CABINET OFFICE

9 June 2015

By email: [redacted]

Dear [redacted]

Information request – ministerial conflicts of interest
Our reference: CAB 28-2015

1 Further to paragraph 6 of my letter of 4 June 2015, please find attached summarised information in response to the second part of your request, concerning transfers of responsibility and non-receipt of papers.

2 The information is provided in two tables:

2.1 The first table provides summarised information of transfers of responsibility and medium to long term arrangements not to receive official papers for the period 1 October 2014 to 31 March 2015. Summarised information for the earlier period you requested (30 September 2013 to 30 September 2014) is already publicly available following DPMC's proactive release of this information (my letter of 22 April 2015 refers).

2.2 The second table provides summarised information of ad hoc and short term arrangements for the non-receipt, redaction or return of papers for the period 30 September 2013 to 31 March 2015.

Yours sincerely

Michael Webster
Secretary of the Cabinet

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Cabinet Office

Release of information about standing arrangements to manage ministerial conflicts of interest

1 October 2014 – 31 March 2015

9 June 2015

Explanatory note

The table below is a summary of actions taken by Ministers during the period 1 October 2014 to 31 March 2015 in order to manage actual or potential conflicts of interest. It includes transfers of responsibility to other Ministers, and medium to long term arrangements not to receive official papers (none in this period, except to the extent they form part of a transfer of responsibility).

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. The table only includes new arrangements put in place in the period 1 October 2014 to 31 March 2015, and is not a full summary of all transfers of responsibility and arrangements not to receive papers that have been made or are currently in place.

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, whanau 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

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.

These actions are referred to below as "action (1)", "action (2)" etc.

Further information on the management of ministerial conflicts of interest is set out at paragraphs 2.56-2.77 of the Cabinet Manual 2008, available at www.cabinetmanual.cabinetoffice.govt.nz.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Bill English	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	Responsibilities as Minister of Finance in relation to aviation policy and regulation transferred to Hon Steven Joyce on 17 December 2014. As a consequence of transfer: Mr English will not receive papers; Treasury reports to and works with Mr Joyce directly on the specified matter; Mr Joyce, and other Ministers with aviation regulatory interests, bring aviation policy and regulatory issues to Cabinet without any input from Mr English; Mr English brings to Cabinet any ownership issues relating to Air New Zealand; if a matter arises at Cabinet which conflicts with Mr English'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.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Bill English	Potential conflict, as Minister of Finance, between roles as the Crown shareholder in Air New Zealand Limited and a Crown shareholder in three airports.	Portfolio	Responsibility for the Crown shareholding in the three airports transferred to Hon Paula Bennett on 17 December 2014. Actions (1) to (3) occur as a consequence of transfer. Mr English will declare his interest if these matters are discussed at Cabinet.
Hon Bill English	Potential conflict, as Minister of Finance, between roles as Crown shareholder in Air New Zealand Limited and responsibility for exercising certain powers under the National Provident Fund Restructuring Act 1990.	Portfolio	Responsibility for exercising certain powers under the National Provident Fund Restructuring Act 1990 transferred to Hon Paula Bennett on 17 December 2014. Actions (1) to (3) occur as a consequence of transfer. Mr English will declare his interest if these matters are discussed at Cabinet.
Hon Bill English	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 Steven Joyce on 17 December 2014. Actions (1) to (3) occur as a consequence of transfer. Mr English will declare his interest if these matters are discussed at Cabinet.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Amy Adams	Potential conflict regarding Ms Adams' responsibilities as Minister for Communications in respect of a certain company and its subsidiaries.	Personal	Responsibility for any decisions in respect of the company or its subsidiaries transferred to Hon Steven Joyce on 5 November 2014. Actions (1) to (4) occur as a consequence of transfer.
Hon Christopher Finlayson	Potential conflict regarding Mr Finlayson's responsibilities as Minister for Treaty of Waitangi Negotiations in respect of particular iwi.	Personal	Joint responsibility for part of matter at issue, and full responsibility for remainder of matter at issue, transferred to Hon Michael Woodhouse on 28 October 2014. With respect to the part of the matter for which joint responsibility is transferred, information sharing and decision-making arrangements are implemented as a consequence of transfer. With respect to remainder of matter at issue, actions (1) to (3) occur as a consequence of transfer, and action (4) occurs as appropriate.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Nikki Kaye	Potential conflict regarding Ms Kaye's responsibilities as Minister for ACC.	Personal	Responsibility for all ACC matters relating to matter at issue transferred to Hon Paul Goldsmith on 6 November 2014. Actions (1) to (4) occur as a consequence of transfer.
Hon Michael Woodhouse	Potential conflict between Mr Woodhouse's responsibilities as Minister of Immigration and his role as a list MP based in Dunedin.	Constituency	Responsibilities as Minister of Immigration for any decisions affecting residents of the Dunedin North and Dunedin South electorates transferred to Hon Craig Foss on 20 October 2014. Actions (1), (2) and (3) occur as a consequence of transfer. Minister's Out of Parliament office will not become involved in immigration enquiries from Dunedin residents. They will advise Dunedin residents that they have the option of approaching another local MP's office or making a written submission directly to Hon Foss's office.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Todd McClay	Potential conflict between Mr McClay's responsibility as Minister for State Owned Enterprises and his advocacy, as MP for Rotorua prior to his appointment as Minister for State Owned Enterprises, for a certain company.	Constituency	Responsibility as Minister for State Owned Enterprises for all matters relating to the company transferred to Hon Steven Joyce on 10 November 2014. Actions (1) to (4) occur as a consequence of transfer.
Hon Maggie Barry	Potential conflict regarding Ms Barry's responsibilities as Minister for Conservation for matters relating to Pike River Coal Mine. Ms Barry is a close family relative of Bernie Monk, a spokesperson for some of the Pike River families.	Personal	Responsibility as Minister of Conservation for all matters relating to Pike River Coal Mine transferred to Hon Dr Nick Smith on 28 October 2014. Actions (1) to (4) occur as a consequence of transfer.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Craig Foss	Potential conflict between Mr Foss's responsibilities as Associate Minister of Immigration and his role as MP for Tukituki.	Constituency	Responsibilities as Associate Minister of Immigration for any decision affecting constituents in the Tukituki and Napier electorates transferred to Hon Michael Woodhouse on 21 October 2014. Actions (1), (2) and (3) occur as a consequence of transfer. Minister's Out of Parliament office will not become involved in immigration enquiries from constituents from the Tukituki and Napier electorates. They will advise constitutes that they have the option of approaching another local MP's office or making a written submission directly to Hon Woodhouse's office.
Hon Craig Foss	Potential conflict regarding Mr Foss's ministerial roles in respect of certain companies.	Pecuniary	Responsibility for any decisions concerning the companies transferred to Hon Steven Joyce on 6 November 2014. Actions (1) to (4) occur as a consequence of transfer.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Louise Upston	Potential conflict between Ms Upston's responsibilities as Minister for Land Information and her involvement, as MP for Taupo prior to her appointment as Minister, with a dispute concerning Public Works Act compensation.	Constituency	Responsibility as Minister for Land Information for all matters relating to the dispute transferred to Hon Michael Woodhouse on 24 November 2014. Actions (1) to (4) occur as a consequence of transfer.
Hon Peter Dunne	Potential conflict between Mr Dunne's responsibilities as Minister of Internal Affairs and his role as MP for Ōhāriu, and in respect of other people whom Mr Dunne may identify as raising a perceived or actual conflict.	Constituency / personal	Responsibilities as Minister of Internal Affairs under the Gambling Act 2003, Passports Act 1992 and Citizenship Act 1997 (with exceptions), in respect of people from Ōhāriu electorate and other persons who may be identified by the Minister to avoid a perceived or actual conflict of interest, transferred to Hon Nicky Wagner on 23 October 2014. Actions (1) and (2) occur as a consequence of transfer. Minister's staff will forward the relevant documents to Hon Wagner's office and will act as Hon Wagner's liaison to the Department of Internal Affairs.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Te Ururoa Flavell	Potential conflict between Mr Flavell's responsibilities as Minister for Māori Development in respect of a certain iwi.	Personal	Responsibility for all Treaty settlement matters in respect of the iwi transferred to Hon Paula Bennett on 24 November 2014. Actions (1) to (4) occur as a consequence of transfer.

Cabinet Office

Release of information about ad hoc and short term arrangements for non-receipt, redaction or return of papers

30 September 2013 to 31 March 2015

9 June 2015

Explanatory note

The table below is a summary of ad hoc or short term arrangements by Ministers not to receive Cabinet or Cabinet committee papers during the period 30 September 2013 to 31 March 2015. Papers not received pursuant to medium to long term arrangements are not included.

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, whanau or close associates, former employment and business activities, and (in certain limited circumstances) current and past involvement with specific organisations
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Further information on the management of ministerial conflicts of interest is set out at paragraphs 2.56-2.77 of the Cabinet Manual 2008, available at www.cabinetmanual.cabinetoffice.govt.nz.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Bill English	Paper for Appointments and Honours Cabinet Committee ("APH") meeting.	Personal	Mr English did not receive the paper.
Hon Gerry Brownlee	Paper for APH meeting.	Personal	Mr Brownlee did not receive the paper.
Hon Steven Joyce	Paper for Economic Growth and Infrastructure Cabinet Committee ("EGI") meeting.	Personal	Mr Joyce received a redacted version of the paper.
Hon Paula Bennett	Item at Cabinet meeting.	Not recorded	Ms Bennett did not receive a copy of the paper for this item.
Hon Paula Bennett	Item at Cabinet meeting.	Pecuniary	Ms Bennett did not receive a copy of the paper for this item.
Hon Hekia Parata	Item at Cabinet meeting.	Personal	Ms Parata did not receive a copy of the paper for this item.
Hon Tim Groser	Item at Cabinet meeting.	Pecuniary	Mr Groser did not receive a copy of the paper for this item.
Hon Michael Woodhouse	Paper for EGI meeting.	Pecuniary	Mr Woodhouse returned the paper to the Cabinet Office.

Minister's name	Matter at issue	Nature of conflict	Action taken
Hon Peseta Sam Lotu-Iiga	Item at Cabinet meeting.	Personal	Mr Lotu-Iiga did not receive the paper for this item.
Hon Louise Upston	Paper for Treaty of Waitangi Negotiations Cabinet Committee ("TOW") meeting.	Constituency	Ms Upston returned the paper unread.
Hon Louise Upston	Paper for TOW meeting.	Constituency	Ms Upston did not receive the paper.
Hon Paul Goldsmith	Paper for EGI meeting.	Pecuniary	Mr Goldsmith did not receive the paper.