political interests

- soon to work for the council which may undertake work for the STAC

Please describe how this conflict of interest will be managed:

- present in independence and seek to  
- declare when it may impact

I declare the following situation(s) that may be perceived as a conflict of interest

Please describe how this conflict of interest will be managed:

decline to test and not participate as  
necessary

Date: 26-4-19

Signed: J.K.

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Document 2

**Appendix 3 to Freshwater Science and Technical Advisory Group terms of reference:**

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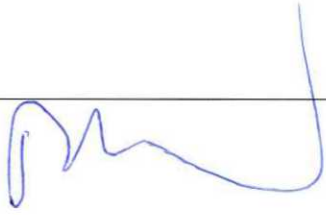
A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Jon Roggard
<input type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.	
<input checked="" type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist  I work for a regional council and this programme has implications for regional councils	
Please describe how this conflict of interest will be managed:  An advice should be considered with this context.	
<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest	

Please describe how this conflict of interest will be managed:

Date:

Signed:



24 Jan 2019

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A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Bryce Cooper
<input type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.	
<input checked="" type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist  NIWA could be contracted to do work requested by the STAG.	
Please describe how this conflict of interest will be managed:  Standard contract agreement with MFE has clauses for managing conflict of interest.	
<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest	

Please describe how this conflict of interest will be managed:

Date:

2/11/19

Signed:

*[Signature]*

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### Appendix 3 to Freshwater Science and Technical Advisory Group terms of reference:

#### Conflict of Interest declaration form

An actual conflict of interest arises in a situation where a candidate's private interest interferes or appears to interfere with an issue that faces the Freshwater Science and Technical Advisory Group (the Group). Perceived or potential conflicts of interest exist in situations where a candidate of the Group, a family member or a close personal relation has private interests that interfere or appear to interfere with an issue that faces the Group.

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Rawiri Smith
①	<input checked="" type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group
②	<input checked="" type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist Where Ngati Kahungunu are affected especially Ngati Kahungunu ki Wairarapa, but only as a perception
③	Please describe how this conflict of interest will be managed: Keeping processes clear and decision making for advice to the minister is a collective decision.
④	<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest Sorry the answer is from above section 2

Please describe how this conflict of interest will be managed:

From sections 3

Date: 24 Jan 19

Signed:  H.

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	Resistant
Resilience	

**Appendix 3 to Freshwater Science and Technical Advisory Group terms of reference:**

**Conflict of Interest declaration form**

An actual conflict of interest arises in a situation where a candidate's private interest interferes or appears to interfere with an issue that faces the Freshwater Science and Technical Advisory Group (the Group). Perceived or potential conflicts of interest exist in situations where a candidate of the Group, a family member or a close personal relation has private interests that interfere or appear to interfere with an issue that faces the Group.

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Ken Taylor
<input checked="" type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group	
<input type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist	
Please describe how this conflict of interest will be managed	
<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest	

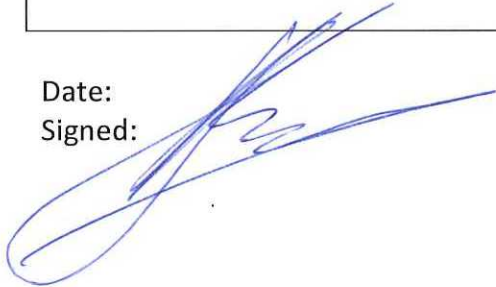
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Please describe how this conflict of interest will be managed:

Date:

Signed:

24/1/19.



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### Appendix 3 to Freshwater Science and Technical Advisory Group terms of reference:

#### Conflict of Interest declaration form

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Mike Joy
-------	----------

I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.

I declare the following situation(s) that would cause a conflict of interest to exist  
No

Please describe how this conflict of interest will be managed:

I declare the following situation(s) that may be perceived as a conflict of interest  
No

Please describe how this conflict of interest will be managed:

Date:

Signed:

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### Appendix 3 to Freshwater Science and Technical Advisory Group terms of reference:

#### Conflict of Interest declaration form

Interference with an issue that faces the Freshwater Science and Technical Advisory Group (the Group) appears to exist where a candidate's private interests interfere or appear to interfere with an issue that faces the Group. Perceived or potential conflicts of interest exist in situations where a candidate of the Group, a family member or a close personal relation has private interests that interfere or appear to interfere with an issue that faces the Group.

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Joanne Clapcott
<input type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.	
<input checked="" type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist  I sometimes provide contracted advice to MFE a specific areas of my expertise in relation to freshwater science and policy	
Please describe how this conflict of interest will be managed:  Clear communication and removal from discussions when relevant	
<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest	

Please describe how this conflict of interest will be managed:

Date: 24 January 2019

Signed: 

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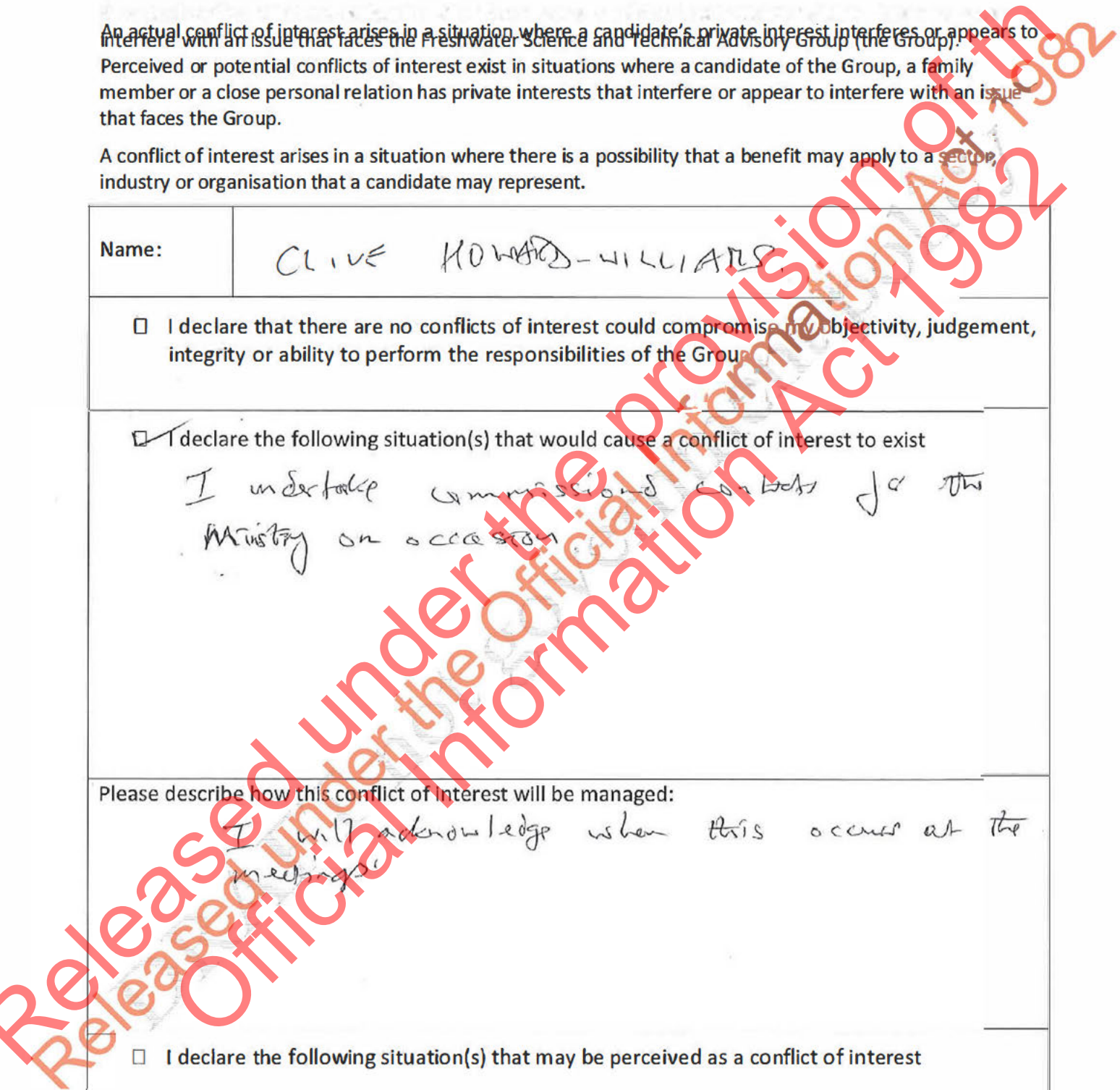
**Appendix 3 to Freshwater Science and Technical Advisory Group terms of reference:**

**Conflict of Interest declaration form**

An actual conflict of interest arises in a situation where a candidate's private interest interferes or appears to interfere with an issue that faces the Freshwater Science and Technical Advisory Group (the Group). Perceived or potential conflicts of interest exist in situations where a candidate of the Group, a family member or a close personal relation has private interests that interfere or appear to interfere with an issue that faces the Group.

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	CLIVE HOWARD-WILLIAMS
<input type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.	
<input checked="" type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist I undertake commissions contracts for the Ministry on occasion	
Please describe how this conflict of interest will be managed: I will acknowledge when this occurs at the meetings.	
<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest	

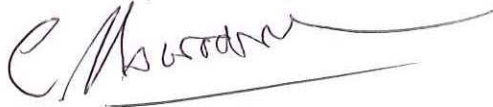


Please describe how this conflict of interest will be managed:

Date:

24/1/19

Signed:



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## Appendix 2 to Freshwater Science and Technical Advisory Group Terms of Reference:

### Conflict of Interest Declaration Form

An actual conflict of interest arises in a situation where a candidate's private interest interferes or appears to interfere with an issue that faces the Freshwater Science and Technical Advisory Group (the Group). Perceived or potential conflicts of interest exist in situations where a candidate of the Group, a family member or a close personal relation has private interests that interfere or appear to interfere with an issue that faces the Group (see Appendix 1 for further information).

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Adam Douglas Canning
<input type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.	
<input type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist  I am employed by Fish & Game, which may mean I am conflicted if there are times when the impact of introduced species managed by Fish & Game on native species or ecosystem health is discussed.  I have also been, and may also in future be, part of MFE funded tenders.	
Please describe how this conflict of interest will be managed:  I will be mindful of the need to be objective and endeavour to ensure all statements I make are evidence based.  I will declare my position on this group when applying for funding and request funding applications I make are assessed by MFE with the same scrutiny as others. Following the precautionary principle, I will also not withhold supporting attributes that are useful now but also have the potential for MFE funding in the future.  I will make it known to the group when I am co-author on a document that I'm asked to review.	
<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest  See above	
Please describe how this conflict of interest will be managed:	

See above

Date: 13.11.2018

Signed:

A handwritten signature in black ink, appearing to be the initials 'AS' followed by a horizontal line and a downward-pointing arrow.

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## Appendix 2 to Freshwater Science and Technical Advisory Group Terms of Reference:

### Conflict of Interest Declaration Form


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A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Jenny Webster-Brown
<input checked="" type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.	
<input type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist	
Please describe how this conflict of interest will be managed:	
<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest	
Please describe how this conflict of interest will be managed	

Date: 20 February 2019

Signed:



## Document 11

### Disclosure of Interest Form - Freshwater Leaders Group

I, **Marc Schallenberg**, being a member of the Freshwater Leaders Group and the Freshwater Science and Technical Advisory Group, am "interested" in the following "matters" relating to the Freshwater Leaders group and the Freshwater Science and Technical Advisory Group, and therefore disclose the following details in accordance with the requirements of the Crown Entities Act 2004:

Nature of the interest	Extent of the interest
Freshwater Scientist employed at the University of Otago.	I obtain research grants from funding organisations to undertake freshwater research for governments and community groups. I don't foresee any financial conflict of interest arising.
Director and Principal Scientist of Hydrosphere Research Ltd, a freshwater science consultancy.	I obtain research grants from funding organisations to undertake freshwater research for governments and community groups. I don't foresee any financial conflict of interest arising.
Member of Board of Directors of WaiNZ, a non-profit organisation developing water monitoring equipment.	I advise this startup company on technical matters to do with water quality monitoring and sensors. I don't foresee any financial conflict arising.

Signed:



Date: November 18, 2018

**Appendix 3 to Kahui Wai Māori terms of reference:  
Conflict of Interest Declaration Form**

**Kahui Wai Māori - Conflict of Interest Declaration Form**

An actual conflict of interest arises in a situation where a candidate's private interest interferes or appears to interfere with an issue that faces the Kahui Wai Māori (the Group). Perceived or potential conflicts of interest exist in situations where a candidate of the Group, a family member or a close personal relation has private interests that interfere or appear to interfere with an issue that faces the Group.

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Tanira Kingi	
<input type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.		
<input checked="" type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist		
Entity, Organisation or Group	Relationship	Conflict YES/NO
SCION	Senior Scientist and Research Leader in Primary Industry Systems	NO
Te Arawa Primary Sector Group	Chair	NO
Te Arawa Management Ltd	Director	NO
Whakaue Farming Ltd	Chair	NO
Ngati Whakaue Tribal Lands Inc	Member	NO
Whakaue Holdings Ltd	Director	NO
Kiharoa Trust	Trustee	NO
Manaaki Ora Trust	Trustee	NO
Landcorp Farming Ltd, Environmental Reference Group	Member	NO

Pukeroa Oruawhata Trust	Trustee	NO
Pukeroa Oruawhata Holdings Ltd	Director	NO
Tureporepo Lands Trust	Trustee	NO
Ministry for the Environment – Science and Technical Advisory Group	Member	NO
Ministry for Primary Industries/Te Uru Rakau – Maori Forest Strategy Advisory Group	Member	NO
Xerra Earth Observation Institute – Science Advisory Group	Member	NO
Farming Leaders Group (aka Food & Fibre Leaders) Steering Group for the Primary Sectors Carbon Commitment	Member	Possible

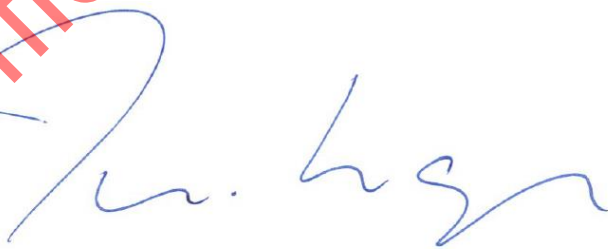
Please describe how this conflict of interest will be managed:

The F&FL Steering Group is about to start a programme with MPI and MFE to design the on-farm carbon accounting mechanism; all interests will be declared at the outset

This programme has a number of complementary factors with the NPS FM and it is in the interests of government and industry to have that alignment

Date: 31/10/2019

Signed:



**Appendix 3 to Kahui Wai Māori terms of reference:**

**Conflict of Interest declaration form**

**Kahui Wai Māori - Conflict of Interest Declaration Form**

An actual conflict of interest arises in a situation where a candidate's private interest interferes or appears to interfere with an issue that faces the Kahui Wai Māori (the Group). Perceived or potential conflicts of interest exist in situations where a candidate of the Group, a family member or a close personal relation has private interests that interfere or appear to interfere with an issue that faces the Group.

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	Mahina-arangi Baker
<input checked="" type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.	
<input type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist	
Please describe how this conflict of interest will be managed:	



I declare the following situation(s) that may be perceived as a conflict of interest

Please describe how this conflict of interest will be managed:

Date: 19 November 2018.

Signed: *Mahe Beker*

## Document 14

### Appendix 3 to Kahui Wai Māori terms of reference:

#### Conflict of Interest declaration form

##### Kahui Wai Māori - Conflict of Interest Declaration Form

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A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	James Ataria
<input checked="" type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Group.	
<input type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist  INTERESTS REGISTER Tuaropaki Trust – Trustee (The Tuaropaki Trust currently has a contemporary claim (WAI 461) with the Waitangi Tribunal over the ownership of the Geothermal Field underneath Tuaropaki lands) Tuaropaki Power Company - Company Director TPC Holdings Ltd - Director Cawthorn Institute - Research (Ecotoxicology) and Māori Business Consultant for Cawthorn Institute Bio-Protection Research Centre, Lincoln University - Senior Lecturer Te Tira Whakamātaki - Māori Biosecurity Network (member) Researcher in Emerging Organic Contaminants and Microplastics MBIE proposals	
Please describe how this conflict of interest will be managed:	
<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest	

[Empty box for conflict of interest details]

Please describe how this conflict of interest will be managed:

[Empty box for conflict management details]

Date: 1<sup>st</sup> November 2018

Signed

*M. Maria*

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## What is a Conflict of Interest?

### Ethical Context

Conflicts of interest should be viewed within an ethical context of good faith, honesty and impartiality:

**Good faith:** members of Crown boards and offices have an obligation to act at all times in good faith and in the best interests of the body to which they have been appointed;

**Honesty:** members of Crown boards and offices have an obligation to act honestly at all times in relation to all matters concerning the body to which they have been appointed;

**Impartiality:** members of Crown boards and offices must observe the principles of fairness and impartiality in all official dealings. No individual or organisation with which board members or officers are involved may be given improper preferential treatment – whether by access to goods and services, or access to information, or anything similar.

### Definition

A conflict of interest arises where a prospective or existing board member has an interest which conflicts (or might conflict, or might be perceived to conflict) with the interests of the Crown body itself. The key question to ask when considering whether an interest might create a conflict is:

Does the interest create an incentive for the appointee to act in a way which may not be in the best interests of the Crown body?

If the answer is 'yes', a conflict of interest exists. The existence of the incentive is sufficient to create a conflict. Whether or not the appointee would actually act on the incentive is irrelevant.

### Types of conflicts of interest

A conflict of interest may take a number of forms. There are three main types of conflicts of interest:

- pecuniary (relating to financial loss or gain)
- non-pecuniary (appearance of bias)
- unethical (improperly used confidential or official information for your benefit).

The perception of a conflict of interest is as important as an actual conflict.

The following table provides some examples of conflicts of interest.

Examples
<p>A conflict of interest may arise when a panel member (or their spouse/partner):</p> <ul style="list-style-type: none"><li>• has a financial interest in the project, such as holding shares in the applicant's organisation (more than 10 per cent)</li><li>• has a commercial or business relationship with the applicant</li></ul>

- holds/held a paid or voluntary position in the applicant's (or one of their partners') organisation
- has a friend or relative working for or advising the applicant's organisation
- has a financial interest in, or a commercial or business relationship with, a competitor of the applicant's organisation.

A conflict of interest may be financial or non-financial. It may be direct or indirect. It may be professional or family related. A conflict of interest may arise from:

- Directorships or other employment;
- Interests in business enterprises or professional practices;
- Share ownership;
- Beneficial interests in trusts;
- Existing professional or personal associations with the Crown body concerned;
- Professional associations or relationships with other organizations
- Personal associations with other groups or organizations; or
- Family relationships.

A conflict of interest may be more perceived than actual. Perception is a very important factor in the public sector; the processes of government (including agencies in the wider State sector) must be fair and ethical, and must be very clearly seen to be so.

In identifying conflicts of interest, those involved should focus on interests that are specific to the appointee, rather than generic in nature. Generic interests are those held in common with the general public or a significant sector of the general public (eg, where the appointment relates to an agency in the transport sector and the appointee has a car, or the appointment relates to an agency in the education sector and the appointee has school age children). Interests that are solely generic are not relevant and should be disregarded.

Source: State Services Commission: Board Appointment and Induction Guidelines, Wellington, November 2009

## Conflicts of interest



- Where possible, avoid private activity or relationships that conflict with your work or that could compromise the Ministry's integrity or reputation. The appearance and perception of a conflict is just as important to manage as an actual conflict. Talk to your manager about any potential conflicts of interest and see the '[conflicts of interests](#)' guidance for further information
- Where it is not possible to avoid a conflict, disclose and manage the conflict through [Kiosk](#) and discuss with your manager.

Kiosk

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# Conflict of Interest/Gift Declaration - Guidance

**Conflicts of interest** arise where private activity conflicts with your work or compromises the Ministry's integrity or reputation. Below, by way of guidance, are some common areas where conflicts of interest may arise. The list is not exhaustive. Maintain an open dialogue with your manager around any potential or perceived conflicts of interest and log any conflicts of interest in the register using the form below.

- \* Contracting and procurement, or allocating grants of public funds
- \* Family or other personal relationships
- \* Political activity or belonging to a professional group seeking information about work being conducted at the Ministry
- \* Financial and non-financial interests
- \* Secondary employment or business interests of any kind
- \* Making strong public statements that directly affect the work of the Ministry and which may create the risk of prejudice or predetermination.

**Accepting gifts, benefits and hospitality in connection with your official role** can also raise conflict of interest issues. All gifts over \$20 value must be logged in the register using Kiosk

# Guide on Conflicts of Interest

## PURPOSE OF THIS GUIDE

This guidance has been prepared for policy analysts and Managers working with contractors or external advisors, including advisory bodies who advise the Ministry or Minister. It explains what to consider to assess if something might be a conflict of interest and how to manage the conflict. You may also provide this guide to those external advisors or contractors to assist them to identify and manage conflicts of interest.

If you are looking for information on conflicts of interest in regards to Employees, you will find that [here](#) and in the employee Kiosk.

## WHAT IS A CONFLICT OF INTEREST?

A conflict of interest arises where an individual's personal interests or their obligations conflict with the responsibilities of their job or position. The conflict may be actual or perceived. A conflict may mean a person's integrity, independence or objectivity may be called into question.

Failure to manage a conflict can amount to misconduct, abuse of office or, in extreme circumstances, corruption. Failure to manage could result in disciplinary action or termination of your contract/appointment and could also invalidate the work you or the Ministry has done.

All staff, advisors, contractors, consultants and volunteers have a duty to put the public interest above their personal or private interests when carrying out their official duties, including people sitting on advisory committees.

A conflict may be:

- **Actual** – this means the conflict is real and it already exists
- **Potential** – meaning it could arise in the future, or
- **Perceived** - this is where it appears a person could be influenced by an association or interest when carrying out their duties so that their independence could be called into question.

A conflict can be positive (you could be seen to favour someone or gain a personal benefit) or negative (you could be biased against a person or interest).

## WHEN CAN A CONFLICT ARISE?

A conflict can arise due to a direct interest or association, a relationship with a person or strong personal or political views. A conflict may also arise due to a gift or invitation to an event that you receive.

Some types of situations where a conflict can arise include where the person has another interest involving:

- Shares or financial interest in a company or organisation that could benefit from decisions being made
- A property interest (such as owning or occupying a piece of land)
- A family connection or close personal friend
- Holding another public office where there are competing interests
- Having an obligation to someone else (such as being a trustee or a debt to someone)
- A previous employment relationship
- Membership of a club or association
- Holding strong political or personal interests that might indicate predetermination or prejudice
- Being a relative or close friend to someone who has any of the interests listed above or could be affected by a decision the person makes.

A conflict may arise where a person receives, or is offered, a gift or benefit in their public office and the person giving the benefit could receive benefit from something that individual does or could decide. The offer could include such things as:

- A gift or money
- An invitation to lunch, dinner or a sporting event
- Free/subsidised travel or accommodation

## MANAGING CONFLICTS

### *Identifying and declaring a conflict*

The existence of a conflict does not mean that someone has done anything wrong or that it needs to cause any difficulty. Rather, what is important is that the conflict is identified and effectively managed.

When a conflict is identified it must be declared and managed to protect you, the Ministry and the Minister. You should record any management plans to address the conflict.

When appointing a person or contractor you should ask them to declare any conflicts of interest (a conflict of interest template is provided at the end of this guide). You should also encourage people to keep their conflict declaration under regular review and advise of any changes in circumstance.

### *Management plan*

There is no one-size-fits-all approach to managing conflicts, because all conflicts are different and can impact services and advice differently. Common methods to managing a conflict include:

1. **Restrict** – set restrictions on a person’s involvement in a matter, such as withholding certain information from that person.
2. **Remove** – have the person withdraw themselves from the discussion or certain matters at meetings, or making particular decisions.

3. **Re-assign** - give certain tasks to another person or panel, for instance you might need to change the Chair of the Panel (even if it is just for some decisions).
4. **Relinquish** – have the person give up the personal interest.
5. **Resign** – have the person removed from the panel, advisory group or contract.
6. **Review** – consider engaging an independent third party to oversee all or part of the process and/or verify the actions taken.

Consider what actions are appropriate in the context of the conflict you've identified and the services/advice being delivered. Record this along with the key details about the services/advice you provide and the type of conflict. This should be done even where a person or group decide there is no conflict or if the conflict is too indirect to be an issue.

## IDENTIFYING WHETHER THERE IS A CONFLICT

Every person contracted to the Ministry or participating on a Ministerial advisory group/other advisory body supporting the Ministry's work has a duty to assess and understand what conflicts they might have, and to discuss appropriate management approaches with their contact person/Manager at the Ministry.

In order for a person to identify whether they could have a conflict, you should get them to follow these steps and ask the person the following questions:

### Step 1: Assess the nature and purpose of your role/task:

1. What services will you be providing, or if you are fulfilling an advisory role, what is the nature of the advice you are giving?
2. What are the services/what is the advice being used for e.g. to support Ministry policy, advise directly for the Ministry or Minister?
3. Who will the services or advice be provided to?

### Step 2: Assess your role against the type of things that can cause a conflict

Some of the questions you should consider asking include:

1. Do you need to engage with anyone you know or have a connection to?
2. Do you have any connection (such as through a financial interest or employment connection) with the matters you need to decide or advise on?
3. Could you receive any advantage (personal or financial) from the information or contacts you will make in the role?
4. Are you receiving, or being offered, anything from a person who could benefit from your work?
5. Do you hold any strong personal views about the subject matter you are providing services/advice on?

### Step 3: Assess the type of conflict that exists or might arise

1. How could the nature of the services/advice you are giving be affected by the relationships you have, the actions that have or will occur, or the views you hold?
2. Is there an actual or potential conflict? If not, could there be a perception you are conflicted? (In order to answer the perception question, consider how things might look to the media or public (sometimes referred to as the "front page of the Dominion Post" test)?

#### Step 4: Consider what steps or actions you can implement to manage the conflict

Refer to examples above of what might be done to manage a conflict. Sometimes it will not be possible to manage the conflict and the only option will be to remove the person from the role.

If you identify a Conflict, you will need to record this in a conflict of interest declaration form and any steps taken to address the conflict. You could consider using the conflict of interest form set out at the end of this guide. Talk to the Ministry's legal team if you wish to discuss how or if the template should be tailored to a particular situation.

Conflict management plans should be frequently reviewed and updated

MORE INFORMATION ABOUT CONFLICTS OF INTEREST AND HOW TO MANAGE THEM CAN BE FOUND HERE

<https://www.procurement.govt.nz/procurement/guide-to-procurement/plan-your-procurement/managing-conflicts-of-interest-and-confidentiality/>

<https://www.procurement.govt.nz/procurement/guide-to-procurement/plan-your-procurement/managing-conflicts-of-interest-and-confidentiality/>

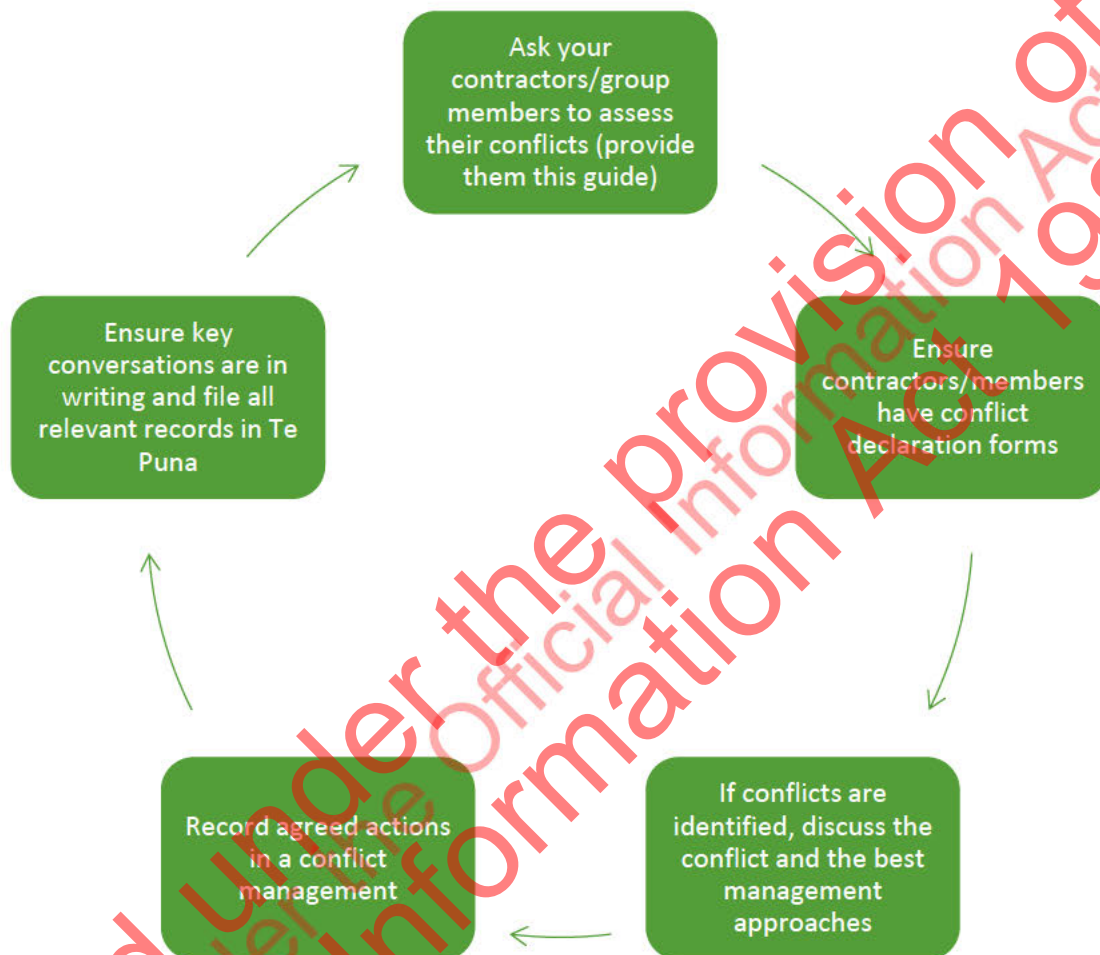
<https://www.oag.govt.nz/2007/conflicts-public-entities>

<https://www.oag.govt.nz/2007/conflicts-public-entities/docs/oag-conflicts-public-entities.pdf>

[http://www.ssc.govt.nz/upload/downloadable\\_files/Code-of-conduct-StateServices.pdf](http://www.ssc.govt.nz/upload/downloadable_files/Code-of-conduct-StateServices.pdf)

## SUPPORTING OTHERS TO MANAGE CONFLICTS

If you are a person who has responsibility for the members of an advisory group or panel (such as through the operation of secretariat services) or a contractor, it is your duty to:



You should encourage the panel members or contractors to regularly review their positions and raise any change of circumstances with you. You may need to get them to sign a new declaration and conflict management plan.

## APPENDIX 1: TEMPLATE CONFLICT OF INTEREST IDENTIFICATION AND MANAGEMENT FORM

### Conflict of Interest Declaration & Management Form



#### Who and when?

Members of Advisory Groups or Contractors working for the Ministry must complete this Form before commencing work or advisory services for the Ministry or Minister. **Before you complete this form, read our Guide on Conflicts of Interest.**

Name:	
Organisation or relevant body/group	
Position / title:	
Date completed:	

#### Do you have any actual, potential or perceived conflicts of interest?

Do you have any personal interest in the area you are working or advising in?  
(e.g. you own shares in a supplier or related company that would benefit from advice you give)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

Are you a relative or close friend of someone with a personal interest in the advice or matter you are working on or who could be personally affected by the advice you give?  
(e.g. a family member is an employee or shareholder of a supplier or could benefit from a decision you make)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

Do you have any personal obligations, loyalties or bias that could influence the way you evaluate information and/or prepare your advice or make decisions?  
(e.g. a friend or relative could benefit from the advice you might give)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

Have you recently been offered any special discounts, gifts, trips, hospitality, rewards or favours by a company or person that could benefit from your advice directly?  
(e.g. free travel; free meals; gifts)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

Are you aware of anything that could give the appearance that you might be biased towards or against a particular outcome in your advice?  
(e.g. you belong to a particular association which wants to influence the outcome of a decision you will need to make)

Yes  No  Potentially (tick 'potentially' if others could perceive you have a conflict)

## Details of conflict of interest & Conflict Management Plan

If you have answered 'Yes' or 'Potentially' to any of the above questions, please provide details in the table. If none, write "N/A"

Talk to your relevant Ministry contact person (or the Chair of the Advisory Group) as applicable depending on the nature and term of appointment.

(press on 'Tab' in the last cell on the right to add another line)

<b>Nature of the interest</b> <i>Please note the monetary value of the interest (if monetary value quantifiable), or the extent of the interest (if monetary value not quantifiable)</i>	<b>Conflict of Interest Management Plan (how you intend to resolve/manage the conflict)</b> <i>Some options for managing or resolving your conflict of interest:</i> <i>Restrict your involvement in the process</i> <i>Remove yourself from some decisions/discussions</i> <i>Reassign some of your functions</i> <i>Relinquish your private interest that causes the conflict</i> <i>Resign from the advisory group</i> <i>Review – have an independent person to oversee something and/or verify actions</i> (Note that the list is not exhaustive)

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## Declaration

**Declaration by individual** – I confirm that the above details are correct to the best of my knowledge and I make this declaration in good faith.

Signature:

Date:

**Reviewed by responsible Ministry Manager or Chair Person** –

I confirm that I have received this declaration, discussed the contents with the individual concerned, have sought legal advice (if necessary) and approve the Conflict Management actions set out above.

Name:

Position:

Signature:

Date:

**Resolved (Responsible Ministry Manager or Chair only)** – any conflict of interest declared has been resolved or managed effectively and no further action is required

Signature:

Senior Manager

Date:

**NOTE:** This Conflict of Interest Declaration and Management Plan must be reviewed and updated regularly throughout the duration of each Contract or Advisory Group's term to ensure it is relevant and up to date.