



Te Kawa Mataaho

Public Service Commission

1 December 2023

9(2)(a) privacy

9(2)(a) privacy

Official Information Request

Our Ref: OIA2023-0262

I refer to your official information request received on 5 November 2023 for:

“under sec 22 oiact i request hard copies of all sec 22 documents which set out ps commissioner peter hughes internal policy principles rules and guidance about how his employees must interact when dealing with citizens in their personal capacities.

the public service act 2020 , mr hughes own statutory based code of conduct and judicial decsions provide a bases for mr hughes internal policy on how his employees must properly interact with citizens. i appreciate there may be no such distinct internal policy document created , by which i mean the policy is contained in his own published code of conduct and other published material the public can read. if this is in fact the case please clearly so state that fact.

under schedule 3 public service act part 9 mr hughes has the responsibility for the actions of his psc employees acting under delegation. that means in law the commissioner is responsible for his employees actions as regards interactions with people in their personal capacities , this is the bases of this sec 22 oi act request.

send hard copies to 9(2)(a) privacy

secondly i note psc hughes model standards for conflict of interest cases. i can not find a actual psc policy document on the psc website about its own internal processes about conflict of interest matters so as to ensure systems are in place for identifying , disclosing managing monitoring and reporting on conflicts of interest questions.

under sec 22 oi act i request hard copies of all documents be post mailed to the same address for 9(2)(a) *nz citizen. if no such internal policy document exists ,explain why not. thank you* 9(2)(a)

under ipp6 i request a hard copy of this e-mail be sent to same address ,as psc holds it as a fact. the fact i hold a copy is irrelevant in terms of privacy act ipp6 statutory right.

name the policy owner of the psc internal conflict of interest policy--- is it the deputy commissioner for integrity ethics and standards”.

Our response

Te Kawa Mataaho Public Service Commission (the Commission) does not have an internal policy document that outlines rules and guidance about how employees must interact when dealing with citizens in their personal capacities.

The Standards of Integrity and Conduct (the Code) which was issued by the then State Services Commissioner under section 57, of the State Sector Act 1988 and continues to have effect under the Public Service Act 2020, applies to all employees of the organisations defined in section 17(2) of the Act (including employees of the Commission).

The Commission's Conflict of Interest Policy describes how conflicts are managed internally. The owner of this policy is Chief Legal Officer. In addition, on the Commission's website you will find model standards which outline the Public Service Commissioner's minimum expectations for staff and organisations in the Public Service to support effective reporting and management of conflicts of interest.

Please find enclosed the documents listed in the table below.

Item	Title	Decision
1	Standards of Integrity and Conduct (The Code)	Released in full
2	Guide to the understanding the code	Released in full
3	Conflict of Interest Policy	Released in full
4	Conflict of Interest Model Standards	Released in full

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) and enclosed documents on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks
Manager – Ministerial and Executive Services
Te Kawa Mataaho Public Service Commission



STANDARDS OF INTEGRITY & CONDUCT

A code of conduct issued by the State Services Commissioner under the State Sector Act 1988, section 57



WE MUST BE FAIR, IMPARTIAL, RESPONSIBLE & TRUSTWORTHY

The State Services is made up of many organisations with powers to carry out the work of New Zealand's democratically elected governments.

Whether we work in a department or in a Crown entity, we must act with a spirit of service to the community and meet the same high standards of integrity and conduct in everything we do.

We must comply with the standards of integrity and conduct set out in this code. As part of complying with this code, our organisations must maintain policies and procedures that are consistent with it.

For further information see www.ssc.govt.nz/code



FAIR

We must:

- treat everyone fairly and with respect
- be professional and responsive
- work to make government services accessible and effective
- strive to make a difference to the well-being of New Zealand and all its people.

IMPARTIAL

We must:

- maintain the political neutrality required to enable us to work with current and future governments
- carry out the functions of our organisation, unaffected by our personal beliefs
- support our organisation to provide robust and unbiased advice
- respect the authority of the government of the day.

RESPONSIBLE

We must:

- act lawfully and objectively
- use our organisation's resources carefully and only for intended purposes
- treat information with care and use it only for proper purposes
- work to improve the performance and efficiency of our organisation.

TRUSTWORTHY

We must:

- be honest
- work to the best of our abilities
- ensure our actions are not affected by our personal interests or relationships
- never misuse our position for personal gain
- decline gifts or benefits that place us under any obligation or perceived influence
- avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services.





Understanding the code of conduct – Guidance for State servants

State Services Commission

First published June 2007, latest revision April 2010

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Please note that any printed copies of this document may not reflect current guidance. The most up-to-date guidance material can be found at www.ssc.govt.nz/code-guidance-stateservants

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About this guidance

This guidance will help understanding of the code of conduct issued by the State Services Commissioner, *Standards of Integrity and Conduct*. The guidance is made up of explanations for each of the standards, and for the code's introductory statement. It has been written for people working in the State Services, providing information about the conduct expected of them. Most will probably access the guidance online. There are hyperlinks within the guidance, reflecting the mutually supporting nature of the standards. There are further hyperlinks from the explanations to other relevant material.

Standards of Integrity and Conduct is phrased in aspirational terms. Almost all of it has equal application to people working in Crown entities and those in departments. Although organisations must comply with the standards, this guidance is not mandatory. It outlines general principles that should be applied with judgement, and with a regard for:

- the spirit of service to the community
- the obligation organisations have as part of executive government
- the role of the State Services in supporting parliamentary democracy, and
- the value of State servants having a lively interest in political matters.

While the spirit of service to the community underlies this code of conduct, the code is not intended as a charter establishing service standards that the public may demand of the State Services. The code of conduct sets standards of behaviour expected of State servants. This guidance gives context to those standards.

The code of conduct's introductory statement

The introductory statement in *Standards of Integrity and Conduct* highlights the role of the State Services in supporting parliamentary democracy. It explains why the same standards of integrity should apply to everyone working for State Services organisations and indicates that the code of conduct is not, on its own, sufficient to ensure that everyone meets these standards. There is a need for all organisations to have policies and procedures that put the standards into practice. The introduction forms part of the code of conduct.

The State Services is made up of many organisations

The definition of the State Services¹ includes departments and Crown entities. However, the Crown entities that are subject to the State Services Commissioner's mandate² to set minimum standards of integrity and conduct are categorised³ as:

- statutory entities (comprising independent Crown entities, autonomous Crown entities and Crown agents; but excluding tertiary education institutes, Crown Research Institutes, and their subsidiaries)
- Crown entity companies
- Crown entity subsidiaries

¹ State Sector Act 1988, section 2

² Op. cit., section 57

³ Op. cit., section 2 and Crown Entities Act 2004, section 7(1)(a)–(d)

- school boards of trustees. (However, the code does not apply to school boards of trustees.)

The State Services Commissioner has applied the code to the organisations listed at: www.ssc.govt.nz/code-organisations/

Government is made up of three branches – the legislature, the judiciary and the executive. All organisations in the State Services form part of executive government. Regardless of whether an organisation is a department or any form of Crown entity, a Minister has responsibility for it and the organisation is accountable through that Minister to Parliament. This guidance refers to executive government responsibilities as a reminder of the part that State Services organisations play in the “whole of government”. In the code of conduct, and in this guidance, a part of the State Services is referred to as an “organisation” instead of using the statutory term of “agency”.

We must act with a spirit of service

All departments and statutory Crown entities are required by statute to act with a spirit of service. The reference to the spirit of service in the Long Title to the State Sector Act⁴ reflects its importance. Public Service chief executives, who are appointed having regard to their willingness to imbue their employees with a spirit of service to the community⁵, must ensure that those employees then maintain concern for the public interest⁶.

Boards of statutory Crown entities are required to ensure that their organisation performs in a manner consistent with the spirit of service to the public⁷.

We must comply with the standards of integrity and conduct

The standards set by the code of conduct relate to matters of integrity and conduct. Integrity is the inclusive and all-embracing description of these ethical requirements. The headings under which the standards have been grouped – Fair, Impartial, Responsible and Trustworthy – are indicative of integrity. Integrity itself is pervasive and implicit in all the standards.

Many organisations have values statements or express their service commitment in terms of principles and values. Obligations in the code of conduct to be Fair, Impartial, Responsible and Trustworthy should not detract from using these other arrangements also, to promote integrity.

Our organisations must maintain policies and procedures

The code of conduct recognises that the State Services is made up of a wide range of organisations. In some Crown entities and at junior levels in most organisations, there is little direct connection with Ministers and the political process. Where that is the case, explanations about standards of impartiality and political neutrality may have limited relevance. Those explanations are much more relevant for managerial staff and others with extensive contacts with Ministers. However, most of the code of conduct has direct and continuing application to everyone in the State Services.

⁴ Op. cit., Long Title, paragraph (a)

⁵ Op. cit., section 35(12)(b)

⁶ Op. cit., section 56(3)

⁷ Crown Entities Act 2004, section 50

Where the State Services Commissioner has applied the code, the “agency (including its employees) must comply”⁸. The conduct of everyone will be expected to reflect the standards. The boards of Crown entities and the chief executives of departments need to determine the extent to which people working for their organisation who are not employees should also be legally required to meet the standards.

Organisations are responsible for ensuring that integrity requirements form part of employment and contracting relationships (or in the case of volunteers and students, other agreements that give access to organisational resources). These need not necessarily require full compliance with the code of conduct. However, organisations must make sure that everybody working for them knows what is expected. Because professional ethics may also influence the way standards of integrity are managed, organisations should take these matters into account when setting out employment obligations.

Organisations will need to be continually alert to integrity concerns and to review and revise the way they give effect to the standards. In this way, by meeting the requirements of their organisations, everyone working in them will play their part in maintaining the integrity of the State Services.

Each organisation is encouraged to promote awareness of the code of conduct and the behavioural expectations that flow from it. The introduction to the code of conduct indicates that organisations must maintain policies and procedures by which they can give effect to the standards. Complying with the code of conduct includes meeting that requirement.

In satisfying this requirement to have appropriate policies and procedures that are consistent with the standards of the code of conduct, each organisation may develop additional or detailed provisions that are pertinent to its circumstances. This is the process, anticipated in the State Sector Act⁹, by which an organisation will issue its own code, incorporating the standards and building on them with detail of direct relevance to the work of the organisation.

⁸ State Sector Act 1988, section 57A(1)

⁹ Op. cit., section 57(3)

FAIR

We must treat everyone fairly and with respect

Treating people fairly means that we do not show any favouritism, bias or self-interest in our work. Fairness is at the heart of the democratic process, which everyone in the State Services has a responsibility to support. We are required to administer the law and to give effect to government policy fairly and reasonably, and with respect for the people we serve.

Our decisions must be based on accurate information, taking into account only relevant considerations. We must decide cases on their merits. We must observe the principles of natural justice, which requires us to disclose information about the way we make decisions and allow a fair opportunity for people who may be affected by them to make representations. We must avoid any perceived unfairness that could arise from having any personal interest in decisions we make or from working on matters where we have a close relationship with those involved.

We must be fair to the community as a whole. This means that we must not concede to unreasonable demands from people seeking services from our organisations.

We must treat everyone with respect – the public we serve and the colleagues we work with. This requires being courteous and contributing to the smooth functioning of our workplaces by:

- not discriminating against anyone, except as legally required to give effect to our organisation's functions
- protecting the privacy of people accessing services
- not harassing, bullying or otherwise intimidating members of the public or colleagues
- respecting the cultural background of members of the public and colleagues
- having proper regard for the safety of others
- avoiding behaviour that may endanger or cause distress to colleagues
- not allowing workplace relationships to adversely affect our work performance
- valuing equality and diversity by understanding our differences.

We must promote in our organisations a respectful culture that ensures information and services are made available in a way that takes account of the particular interests, sensitivities and backgrounds of people seeking those services.

Our commitment to being fair does not constrain our duty to give effect to legislation. It is not unfair to enforce obligations imposed by law. Compliance action is not inappropriate just because offenders consider those measures to be unfair.

Related information

- www.ssc.govt.nz/eeopolicy
- Human Rights Commission. www.hrc.co.nz
- Office of Ethnic Affairs. www.ethnicaffairs.govt.nz
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must be professional and responsive

Being professional requires us to have well developed personal integrity, to be committed to our organisational responsibilities and to be aware of the extent to which other interests may affect those responsibilities. Senior staff in our organisations must be particularly conscious of the constitutional framework within which we operate.

Many of us are part of professions that have membership codes of conduct. Such codes set out obligations that apply concurrently with the duty we have to our employing organisation. We must manage any differences with integrity, including discussing concerns with our manager. However, as all codes promote ethical behaviour, it is unusual for their provisions to create real conflict. If a conflict should arise, the State Services Commissioner will determine whether behaviour is appropriate in the circumstances of the particular State Services role rather than any professional code.

Our professionalism is shown by the way we treat people and respect their privacy. It is shown also in the way we meet the performance standards of our vocation and of the organisation we work for. Where our work involves research or innovative developments, we must have regard to obligations specified by relevant ethics committees.

We are encouraged to maintain links with outside organisations. This may involve us in public discussions about policy and services that risk capture by interest groups and the possible perception of undue influence. It is important that we are always aware both of our professional responsibilities to our organisation and of maintaining good relationships with the Government.

In a small country it is almost inevitable we will know personally some of the people we need to deal with on an official basis. It is very important to be alert to the implications of this.

Because we are in a position to influence the granting of benefits, exercising of discretions, shaping of resource allocations, making of enforcement decisions and development of policy, we must always act fairly and impartially, and record processes transparently.

Where government policy is broadly expressed, it is important that we respond consistently with the intended purpose, act with fairness and reasonableness, and reflect commitment to the spirit of service.

Our organisations have a duty to provide clear information to the public about services, entitlements and any obligations that service users may be required to meet. The information should be presented in plain English and, where helpful to users, in Māori and other languages. Our responsiveness should be shown by providing services within statutory timeframes, and seeking, when practicable, to shorten the delivery time and improve the quality of service.

See also *Appendix 1: What it means to be professional in the State Services - an outline of professional behaviour*

Related information

- *Cabinet Manual*. www.dpmc.govt.nz/cabinet/manual
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must work to make government services accessible and effective

Being accessible requires us all to take personal responsibility for responding in a way that is helpful to those using our services. We must be alert to the importance of liaising with other parts of the State Services to minimise barriers that may impede accessibility, and be innovative in finding how best community needs can be met.

Our actions must minimise the likelihood of any individual, group or community being disadvantaged. We must take care that the public has reasonable access to our organisation, and to information about services and entitlements. We must always consider customer-focused alternatives to traditional ways of providing services, and whether electronic transaction may be a preferred way for people to deal with us. The perceived fairness of our organisations may be influenced by the ease of public access to services.

Where appropriate, we should think about whether a professional interpreter will enable us to provide clearer, more accurate and more confidential support to people with limited English language skills.

Effectiveness flows from meeting objectives that our organisation has agreed with the Government and delivering benefits that the community expects from us. The challenge we always face is to be effective in situations where there is diverse demand. We must focus on getting the best results from public funding, i.e. value for money, and ensuring that what we do reflects the Government's priorities and policies. In many circumstances, effectiveness may come from working more closely with other organisations and exploring whether advantages and cost benefits can result from integrating activities.

Related information

- *Accessible State Services - Rotorua Research Pilot Report.* www.ssc.govt.nz/accessible-report06
- Office of Ethnic Affairs Telephone Interpreting Service. www.ethnicaffairs.govt.nz/oeawebsite.nsf/wpg_URL/language-line-Index
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must strive to make a difference to the well-being of New Zealand and all its people

As State servants, imbued with the spirit of service to the community, we are motivated to improve the well-being of New Zealanders. A concern for the well-being of others is central to the spirit of service. This involves each of us endeavouring to find more efficient, effective, economical and sustainable ways of making our professional contribution to the work of our organisation.

Our relationship with the public should be distinguished by goodwill and impartiality, coupled with trustworthiness, and a liberal interpretation of fairness and respect for the rights of others – in effect, the integrity standards of the code of conduct. It is by applying these standards to the work of government that we can make a difference to the betterment of New Zealand.

Our obligation to the communities we serve means that we should not turn a blind eye to wrong-doing. We must take responsibility to ensure our senior managers are advised of any serious integrity concerns we have about conduct shown by colleagues, and which could bring our organisation into disrepute. If we are concerned about the consequences of reporting serious misconduct, we should follow our organisation's Protected Disclosures Act policy.

Related information

- Protected Disclosures Act 2000. www.legislation.govt.nz
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

IMPARTIAL

We must maintain the political neutrality required to enable us to work with current and future governments

A major characteristic of New Zealand's constitutional arrangements is that public sector organisations are apolitical. It is important that in the State Services we do nothing that will detract from the ability of our organisations to work with the Government, regardless of the political parties Ministers may represent. Our responsibility to the Government is to work in a politically neutral manner. Our commitment to Ministers must be unaffected by any party-political concerns.

We must act in a way that ensures we are able to establish professional and impartial relationships with future Ministers. Because of the apolitical way we carry out our tasks, those who may be in government at some future date can be confident that we will support them, remain impartial and be equally fit to carry out the work of government under their administration. By remaining constant in our political neutrality, we deserve their confidence and their willingness to work with us. Our responsibility is to do nothing that undermines the ability of our organisation to provide strong support for the good government of New Zealand, regardless of the political composition of the Government.

If we hold a prominent decision-making position in our organisation and take part in high-profile activities that are not directly related to our job, we risk a public perception that we are not able to work in a disinterested, public spirited and politically neutral way. There may be disbelief that we can separate our personal and professional lives. Public trust in our impartiality can be affected. The confidence that the Government or future Ministers have in our organisation can be undermined in the same way. A consequence is that we must always consider the way our actions may be perceived by reasonable observers, and accept that our official responsibilities may place some constraints on the way we exercise our personal freedoms.

From time to time some of us may be required by a Parliamentary Select Committee to attend its deliberations. If that happens, we must be aware that our contribution is as part of executive government. We have a duty to Parliament and in support of the Government. We must be aware of the obligation to ensure our activities are not a surprise to our Minister. If we work in a department, we must have regard to the expectations of our Minister when contributing to Select Committee proceedings. If we work for a Crown entity, we will seek the direction of our board, which in turn will assess the Minister's expectations.

We must be careful when Members of Parliament, regardless of political party affiliation, make direct approaches to our organisation. MPs may be acting on behalf of their constituents or of their own accord, contacting regional or local offices. Generally, in these situations, State servants should respond to the request in the same way as they would to a member of the public.

However, any requests by MPs for information or services over and above what would normally be provided to a member of the public (e.g. a visit to an agency's premises or a substantial briefing) must be referred directly to the agency's Chief Executive. In general, the Chief Executive will inform the appropriate Minister and the request should be met only as agreed by

the Minister. An enquiry made in a private capacity should be managed in a strictly impartial way. Where there is doubt about the nature of an approach, we should refer the matter to our chief executive who, if the approach is inappropriate, will refer it to the Minister.

For most of us in the State Services, participation in party politics is not likely to affect the confidence that the Government has in the organisation we work for, and is not likely to undermine our ability to work with future governments. What we must do is ensure that we do not confuse our political rights with our employment responsibilities. This requirement is the same whether we work for a department or for a Crown entity. It means we must always be conscious of our shared responsibility to ensure that our organisation maintains the confidence of Ministers.

We are encouraged to discuss actual or intended political activities with our manager who should be in a position to clarify the relationship between our employment responsibilities and our freedom to exercise civil rights. Our political interests and activities (and possibly even the political interests of a close family member) have the potential to conflict with our obligations as State servants. The effective management of such conflicts must balance the role of the organisation we work for and its relationship to the Government, the importance of encouraging a strong democracy, and our personal rights as New Zealanders. (Although political affiliations are similar to other interests requiring management to avoid conflict, it is not appropriate for organisations to maintain any register of such affiliations.)

In some Crown entities and at junior levels in most organisations, there is little direct connection with Ministers and the political process. Where that is the case, this explanation about impartiality and the political neutrality standard may have limited relevance. The explanation is much more relevant for managerial staff and others with extensive contacts with Ministers.

As a general rule, we are free to belong to any lawful organisation. Our rights to participate in social campaigns and the activities of political parties, unions and professional associations are not precluded because we work in the State Services. But we need to be aware always of the perceptions others may have of our ability to be politically impartial in the way we do our work. When expressing views on behalf of such groups, we must ensure that we will not be seen as speaking on behalf of our State Services organisation.

In some organisations, collective employment agreements may provide a framework for membership of unions, may outline standards about public comment on issues of concern, and may recognise commitments under codes of conduct of relevant professional associations. Organisations must always have regard to their obligations to the Government and determine how they will comply with the requirements of the State Services Commissioner's code of conduct when developing this type of agreement.

Just as membership of a political party is acceptable for most of us, so is helping with fundraising, assisting with a leaflet drop, or taking part in other forms of support for a party. However, senior State servants, and State servants who have a close working relationship with Ministers, should avoid these affiliations.

This standard involves two different principles. It imposes an absolute obligation not to bring our political interests into our work. It also implies that there is a variable tolerance for political involvement. We must maintain in our non-working lives the level of political neutrality that is appropriate for the responsibilities we have. Those of us in very senior positions may be required to have a very low level of involvement, perhaps with our interest being discernible only by a visit to a polling station on election day.

By contrast, if we are unconnected with policy development or are not in a managerial role, we will usually be free to be politically active. What makes the difference is our ability to work not only with the current Government but with future Ministers, following a change in composition of the Government. We must be aware always of how perceptions of our personal activities could undermine the confidence that Ministers have in our organisation.

As always, it is a matter of judgement. Whether it is a political party involvement or taking on a role in a community campaign group, a union or a professional organisation, we must be careful to keep politics out of our job, and our job out of politics.

Related information

- Enduring Letter of Expectations - to statutory Crown entities (Dec 2008) www.ssc.govt.nz/expectations-letter-crown-entities-dec08
- *The Foreshore and Seabed Policy – Hikoi*. (State Services Commissioner's guidance to chief executives on hikoi participation) www.ssc.govt.nz/guidance-participation
- *Cabinet Manual*. www.dpmc.govt.nz/cabinet/manual
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must carry out the functions of our organisation, unaffected by our personal beliefs

The work we do must not be influenced by personal beliefs or commitments. These personal interests can be wide-ranging, including party political, religious, philosophical, and vocational, and can be shaped by all sorts of experiences and upbringing. What we do in our organisation must reflect State Services standards of integrity and conduct and not be undermined by any personal conviction or particular ethical viewpoint we may embrace.

Working for an organisation in the State Services does not preclude us from having strong personal beliefs. Sometimes the strength of our convictions will make it difficult for us to carry out a particular organisational task. The code of conduct is not intended to prevent the expression of conscientious objection in such cases. Conscientious objection is recognised in several statutes¹⁰. However, where these circumstances arise, we must make sure that our organisation has been alerted to our concerns in a timely way, so that the ability to deliver public services is not diminished.

We must obey all lawful and reasonable instructions given by our organisation and work as directed. We are never justified in ignoring the operating procedures of our organisation and interpreting government policy or exercising our decision-making responsibilities in a way that suits our personal beliefs.

When expressing our personal beliefs in any public debate, and particularly if relating to matters of government policy or activities of our organisation, we should ensure comments we make are appropriate to the position we hold, and are compatible with the need to maintain the convention of party political neutrality. If we occupy a managerial position or work closely with Ministers, we need to exercise particular care.

We must always be alert to the relationships our organisation has with other parts of government and the possible implications of allowing personal beliefs to intrude on our work.

Related information

- *Cabinet Manual*. www.dPMC.govt.nz/cabinet/manual
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

¹⁰ e.g. Contraception, Sterilisation, and Abortion Act 1977, section 46

We must support our organisation to provide robust and unbiased advice

We apply high standards of professionalism to the advice we prepare for our organisation, regardless of whether that advice is for Ministers or other decision-makers. Although most of us may not be directly involved in advising Ministers, it is important that we are all aware of the responsibilities placed on our organisation, and on our senior managers and advisers who work closely with Ministers.

Our advice must be honest, impartial, comprehensive and objective. The traditional expression is “free and frank advice”. This relates directly to the need to maintain the confidence of our Minister (as well as any future Minister) and to the principle of political neutrality. Our advice must be free of personal interest, political bias or the interests of our organisation. It should reflect an understanding of the policies and priorities of the Government. It should be transparent and should not contain unclear or hidden agendas.

Free and frank advice is not always the advice Ministers wish to hear. In giving advice, we must be sensitive and responsive to Ministers’ aspirations and objectives. At the same time, we should have regard to the concept of public good and concern for the public interest. Our advice should reflect both a wide appreciation of relevant subject areas and our consideration of affected communities.

The role of the State Services is to maintain the confidence and trust of successive governments. To be effective, and in order to be seen by Ministers who comprise successive governments as being fit for that role, we must be impartial both in the way we conduct ourselves and the advice we provide.

Those of us working in a Crown entity that has a role of advising Ministers must be equally impartial in what we do, although we provide advice on behalf of our board members.

Related information

- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must respect the authority of the government of the day

All State Services organisations form part of executive government. Our organisations carry out activities on behalf of the Government. We must recognise our relationship to the Government and respect the responsibilities and the authority of Ministers. The way we carry out our roles will influence the confidence the community has in the good government of New Zealand. We must always be aware of the importance of supporting democratic processes and promoting trust in the institutions of government.

There is an explicit difference in the relationship that departments have with Ministers and that between Crown entities and their Ministers. The role of the Public Service is to serve the Government. This means that those of us working in departments have a direct association with our Minister on behalf of our chief executive. As departmental employees, we are “responsible” to the Minister¹¹. This contrasts with those of us working for Crown entities, where our relationship with the Minister is through our board. We must give effect to the directions of our board, which in turn must consider how best to maintain its obligations as part of executive government and the expectation that the board operates in a way that retains the confidence of the Minister. Crown entities are “accountable” to the Minister¹².

Senior staff and those with extensive links to Ministers must always be alert to the implications of working for organisations that are part of executive government and those of us in more junior roles should be aware of those responsibilities.

We must always respect the authority of the Government and the role of Parliament.

We do this by understanding the conventions of parliamentary democracy. Ministers set and comment on government policy. The role of most of us in the State Services is to explain and give effect to that policy. A few State servants hold statutory roles that from time to time may require them to comment publicly about government policy. Some of us work in organisations with independent decision-making or advocacy responsibilities and may be authorised to comment publicly on policy issues. It is only if we have one of these exceptional roles that we may comment about government policy on behalf of our organisation.

We must bear in mind the sensitivity that both current and future Ministers may have about our involvement in high-profile activities that could be viewed as party political. This connects closely with the need to ensure our personal activities are kept separate from our work interests. Where it is appropriate for us to be publicly involved in commenting on matters relating to our organisation, we must make sure that we are not acting in a way that undermines our spirit of service to the community, and that the professionalism of our actions is deserving of the confidence of any government.

It is generally unacceptable for us in our personal capacity to comment on matters of government policy if we:

- use or reveal any information gained in the course of our work where this is not already known by, or readily available to, the general public

¹¹ State Sector Act 1988, section 32

¹² Crown Entities Act 2004, sections 26(2) and 87

- purport to express or imply an organisational view
- act in a way that constitutes a personal attack on a Minister, work colleagues or other State servants
- criticise in such strong or persistent terms that our ability to give full effect to the executive government responsibilities of our organisation in an impartial way is called into question.

We must not disclose advice we have given to Ministers or make public comment on behalf of our organisation, except in accordance with our organisation's policies for the release of official information.

The extent to which we are able to comment on political matters shows the difference between what is acceptable for those of us working in a Crown entity and those of us who are departmental employees. Some of us in Crown entities, for example in the Housing New Zealand Corporation or the Accident Compensation Corporation, have similar obligations.

However, many of us in Crown entities are not involved in supporting our board to give advice to our Minister, and we carry out operational tasks with only a distant relationship with the Minister. It is this distance that sometimes makes it possible to comment in a personal capacity. We must always have regard to the role and responsibilities of our organisation and ensure that we follow processes to avoid the Minister being surprised by our comments. Where there is scope to comment in a personal capacity we must observe our organisation's policies and procedures.

As in all matters of integrity, exercising judgement is essential.

When our comments relate to implementation or delivery, we have a duty not to compromise our organisation's operations, or our relationships with Ministers.

Maintaining confidence means not only keeping Ministers informed of issues relating to our organisation but ensuring there are "no surprises" regarding policy implementation and delivery. We are expected to advise Ministers in advance of circumstances likely to impinge on the Government's responsibilities, any major strategic initiatives, and issues that may attract public interest or political comment.

A "no surprises" way of working does not interfere with an organisation's independent decision-making role or its operational responsibilities, but reflects the part all organisations play in executive government.

Where it is acceptable for us to comment in a personal capacity about matters in which we have an interest, it may relate to a topic that concerns our Minister, and our organisation should ensure there are "no surprises" for the Minister flowing from such comments. For example, those of us who work for a district health board and want to comment publicly on matters within our areas of expertise or experience will follow the procedure in the *Code of good faith for the public health sector*, and make it clear that our observations are made in our personal capacity or on behalf of a union, having first raised the matter with our organisation and given sufficient time for it to respond.

Working in a policy development area, relating closely with Ministers, or having managerial responsibilities does not prevent us being active members of a union or professional association. However we must not use, for the benefit of the union or professional organisation, information acquired in the course of our work.

Some of us who work closely with Ministers may want to support public debate about issues unrelated to our work. Because it may be detrimental to relationships with the Government for us to be seen to be questioning official policies, there may be circumstances where it is appropriate for us to use unions or professional associations as a vehicle for comment. When doing so, we must be very aware of the integrity of our actions. We must not disclose official information that has not already been made public, nor act in a way that may harm the reputation of our organisation. We must be open and honest about our actions. Openness will usually involve ensuring our manager is aware that we are exercising our political rights in a way that avoids affecting relationships with Ministers.

If we take on a spokesperson role with a union or professional association, we will not be under the same constraints when making comments that are critical of the Government or of the management of our organisation, when such comments are clearly on behalf of that union or association,. However, we must always appreciate the obligation to act responsibly, and not act in a way that harms the reputation of our organisation or of the State Services. We must always be aware that any public role will inevitably affect our personal image and our ability to carry out our responsibilities as State servants. Though it may not be improper to take on political activities of this kind, we must accept that a consequence is that, for an indefinite period into the future, we may not be able to resume a more discreet and impartial role.

Our organisation must provide material in a timely way to ensure our Minister is well informed and, when required, can account to Parliament for the efficient functioning of our organisation. Our organisation has a responsibility to alert our Minister to potentially adverse consequences of a proposed course of action, but we recognise that we must not involve ourselves in the political activities of Ministers. It is not our task to protect Ministers from the political process or to assist Ministers in ways that would undermine standards of honesty expected throughout the State Services.

Related information

- Enduring Letter of Expectations – to statutory Crown entities (Dec 2008)
www.ssc.govt.nz/expectations-letter-crown-entities-dec08
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

RESPONSIBLE

We must act lawfully and objectively

We obey the law. This means we must act within the letter and spirit of the law. We recognise that the purpose of many of our organisational policies and procedures is to give effect to the requirements of the law. When making decisions, we must act within the scope of the power or discretion conferred on us, and within our delegated authority. The exercise of executive powers must comply with both New Zealand law and any international conventions given effect through statute.

It is important we show an objective and balanced approach to our legislative responsibilities. We respect the traditions of liberal democratic government and the rule of law. We do not act arbitrarily or oppressively in giving effect to law. Actions that are unreasonable or unjust can be unlawful. We must maintain accurate, complete and accessible records of the decisions and actions we take.

Many organisations have responsibility for administering and enforcing particular pieces of legislation. This responsibility must not blind us to the equal importance of other laws.

Those of us working internationally must be aware in particular of the obligation to support the New Zealand commitment to the OECD Convention on Combating Bribery of Foreign Public Officials and report to the appropriate authority any incidents involving the bribery of officials.

We recognise that a consequence of working in the State Services is that sometimes we have higher integrity obligations than other people do. We are legally required to comply with the standards set out in the code of conduct.

We are aware that public trust is influenced by the perception that the public has of our organisation. This means responding objectively if we become aware of any unlawful activities in our organisation. We appreciate the importance of modelling the standards set by the code of conduct and taking responsibility to support our organisation take decisive action when we learn that standards are being breached.

Related information

- Anti-Bribery Convention reporting mechanisms. www.justice.govt.nz/policy-and-consultation/crime/bribery-and-corruption/combating-bribery-and-corruption/?searchterm=bribery
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must use our organisation's resources carefully and only for intended purposes

All organisations have a statutory duty to use resources efficiently, effectively and economically¹³, and to account publicly for their stewardship. Our organisations should have appropriate procedures to ensure that capital assets, operational funding and staff resources are committed responsibly and that there is clarity about proper discretionary spending, including travel and allowances, and the acceptable use of office equipment, organisational facilities, and vehicles.

We must keep firmly in mind that our organisation's resources are publicly owned and are funded by public money, whether or not that funding comes through taxation, levies or similar arrangements. We follow careful processes for procuring and using our organisation's resources and in disposing of assets that are no longer required. The reputation of our organisation is important to us. When we promote awareness of the services for which we are responsible, we must be mindful also of the part we play in government as a whole.

All organisations have ICT systems that enable speedy communications, remote access, efficient research and simplified record-keeping. Electronic contact with users of our services and colleagues is increasingly expected of our networked State Services. These resources must not be misused.

It is never acceptable for us to access official information for personal purposes or to give that information to others, without clear authorisation from our organisation.

In keeping with the practice of most employers of choice, occasional and moderate personal use of our organisation's telephones, web-based resources and other office equipment is acceptable. These resources, however, are provided for the work of government. We must never put ourselves in a position where our office equipment is being used to operate a private business. Our responsibility is to ensure any unofficial use of organisational resources is reasonable and lawful.

Particular caution is necessary when accessing the Internet. Many web resources are helpful in broadening our awareness and understanding of issues relevant to our work. There is a wealth of information that can enhance our personal development and improve the contribution we can make to our jobs. However, many websites may be characterised as anti-social. These websites are often structured around violent, prurient, intimidating or extremist content. Except for enforcement and approved research activities, it is unlikely that accessing such material using organisational resources can ever be acceptable.

When assessing whether personal use of our organisation's resources is acceptable, we must take a conservative view of what is occasional, moderate, reasonable and lawful. We must be transparent in the way we use these resources, and always be mindful of public expectations and perceptions.

¹³ State Sector Act 1988, section 32(d); Crown Entities Act 2004, section 50

The way we carry out our trusteeship role in respect of public property will have an unavoidable effect on public confidence in the State Services.

Related information

- *Controlling Sensitive Expenditure: Guidelines for Public Entities.* www.oag.govt.nz/2007/sensitive-expenditure
- *Guidelines for Government Advertising.* www.dpmc.govt.nz/cabinet/manual
- *Procurement: Good Practice Guidelines for Public Entities.* www.oag.govt.nz/2008/procurement-guide
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must treat information with care and use it only for proper purposes

The proper management of information is central to the integrity of the State Services. We have a duty to handle official information appropriately and ensure that personal privacy rights are preserved. We must all be familiar with legal obligations relating to the protection and release of official information. Statutory privacy principles must always govern the handling of personal information.

It is a breach of trust for us to make use of information that we have learned through our work, or to disclose it in any way, unless we have permission to do so. We should always be very circumspect about discussing our organisation's information when we are not directly engaged in organisation business, and be aware that, unless we have authorisation or it is a matter of public record, we do not disclose official information at external meetings (despite any claim to "Chatham House" rules) or in any academic activities we undertake.

We are required to give New Zealanders access to personal information about themselves, and to make any official information available on request unless, as specified by law, there are good reasons for withholding it.

The availability of official information has become a foundation of our democracy. We must recognise the importance of giving effect to our organisation's procedures when responding to information requests, and be alert to the interest that our Minister also has in information held by our organisation. When we receive requests to release politically sensitive information, we must notify our Minister well in advance of any release.

Public perception about the integrity of an organisation will be shaped by the way it manages information. The Official Information Act requires organisations to give reasonable assistance to applicants so that they frame requests with "due particularity". This means we should not be evasive in compiling responses, nor answer in a way that will result in an applicant receiving information presented in a misleading way. The obligation for honesty is pervasive.

We must appreciate the importance of a well-informed electorate at the time of a general election and our responsibility for facilitating speedy responses to information requests. We must not delay responding to information requests in the lead-up to an election, in a misguided sense of obligation to our Minister. Ombudsmen have been emphatic that we must recognise that one of the important purposes of the Official Information Act is to support the effectiveness of a general election. The purpose described in section 4(a) is:

To increase progressively the availability of official information to the people of New Zealand in order-

(i) to enable their more effective participation in the making and administration of laws and policies; and

(ii) to promote the accountability of Ministers of the Crown and officials,-

and thereby to enhance respect for the law and to promote the good government of New Zealand.

Related information

- Ombudsmen's Office Guidelines on Official Information.
www.ombudsmen.parliament.nz
- *How to Comply with the Privacy Act.* www.privacy.org.nz/how-to-comply/
- *Cabinet Manual.* <http://cabinetmanual.cabinetoffice.govt.nz/8>
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must work to improve the performance and efficiency of our organisation

We have an obligation to consider how we can carry out our functions in better and more successful ways.

Our organisations are required to perform efficiently, effectively, economically and with a spirit of service to the public. We must be aware of the sustainability implications of what we are doing.

We must always act in the public interest. This requires us to understand the communities we serve and appreciate the important duty we have to rise to public need when circumstances demand. Our work involves delivering the quality services that the Government expects of us, and contributing to the results that New Zealanders are entitled to. We must consider the part we can each play in improving the effectiveness of our organisation and take responsibility for improving our own performance. Personal improvements in efficiency will contribute to improvements in the overall efficiency of our organisation.

Improvements flow from attention to what we do and how we do it. This involves our decision-making and performance management systems. We must be able to measure how effective and efficient we are if we are to improve on what we do. Ways of doing this include programme evaluations that focus on results, client surveys, analysis of complaints, and use of research.

Related information

- *Key Success Factors for Effective Co-ordination and Collaboration between Public Sector Agencies.* www.oag.govt.nz/2003/key-success-factors/
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

TRUSTWORTHY

We must be honest

We are expected to act honestly.

This obligation is not only work-related. It arises at any time when the consequences of dishonest conduct may have an impact on public trust or on the confidence that Ministers, Parliament, or others in the State Services, can have in our organisation.

The principle of honesty underpins the obligations of all of us in the State Services. Public trust in the State Services will be determined primarily by the degree to which New Zealanders believe that at all times we act with honesty. We are expected to respond to what we believe to be true, and to act always with a focus on accuracy and authenticity.

Honesty does not necessarily mean continuous, full disclosure. In some circumstances, full disclosure is a requirement. Other circumstances may require care. For example, the courts have recognised that organisations with responsibility to enforce legislation cannot be required to openly disclose their evidence-gathering activities. It is sometimes necessary to disguise the way these activities are carried out. But these circumstances are rare. Unless there is a lawful reason for doing so, we must not act on the premise that the end justifies the means.

Honesty is frequently associated with professional courage. We must not act with guile for administrative convenience or to conform to political arrangements. We must not deceive or knowingly mislead. Being honest requires us to set out facts and relevant issues truthfully and to correct any errors as soon as possible. We must be careful about providing only some of the facts about an issue if we anticipate that we may encourage misunderstanding. Providing only half the facts may mean we are telling only half the truth.

Honesty means that we are truthful and open.

Related information

- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must work to the best of our abilities

Working to the best of our abilities is a way of demonstrating our spirit of service. We have respect for the taxpayers who fund our employment, and we are committed to working diligently in return.

We recognise that it is important for the people of New Zealand to be aware of the work we carry out on their behalf, and that they trust us to act always in the public interest. We appreciate that properly documenting our decisions and actions is part of promoting public understanding and maintaining community confidence. It is important that we keep accurate records that can be readily accessed. This enables us to let the public know what we do and how decisions and outcomes have been reached. Ombudsmen have commented that ... “the ability to communicate and explain is often dependent on the quality and accessibility of records of a citizen’s interaction with public sector agencies”.

We are expected not only to be apolitical, responsive, objective and accountable in carrying out the work of our organisation, but to endeavour to improve the quality and quantity of the contribution we make. This may involve supporting others within and across organisations to share knowledge and expertise. We should use personal development opportunities to increase our skills and the value we can add to our organisation. This has been described as working with pride, passion, pace and professionalism.

Related information

- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must ensure our actions are not affected by our personal interests or relationships

Ensuring our actions are not affected by personal interests or relationships is essential if we are to be worthy of public trust. It is equally important that we do not act in a way that improperly benefits our family or friends or groups in which we have a personal interest.

We must avoid circumstances where our personal interests or relationships conflict with the interests of our organisation. We must also avoid situations where there could be an appearance of such conflict. Our actions need to be fair and unbiased and should always be able to bear close public scrutiny. An important part of strengthening trustworthiness is our commitment to transparency. Openness allows organisations to ensure that conflicts are avoided or managed. By being open with our organisation and disclosing non-work commitments, we enhance our trustworthiness.

It is important we do not give preferential treatment to people we are connected with, either socially, personally, through work or in any other way. Our organisations must have processes that preclude our being involved in deciding matters relating to friends or family, and we must not take part in employment selection processes, or have supervisory responsibilities, that involve another family member.

Any commercial activities, investments or other personal interests must not influence the work we do, and we must be open in declaring where our interests may potentially conflict with our responsibilities. Just as we must first obtain the consent of our organisation before undertaking additional employment so that any conflicts can be avoided, we must also disclose any commercial business we set up that will operate concurrently with our work in the State Services.

The financial interests of some people in the State Services (or of their close family or friends) may be related to the operations of the organisation in which they work in such a way that a reasonable observer may perceive a potential for conflict. To avoid any appearance of bias, organisations may prohibit the continued holding of this type of interest as a condition of appointment to a position, or promote transparency by requiring this type of interest to be registered. To ensure that discretions are not influenced by personal advantage, if we are involved in decision-making, we may be required to declare to an accessible register kept by our organisation, any significant financial interests we have that relate to the sector in which our organisation has any advisory, regulatory, or administrative responsibilities. Because significant financial interests of our partner, a close family member, or long-standing friend in a sector related to our organisation may be seen by a reasonable observer as having a similar potential for conflict, our organisation may also require the registration of these interests.

It is important that we do not take a legalistic and minimalist approach to this type of disclosure, but show the openness necessary to provide public comfort that our actions are not affected by our personal interests. (Any such register of interests should focus on financial interests, and should not extend to political or other affiliations.)

We must never use for personal advantage any information that we may access in the course of our work and that is not already generally available to the public.

We must always be conscious of the potential for conflict in what we do. Avoiding bias and avoiding any appearance of bias are equally important. If we have an interest, and our official responsibilities connect to that interest, our impartiality is at risk. We must avoid creating any sense among reasonable, fair-minded and informed observers that we favour any party to a decision, and avoid anything that would make them feel there is a real danger of bias in what we do.

Related information

- *Managing Conflicts of Interest: Guidance for Public Entities.*
www.oag.govt.nz/2007/conflicts-public-entities
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must never misuse our position for personal gain

We have a range of roles, responsibilities and powers that enable us to carry out our organisational functions. These must be applied, and the resources of our organisation used, only for the intended purpose and in the intended way. This is reflected in the duty of statutory Crown entities to ensure that everyone working for the organisation acts in a manner consistent with its objectives, functions, current statement of intent and any output agreement.

Using our position properly incorporates all the integrity standards of the code of conduct. It requires fairness and for us to act within the spirit and the letter of law and policy. It means that we remain impartial in our work and must not be influenced in our decision-making by personal interests or advantage to any person or organisation with which we are connected.

We must be objective in the way we manage our work, ensuring we are fair, consistent and transparent in what we do¹⁴. Acting inappropriately will inevitably conflict with the statutory requirement for our organisations to function in an efficient, effective and economical way, as managing complaints about the way we do things will divert resources from productive activities. We must maintain accurate records about what we do, and respond openly to requests for information, so that the public can be confident that we do not misuse our position.

New Zealanders expect us to work impartially, not to be influenced by personal motives, not to show favouritism and not to misuse public resources for our personal benefit. This means we must always be careful that we do not put ourselves in a position where our work responsibilities could be affected by some other interest that we have. It is equally important that we avoid circumstances where other people could reasonably consider that our personal interests create a conflict with our work responsibilities.

There is always a possibility of conflicts between our professional and personal lives. We need to be alert to this. If such circumstances arise, we must be very open and ensure that we have properly disclosed the potential conflict, have distanced ourselves from involvement and avoided acquiring information that could be seen as giving us a personal advantage.

Related information

- *Managing Conflicts of Interest: Guidance for Public Entities.* www.oag.govt.nz/2007/conflicts-public-entities
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

¹⁴ State Sector Act 1988, sections 32, 34; Crown Entities Act 2004, section 49

We must decline gifts or benefits that place us under any obligation or perceived influence

We must be very careful about accepting any form of benefit that is not provided by our organisation and be aware always of the public perception that can result from accepting favours.

Using an official position for personal gain is a form of dishonesty that is likely to impact on public confidence in government and, particularly, in the State Services. Expectations in this area therefore are more demanding than is the case in the private sector and for the public generally. We understand that anything that is proffered to us in connection with our work can only be accepted if specifically permitted by the policies of our organisation.

There will usually be perceptions of influence or personal benefit if we accept gifts, hospitality or 'quid pro quo' exchanges of favours. We must not seek or accept favours from anyone, or on behalf of anyone, who could benefit from influencing us or our organisation. Organisations' policies on accepting gifts and hospitality vary, depending on their business. In all cases, it is expected that gifts will only be accepted following a transparent process of declaration and registration. To avoid misperceptions, it is essential that the process is public. This requirement applies equally when gifts and opportunities are offered to organisations as a whole – for example, donations to social clubs and staff discount arrangements.

When we are presented with ceremonial gifts, these are expected to remain the property of our organisation, reflecting the relationship that gave rise to the gift.

Offers of hospitality, as with gift offers, must always be assessed in terms of the purpose of the donor. The business reason for this type of spending on State servants will usually relate to managing the relationship with organisations by facilitating access to decision-makers, or acquiring some implied endorsement through association with organisations. Receiving hospitality is usually inappropriate if it extends beyond courtesy.

There is potential for abuse in air points schemes and other product promotion programmes. We must ensure that work-related purchasing decisions are kept separate from arrangements of this type, unless our organisation has published policies that specifically address any apparent personal interest that may arise.

We must not receive personal benefits or gratuities from third parties for carrying out our organisation's functions, participating in activities as an organisation representative or undertaking work-related speaking engagements. Any payments should either be declined or paid to our organisation.

Related information

- *Controlling Sensitive Expenditure: Guidelines for Public Entities.*
www.oag.govt.nz/2007/sensitive-expenditure/
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

We must avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services

As a general principle, what we do in our personal lives is of no concern to our organisation unless it interferes with our work performance or reflects badly on the integrity or standing of the State Services.

Our employers have a legitimate interest in any of our activities if they are likely to affect relationships with the Government, other Members of Parliament, or the public.

We must avoid being connected publicly with behaviour that creates a sense of public disquiet, and that, implicitly, diminishes trust in the State Services. Involvement in some personal activities, including unlawful behaviour or incidents involving a breach of trust, is likely to bring our organisation into disrepute.

We must use judgement when exercising our personal democratic rights or voicing professional concerns. We must be careful that we act lawfully, and that we do not misuse official or personal information we have acquired through our work. We must always be careful that our actions do not compromise our organisation or our Minister.

In making judgements about our non-work activities, we should consider:

- the nature and circumstances of the activity
- our position, duties, and responsibilities
- the consequences of the activity on our ability to fulfil our duties and responsibilities
- the effects of the activity or its consequences on our organisation's relationships with Ministers and people using our services
- any legal framework, e.g. the Health Sector Code of Good Faith¹⁵, and other professional codes
- the likely public perception of the appropriateness of what we do, and the "angle" that commentators may adopt if there is media reporting of our activities
- implications of the behaviour on levels of public trust in the State Services.

Membership of unions and professional associations, and active participation in groups of this type, are not the sorts of actions that, in themselves, will harm the reputation of our organisation. Where activities involve direct criticism of, or opposition to, government policy, there is a need to ensure that we are part of collective action and that we are not disregarding the criteria set out above. The importance of keeping politics out of our job and our job out of politics is undiminished.

Before starting a business activity, or accepting any secondary or additional employment, whether or not it is for payment, we should obtain specific approval from our organisation. We should ensure that there will be no conflict with our official duties and no adverse effect on our efficiency or performance, and that the additional work can be performed wholly in our own time. Part-time employment is a tradition in areas such as the health sector, although it is

¹⁵ Employment Relations Act 2000 Schedule 1B

increasingly common for us to work part-time. We must have clear authorisation from our organisation before we begin any secondary or additional work.

Additional employment may create a conflict if it involves:

- work in a business that has or is developing a contractual relationship with any government organisation
- an organisation that receives public funding
- a business that lobbies Ministers, or Members of Parliament, or government organisations
- a business that is regulated by the organisation we work for
- demands that may undermine our ability to fulfil our duties
- a business that has an interest in the privileged, private or confidential information that we can access.

When considering whether an activity may be harmful and therefore unacceptable, our immediate feelings can often be a useful guide. What is your conscience telling you? Another test of appropriateness may be the opinions of colleagues following discussion of all the facts, in effect a collective conscience. A reluctance to openly discuss an activity may reflect our innate awareness that the activity is not acceptable.

Related information

- *Managing Conflicts of Interest: Guidance for Public Entities.*
www.oag.govt.nz/2007/conflicts-public-entities
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

Appendix One: What it means to be professional in the State Services - an outline of professional behaviour

To be professional in the State Services means:

- acting lawfully and promoting the rule of law
- supporting parliamentary democracy and parliamentary institutions
- demonstrating a spirit of service to the public of New Zealand
- giving effect to agency responsibilities as part of executive government
- carrying out obligations to the Government in an efficient, effective and politically impartial way
- recognising the Crown's commitments under the Treaty of Waitangi
- promoting equality and diversity in the workplace
- displaying relevant knowledge and competence in all work responsibilities
- delivering services and achieving results through organisational efficiency and fiscal responsibility
- having regard to the importance of sustainability in the development of policies and in the delivery of services
- respecting people and their views, both inside and outside the State Services
- demonstrating a strong sense of personal responsibility and commitment to the public good
- preparing advice, delivering services, and reaching decisions by using analytically sound, well-rounded, informed and inclusive approaches
- tendering that advice when required, with objectivity, courage, tenacity and independence
- promoting and advocating standards of integrity
- seeking opportunities for personal development that will strengthen the contribution that can be made to the work of the State Services
- giving effect to the standards of integrity and conduct applied to agencies by the State Services Commissioner

It would not be professional for us to:

- undermine parliamentary processes or the ability of Ministers to account to Parliament for the activities of an organisation for which they are responsible
- engage in activities that undermine the State Services' commitment to integrity and professionalism – in effect failing to meet the obligations to be fair, impartial, responsible and trustworthy.
- disregard our obligations to act lawfully, effectively, efficiently and economically
- act in a way that brings our organisation or the State Services into disrepute
- act out of bias or favouritism
- allow our actions to be influenced by personal relationships, self-interest, or personal obligations or to act in a way which may reasonably be seen as improperly influenced by others
- fail to give Ministers advice of relevant concerns to avoid 'surprises'
- promote in our work, a particular party political viewpoint or personal agenda
- promote the interests of our organisation at the cost of other parts of the State Services
- fail to carry out lawful directions from a Minister or from our organisation on conscience or other grounds without first having discussed the circumstances, and disclosed this refusal to act, with our manager
- be profligate with public resources and disregard the importance of sustainability in everything we do.

Conflicts of Interest

Version	2.2	Contact	Chief Legal Officer
Policy Owner	Chief Legal Officer	Approved	17 October 2023
		Due for Revision	June 2026

Our Context

We are committed to upholding the highest standards of integrity and conduct. As leaders of the public service, we aim to exemplify behaviours that maintain the trust and confidence of the public and those we serve.

This demonstrates the *mātāpono*, or value, from our organisational charter, the *Kawa*, of Matakite – we speak up and act with integrity, and we do the right thing, even when on-one is watching.

Te Kawa Mataaho Public Service Commission leads the public sector in the service of our nation. We are involved in the recruitment and appointment of senior public servants, procure goods and services, and advise on questions of integrity and ethics, among other functions. In all areas of our work, we must ensure that the public is confident that decisions are made for the right reasons, and in accordance with robust and fair decision-making processes.

Scope

This policy applies to all Commission staff (including employees and secondees) and contractors.

What is a conflict of interest?

A conflict of interest may arise where your duties or responsibilities as an employee or office holder overlap with a role or interest that you hold outside of work. A conflict of interest may mean that you may have your independence, objectivity or impartiality called into question when involved in related matters.

Conflicts of interest in our working lives are natural and unavoidable. The main goal of identifying and managing conflicts of interest is to ensure that all decisions are made, and are seen to be made, impartially and for the right reasons. Almost all conflicts of interest can be managed.

A conflict of interest can be:

- **Actual:** when the conflict currently exists
- **Potential:** when it is reasonably probable that a future conflict will arise
- **Perceived:** when people might reasonably perceive that the conflict exists.

In this policy, references to a ‘conflict of interest’ or ‘conflict’ include actual, potential and perceived conflicts of interest, unless stated otherwise.

What types of interests need to be declared?

You must disclose to your manager any personal interests that may overlap with your official duties, even if that interest has not created an actual conflict of interest at the time of your declaration.

The other interest could be a personal relationship, a role in another organisation, a business interest, or other external activity (including secondary employment). Examples of interests that must be declared include:

- the involvement of a family member, close friend, or someone to whom a professional or legal obligation is owed, in an appointment process;
- a financial interest in a company that may provide goods or services to Te Kawa Mataaho;
- a role with another organisation that may be reviewed, investigated, or otherwise affected by your position with Te Kawa Mataaho.

You must also consider any gifts, hospitality, or other benefit that you may have received from a person or organisation who will or may be perceived to benefit from you in your official capacity. In this case, you should refer to the gifts and hospitality policy (see below) and raise the issue with your manager.

Disclosing a conflict of interest

Every member of staff will be asked to identify any known personal interests that may result in a conflict of interest prior to their appointment or employment at the Commission. Managers should meet with new staff soon after their commencement to discuss conflicts of interest in the context of the role they have within the organisation and team. On an ongoing basis, responsibility for identifying and disclosing conflicts of interest rests with the employee concerned.

If you are not sure whether something constitutes a conflict of interest, you should disclose the interest to your manager. Your manager and/or the legal team will be able to help to work through the issues with you.

If you have an interest that does not meet the threshold of a conflict of interest, it may still be appropriate to have it recorded on the register so that the Commission is aware of that interest.

You should be mindful of changes of circumstances in your life that might create new conflicts that should be declared at the time. If you would like to know what you have declared, or make changes to your declarations of interest, you can contact the People Team or the Legal Team.

Options for managing a conflict of interest

In consultation with you, your manager will need to consider what, if any, measures need to be put in place to manage a conflict that you have declared. The conflict and the process for managing it must be recorded in writing.

There are a number of different ways that conflicts of interest can be managed, including by:

- noting the interest in the register of interests (and taking no further action);
- informing others that are involved in the relevant process or decision-making, so that they are able to take the interest into account or consent to the involvement of the conflicted person;
- removing the conflicted person from working on the particular matter, or parts of that matter (including decision-making if relevant) or reassigning the work to another team member;
- restricting the conflicted person's access to certain information

- engaging an independent third party to oversee all or part of the process and verify its integrity;
- agreeing on limits as to how the conflicted person undertakes their other role (e.g. recusing themselves from third-party decision-making where it affects the Commission);
- the person giving up the private interest that created the conflict.

Secondary employment

Secondary employment can create a conflict of roles, which is a type of conflict of interest. Employees should be able to participate in secondary employment if there is no conflict of interest or where there is a conflict of interest that can be managed, subject to meeting any other obligations.

Before you engage in secondary employment, first seek advice from your manager, and the People Team. If you are already engaging in secondary employment but have not raised it with the People Team and your manager, please immediately do so.

When considering secondary employment, managers should consider:

- whether the secondary employment conflicts with the primary role. This includes the duties owed to each organisation, the powers exercised, the information the employee has access to and whether it is clear to others which role the person is undertaking.
- whether the time commitment required allows the employee to maintain an acceptable level of performance, manage their own safety and the safety of others, and preserve their wellbeing.

Third party conflicts of interest

Conflicts can occur at an agency, not just individual, level, for example where a third-party supplier has a personal interest that might create perception risks for the Commission. This could relate to a procurement, investigation, or appointment process where a third party's interest may create a perception that the Commission's process was not fair or impartial.

If you become aware of the existence of a conflict of interest relating to a third party involved in a Commission process or procedure, you should raise the matter with your manager. If a conflict of interest is identified that relates to a Minister, this should be escalated to the Commissioner.

Further advice and resources

Managers should be prepared to provide advice on the content of this policy as it applies to their teams. The Legal Team is available for advice on specific conflicts of interest as required.

[Standards of Integrity and Conduct](#)

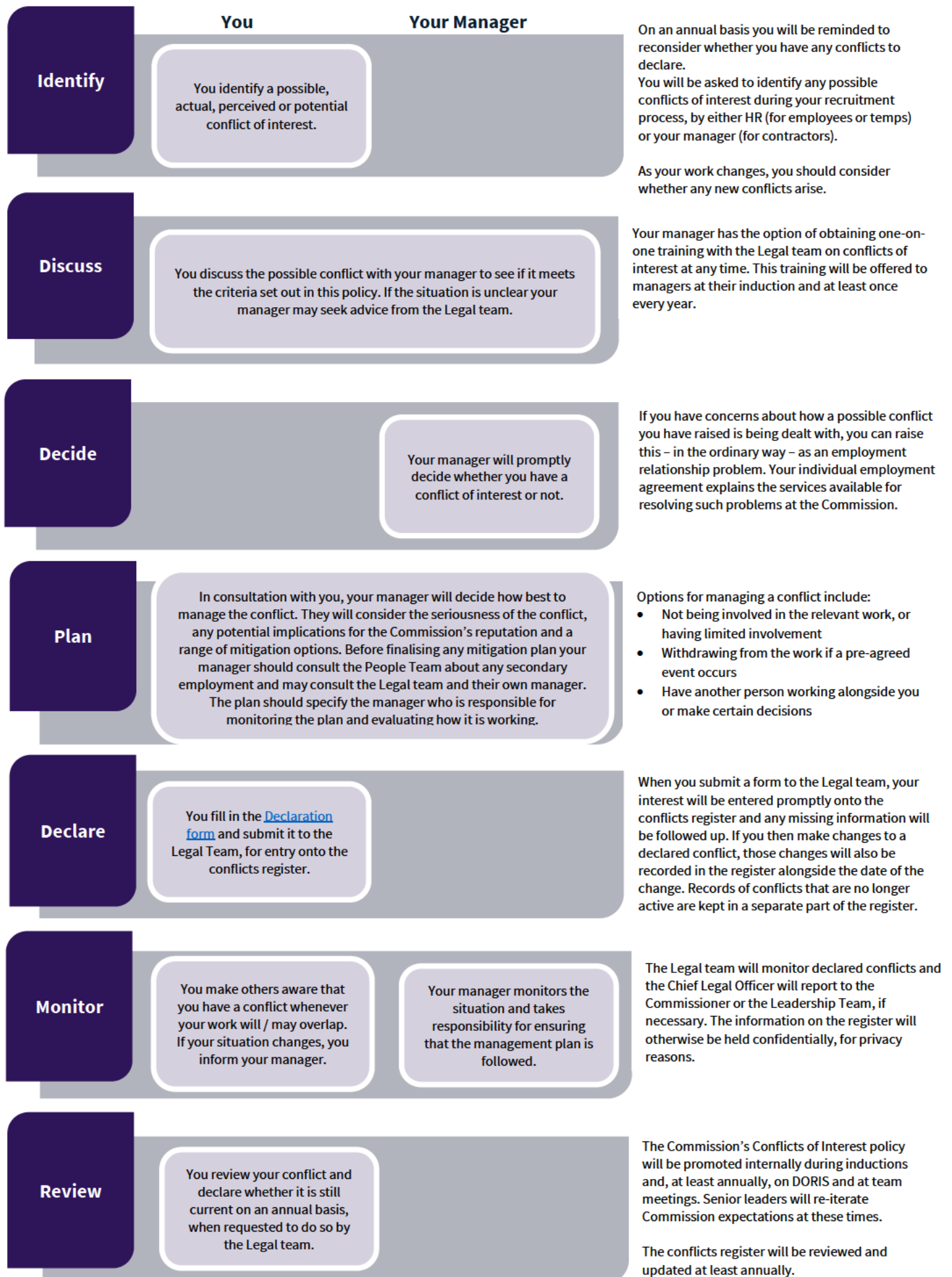
[Managing conflicts of interest: A guide for the public sector](#) (Office of the Controller and Auditor-General, June 2020)

[Public Service Commissioner's Model Standards on Conflicts of Interest](#)

[Taitara: Gifts, donations, koha and hospitality procedures](#)

[Procurement Policy](#)

The Conflict Management Process



Acting in the Spirit of Service

Conflicts of Interest



Te Kawa Mataaho
Public Service Commission



New Zealanders need to have confidence that public servants work to the highest standards of integrity in everything they do. Public servants need to exercise a high standard of judgement around the management of conflicts of interest.

- Peter Hughes, Te Tumu Whakarae Mō Te Kawa Mataaho | Public Service Commissioner

New Zealand is held in high regard for the standards of honesty, openness, transparency and integrity in the Public Service¹, but our reputation depends upon our ability to be impartial in our decision making, and to exercise a high standard of judgement in relation to real and perceived conflicts of interest.

In a small country like New Zealand, conflicts of interest in our working lives are natural and unavoidable. The existence of a conflict of interest does not necessarily mean that someone has done something wrong. But organisations need good policies and processes to deal with conflicts of interest appropriately and staff need to be alert to the possibility of conflicts of interest and notify any conflicts promptly.

These model standards outline the Public Service Commissioner's minimum expectations for staff and organisations in the Public Service to support effective reporting and management of conflicts of interest. The standards should be read alongside other relevant rules and standards including the Crown Entities Act 2004 and the Office of the Auditor-General's [Managing conflicts of interest: A guide for the public sector](#).

All Public Service organisations should ensure that these standards are integrated into policies and processes for managing conflicts of interest within their human resource, employment relations, and operational management systems.

¹ For the purposes of these model standards Public Service refers to the organisations these model standards have been issued to as set out in section 19(1) of the Public Service Act 2020, excluding school boards and Crown entity subsidiaries.



Te korahi o ngā paerewa | Scope of the standards

A conflict of interest means a conflict between a public duty and private, personal and/or other interests. Personal interests can be financial or relate to family, friends or associates. Conflicts of interest may be actual, potential or perceived.

There are three key elements to these standards:

1. **Getting the foundations right from the start:** organisational commitment to leadership, raising awareness, and supporting staff and managers through regular communication and training.
2. **Making sure processes are robust:** ensuring systems are in place for identifying, disclosing, managing, monitoring, and reporting on conflicts of interest.
3. **Supporting staff when issues arise:** ensuring there are channels in place for people to raise concerns about how their declared conflict(s) of interest are being managed or breaches of the conflicts of interest policy.



Getting the foundations right from the start

Organisational commitment, leadership and culture

There is a range of policies and guidance which all public servants, including chief executives, need to be aware of and comply with.

Each agency will have policies to cover such situations.

Model standards:

- Organisations need regular statements from senior leadership of their expectations of people within the organisation to act honestly and ethically, and to disclose conflicts of interest fully and openly.

Appointment and engagement

Organisations need to ensure that people who are applying for a role or contract (including those applying for senior leadership roles, casual or contract staff, secondees, consultants, board members or volunteers) are alert to the possibility of conflicts of interest and disclose these prior to appointment. Organisations may need to take a potential conflict of interest into account when considering an individual's suitability for a role.

Model standards:

- Organisations ensure that candidates are alert to the possibility of conflicts of interest and its expectations that people will act honestly and ethically, and fully and openly disclose actual and potential conflicts of interest and this is formally recorded.
- Organisations have procedures to allow candidates to review and disclose potential conflicts of interest as part of the pre-selection process.
- Expectations relating to conflicts of interest are explicitly referred to and recorded in contractual agreements; individuals are required to sign that they have read and understood the expectations and accept responsibility for identifying and recording their relevant private interests.

Training and awareness

It is important that people have access to good information and training that is regularly reviewed and updated so they are clear about what to do if they think they have a conflict of interest at any stage, and fully understand their responsibility to identify and disclose it.

Policies and procedures for full disclosure are the foundation of good management. It is a continual process as interests and conflicts change over time. Active management by the organisation is also needed to ensure that people regularly review their own interests and fully disclose any conflicts as early as possible.

Model standards:

- There are processes in all organisations for ensuring that existing and potential staff understand and are alert to the possibility of conflicts of interest and the requirement to disclose them.
- Training on recognising and disclosing conflicts of interest is covered in induction for staff and contractors, as well as following any changes to policies or procedures, supported by regular reminders of individuals' ongoing responsibility to identify and disclose.
- Training for managers includes receiving and dealing with disclosures of conflicts of interest, knowing how and when to access professional advice and support, and handling complaints or breaches of the policy.
- There are designated people or teams that staff can talk to when they think they may have a conflict of interest.
- All conflicts of interest disclosed to an organisation are assessed and either avoided or actively managed in a timely way.



Making sure processes are robust

Roles, responsibilities and accountability

Organisations need to have in place effective conflict of interest policies and processes that support robust and timely decision-making and foster public confidence in their integrity, the integrity of officials and public decision-making.

Everyone working in the Public Service has a duty to put the public interest above their personal or private interests when carrying out their official duties.

Appointment and engagement

- Do you require individuals to sign an acknowledgement accepting responsibility for disclosing interests?
- Are candidates required to disclose potential conflicts as part of pre-selection?

Ongoing disclosure

- Do your managers encourage teams to be alert to conflicts of interest?
- Do you have designated people or teams that staff can talk to when they think they may have a conflict of interest?

Managing conflicts

- Is there a central mechanism in place for recording conflicts of interest?
- Is there support in place to assist managers receiving and managing conflict of interest situations?

Raising concerns

- Do you have processes in place where people can raise concerns about the management of their disclosure?
- Can people find information on how to raise a concern, such as the 'Speaking Up' standards?

Senior leaders

Those in senior roles (such as Board members or senior managers) are expected to set an example in identifying and disclosing any interests relevant to their work, given their level of influence on decisions about matters of public significance or value and their higher public profile.

Crown entity Board members must disclose any interests in accordance with the Crown Entities Act 2004. Directors of Crown owned companies must disclose any interests in accordance with the Companies Act 1993. Public Service chief executives must disclose any interests to the Public Service Commission. Crown entity and Crown company chief executives must disclose any interests to the Board chairperson. Senior staff should disclose any interests to their manager or other designated person.

Model standards:

- Internal policies and processes designate clear roles and responsibilities and are readily available for people to access.
- Internal policies provide clear rules that define inappropriate conflicts, such as involvement in the appointment of a family member.
- There is a mechanism for recording private interests that may give rise to a conflict of interest, which is frequently updated and monitored while appropriately protecting privacy.
- The policy makes it clear that the disclosure of a private interest does not in itself resolve a conflict and measures to resolve or manage the conflict must be considered.
- When a conflict of interest is suspected to involve criminal activity, organisations will report the matter to the Police or the Serious Fraud Office.



Partnerships with other stakeholders

When working with other stakeholders, including contractors, consultants and service providers, organisations need to take care to communicate expectations, identify potential conflict of interest areas before the contract starts, and develop and document appropriate responses to manage risks to all parties in a potential conflict situation.

Procurement

Conflicts of interest can particularly arise in procurement. Conflicts must be identified and managed so that public sector procurement is always seen to be fair, ethical and provide value for money. To assist in identification, agencies should discuss with prospective contractors and suppliers any interests that may be relevant. The agency can determine whether those interests give rise to any conflict, which can then be recorded in a formal declaration.

Conflicts can occur at an agency, not just individual, level. It is important to consider contractors' and suppliers' relationships with agency senior leaders and Ministers. If a conflict of interest is identified that relates to a Minister, the matter should be escalated to, and managed by, the agency chief executive in a timely way.

The New Zealand Government Procurement (NZGP) has government template contracts and guidance on identifying and managing conflicts of interest. See also guidance on managing conflicts of interest in procurement from the Office of the Auditor-General.

Secondary employment

Secondary employment can create a conflict of roles, a type of conflict of interest. Employees should be able to participate in secondary employment if there is no conflict of interest or where there is a conflict of interest that can be managed. Employees must be open and honest with employers about secondary employment. Employers should consider:

- Conflicts of interest including whether the secondary employment conflicts with the primary role. This includes the duties owed to each organisation, the powers exercised, the information the employee has access to and whether it is clear to others which role the person is undertaking.
- Whether the time commitment required allows the employee to maintain an acceptable level of performance, manage their own safety and the safety of others, and preserve their wellbeing. This includes considering whether the payment for roles is consistent with the time and effort commitment required.



Policies, processes and channels

The main goal of identifying and managing conflicts of interest is to ensure that all operational decisions are made – and are seen to be made – legitimately, justifiably, independently and fairly.

Integrated management processes and internal controls will support timely and appropriate identification and management of any risk.

Managing conflicts

Processes for managing conflicts of interest need to be robust, understood by people in the organisation, actively managed and fit together as a whole within the organisation's framework of management policies and internal controls. Conflicts of interest need to be well managed so that public trust and confidence in the individual or the organisation is not undermined.

Assessing a situation to identify whether a conflict of interest exists and must be avoided or is able to be managed, involves weighing up the interests of the organisation, the public interest, and the legitimate interests of the individual concerned, as well as other factors such as the position the individual holds and the nature and seriousness of the conflict.

Disclosure of conflicts of interest is a continuous process as interests change and new conflicts may emerge in the course of day-to-day business. An example of this is where it becomes apparent before or at a meeting that an attendee has a conflict of interest with regard to an item on the agenda.

Monitoring and evaluating

Organisations' ability to understand the nature of conflicts of interest in their operational environments relies on their ability to identify particular at-risk areas for potential conflict of interest situations, track and monitor any risks, and learn from them.

Centralised tracking and monitoring requires that managers, supervisors and other designated people to whom conflicts of interest are made are able to log and provide auditable details.

Model standards:

- There are policies and processes in place for disclosing, recording and responding to conflicts of interest. Policies and processes reflect the organisation's particular functions, context and statutory requirements.
- There is a process for managing conflicts of interest which includes what constitutes a conflict, options for managing it (including considering whether or not an individual should continue to be involved with work in the potential area of conflict), who makes decisions, and potential consequences of non-compliance.
- There are clear and documented responsibilities and actions for managers receiving, assessing, managing and monitoring disclosed conflicts of interest.
- There are support mechanisms for assisting managers in reviewing and improving their skills in identifying and avoiding or managing conflicts.
- The arrangements for dealing with conflicts are clearly recorded in formal documents to enable the organisation concerned to demonstrate, if necessary, that a specific conflict has been appropriately identified and managed.
- Decision-making processes at all stages can be audited and justified.

Model standards:

- All conflicts of interest are centrally recorded and organisations have designated people responsible for tracking, monitoring and reporting to senior leadership.
- Conflicts of interest are included in organisation's risk management programmes and reporting, including any internal or external risk and assurance committees.
- There are training and systems in place to enable centralised tracking, monitoring, auditing practices and continuous improvement of policies and processes.
- The conflict of interest register is regularly reviewed, updated and included as part of the organisation's audit programme.
- Monitoring agencies regularly discuss conflicts of interest with Crown entity Board Chairs, including recorded conflicts and applicable policies.

Acting in the Spirit of Service

Conflicts of Interest



Te Kawa Mataaho
Public Service Commission



It is important that there is ongoing monitoring and review of interests that are disclosed. Where there is a management plan in place for a conflict, the plan should specify a manager who is responsible for monitoring the plan and evaluating how it is working.



Raising concerns

It is important that people have a channel to make a complaint about how the organisation is managing their declared conflict(s) of interest.

People must also be able to raise concerns about wrongdoing, including suspected impropriety in relation to disclosure/non-disclosure of interests or the management of declared interests.

The Public Service Commissioner's model standards for organisations to support staff on speaking up in relation to concerns about wrongdoing can be found [here](#).

Model standards:

- Internal policies and processes include mechanisms to allow individuals to raise concerns about how the organisation is managing their declared interest.
- All concerns raised about management of declared interests are assessed, recorded and acted on in a timely way.
- There is appropriate separation of duties and well-defined roles that underpin organisations' processes in relation to concerns raised by individuals.

Useful links

- Office of the Auditor-General's Managing conflicts of interest: A guide for the public sector
- Crown Entities Act 2004 (sections 31 and 62)
- Te Kawa Mataaho's Board Appointment and Induction Guidelines