



6 March 2023

Ref: DOIA 2223-1681

Sonny Lam

fyi-request-21714-de6b4bf2@requests.fyi.org.nz

Tēnā koe Sonny

Thank you for your email of 3 February 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

“Please provide a current Code of Conduct policy applicable to the Immigration Officers; and Disciplinary Procedures, if any.”

We recommend that, in the first instance, anyone who has concerns about the conduct of any individual Immigration New Zealand officer follow the complaints process outlined on Immigration New Zealand’s website, at <https://www.immigration.govt.nz/about-us/contact/complaints>.

MBIE’s Code of Conduct helps us to use sound judgement when making decisions and taking actions. It aligns with employment agreements, employment legislation, MBIE policies and Te Kawa Mataaho Public Service Commission Standards of Integrity and Conduct, which you can read about at: <https://www.publicservice.govt.nz/guidance/integrity-and-conduct/>.

There are no conduct policies specific to Immigration Officers. All MBIE staff, regardless of their role, are expected to be familiar with MBIE’s Code of Conduct and understand their obligations under it. New employees are required to sign a copy when they join. These expectations are further outlined in individual employees’ employment agreements.

The main process and policy for managing issues of staff conduct is MBIE’s **Addressing Conduct and Behaviour Policy** and its associated procedure. This procedure also applies to all MBIE employees, and covers addressing any concerns, allegation or complaint about employee behaviour including, but not limited to, possible cases of misconduct or serious misconduct that may lead to disciplinary action.

However, depending on the nature of any potential conduct issues, other policies may apply, depending on the nature and severity of any hypothetical conduct issue. These are listed in the table below.

Please find attached to this letter unredacted versions of the following documents:

Doc	Title/description
1	<i>MBIE Code of Conduct</i>
2	<i>Te Kawa Mataaho Public Service Commission Standards of Integrity and Conduct</i>
3	<i>Addressing Conduct and Behaviour Policy</i>
4	<i>Addressing Conduct and Behaviour Procedure</i>
5	<i>Addressing Fraud, Corruption and Dishonesty Policy and Procedure</i>
6	<i>Sensitive Expenditure Policy</i>
7	<i>IT Acceptable Use Policy</i>

Thank you again for writing to MBIE. Under section 28(3) of the OIA, you have the right to refer our response to the Ombudsman for review. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Jennifer Nathan', with a large loop at the start and a wavy end.

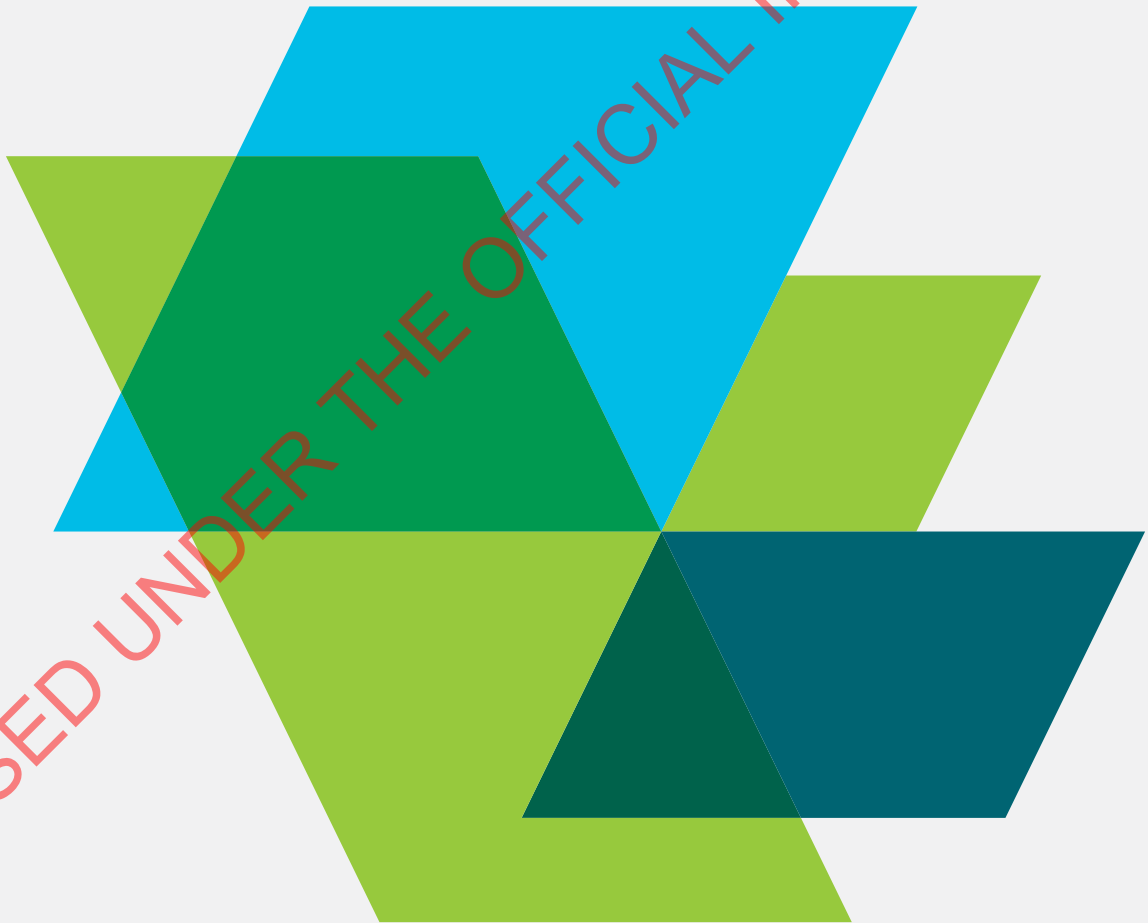
Jennifer Nathan
General Manager, People and Culture
Ngā Pou o te Taumarū

1



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

MBIE Code of Conduct 2015



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RELEASED UNDER THE OFFICIAL INFORMATION ACT

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MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT CODE OF CONDUCT

	BEING FAIR	BEING IMPARTIAL	BEING RESPONSIBLE	BEING TRUSTWORTHY
SHAPE	<p>We strive to make a positive difference to the well-being of New Zealand and all New Zealanders.</p> <p>We work to make our services accessible, efficient and effective for all.</p>	<p>We respect the authority of current and future governments.</p> <p>We accept that our official responsibilities may affect the way we engage in activities outside of work</p>	<p>We strive to improve MBIE’s performance and efficiency.</p> <p>We are mindful that MBIE’s resources are publicly owned and funded, and we will act responsibly in our use and management of them.</p>	<p>We work to the best of our abilities at all times.</p> <p>We ensure our actions and decisions are not affected by our personal interests or relationships.</p>
COLLABORATE	<p>We respect the backgrounds, differences and perspectives of all those with whom we work and serve.</p> <p>We share our knowledge, experience and information to help others to be successful.</p>	<p>We maintain the political neutrality required to enable us to work constructively with current & future governments.</p> <p>We are inclusive, respectful and responsive in our dealings with all people regardless of their position, personal characteristics or situation.</p>	<p>We are professional and objective in our language, actions and interactions.</p> <p>We listen to and provide feedback openly, reconsider the ways ‘we have always done it’, and where appropriate suggest new ways of doing things.</p>	<p>We undertake personal and professional development to improve the performance of ourselves and MBIE.</p> <p>We are open with MBIE, and disclose any commercial activities, financial, employment or personal interests or relationships that might cause an actual, perceived or potential conflict of interest.</p>
DELIVER	<p>We act in the public interest and with a spirit of service to the community.</p>	<p>We carry out MBIE’s functions and provide impartial, robust and comprehensive advice and delivery of service that is unaffected by personal interest, values, beliefs and/or political bias.</p> <p>We act professionally at work and in our dealings with those with whom we work and serve</p>	<p>We act lawfully.</p> <p>We treat information with care, and use and disclose it only for its intended purpose.</p>	<p>We act with fairness, impartiality, courtesy, integrity and honesty in everything we do.</p> <p>We make sure our actions can withstand public, legal and parliamentary scrutiny and will enhance MBIE’s reputation.</p>

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SPECIFIC CODE OF CONDUCT REQUIREMENTS:

Note: The following requirements are not an exhaustive list. Breaches of these requirements may amount to misconduct or serious misconduct depending on the nature and severity of a breach.

Being Fair

We strive to make a positive difference to the well-being of New Zealand and all New Zealanders

- › You will undertake the duties of your position diligently and to a satisfactory standard to help MBIE meet its purpose.

We work to make our services accessible, efficient and effective for all

- › You will not access or use MBIE information and systems for your personal gain, curiosity, or interest or for the unauthorised gain, curiosity, or interest of another person.

We respect the backgrounds, differences and perspectives of all those with whom we work and serve

- › You will refrain from physical, verbal, written or psychological violence or bullying of any kind, racial or sexual harassment and unlawful discrimination.
- › You will value and support the contribution of all colleagues.
- › You will treat our customers and other people you have dealings with in your role with courtesy and respect.

We share our knowledge, experience and information to help others to be successful

- › You will work constructively and positively with your colleagues.

We act in the public interest and with a spirit of service to the community

- › You will share relevant knowledge and information with your colleagues to achieve MBIE's objectives and goals.
- › You will contribute to a healthy and safe workplace.

Being Impartial

We respect the authority of current and future governments

- › You will be politically neutral in all of your dealings in the workplace, irrespective of what your personal views may be.
- › You can be a member of a political party however you will not reveal advice given to the Government and you will abide by your duty of confidentiality to MBIE.

We accept that our official responsibilities may affect the ways we engage in activities outside of work

- › You will not publically criticise or comment in a personal capacity on policies with which you have been professionally involved or associated.
- › You will make it clear to others when you are commenting as a private individual.
- › You may communicate privately with a Minister or MP about matters outside of your role at MBIE, but if you are in a senior position or work closely with Ministers, you should exercise particular care in doing so.

- › If you wish to communicate directly with Ministers and MPs in your personal capacity about matters concerning MBIE you will first raise the matter with the Chief Executive.
- › You will not participate in a political event that advertises your official capacity within MBIE.
- › You will not approach a Minister or MP about an employment relationship problem. The process for addressing such issues is outlined in your employment agreement.

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

- › You will provide full, frank and impartial advice to the Government if required in the course of your duties.
- › You will ensure that your contribution to any public debate or discussion on policy matters maintains the discretion and neutrality appropriate to your position.
- › If approached directly by an MP, you will ensure that any such dealings are addressed and seen to be addressed impartially.

We are inclusive, respectful and responsive in our dealings with all people regardless of their position, personal characteristics or situation

- › You will not unlawfully discriminate against any person.
- › You will work collaboratively with your colleagues and external stakeholders.

We carry out MBIE's functions and provide impartial, robust and comprehensive advice and delivery of service that is unaffected by personal interest, values, beliefs and/or political bias

- › If you are in a position where you are required to give advice to the Government you have a responsibility to provide such advice honestly, impartially and in a full and frank manner, drawing attention to the possible consequences of policies or proposals.

We act professionally at work and in our dealings with those with whom we work and serve

- › If you find that your personal views or beliefs on an issue are in conflict with the Government to an extent that you cannot perform your duties in a politically neutral way, you will immediately raise this with your manager.
- › You will not make a personal attack on any person.
- › You will follow all lawful and reasonable instructions.

Being Responsible

We strive to improve MBIE's performance and efficiency

- › You will familiarise yourself with and adhere to all relevant MBIE policies, procedures and practices.

We are mindful that MBIE's resources are publically owned and funded and we will act responsibly in our use and management of them

- › You will not use MBIE's systems to access, download, store or send any pirated or unlawful software, images, offensive or otherwise inappropriate material.
- › You will not use MBIE's work phones, vehicles, internet or email inappropriately or excessively. This includes your use of social networking sites such as Facebook and Twitter and websites such as Trade me. If you have questions about what is inappropriate or excessive use, please refer to the relevant policy or speak to your manager.
- › You will not possess or access objectionable, offensive or pornographic material at work or while using MBIE's facilities.
- › You will not use MBIE's networks to stream video or audio for personal use.

We are professional and objective in our language, actions and interactions

- › You will not be present at work in an unfit state, for example being under the influence of alcohol, drugs or other intoxicants.
- › You will maintain standards of behaviour, language and dress that are appropriate to the workplace and that uphold a positive image of MBIE.
- › When posting online (for example on Facebook or Twitter) you will not say anything that will bring MBIE into disrepute or compromise your ability to do your job.

We listen to and provide feedback openly, reconsider the ways ‘we have always done it’ and where appropriate suggest new ways of doing things

- › You will act in good faith.
- › You will maintain open communication and share information.

We act lawfully

- › You will obey the law of the country in which you are working.
- › You will disclose past criminal convictions not covered by the Criminal Records (Clean Slate) Act 2004 or any other convictions that you are legally required to disclose.
- › You will disclose new convictions and/or pending criminal charges.
- › You will not unlawfully take abuse or misuse MBIE’s property.

We treat information with care, and use and disclose it only for its intended purpose

- › You will maintain confidentiality in relation to work matters at all times, including after your employment has ended.
- › You will not use MBIE’s assets (which include property, systems, equipment, funds and information) for personal gain or for the personal gain of another person.
- › You will not use MBIE’s systems to access information on individuals or organisations where you have no business reason to access the information (this includes family, friends, acquaintances and people in the public eye).
- › You will not pass on or sell MBIE information or information held by MBIE to a third party, for example to a family member or a collection agency, or share information about a tender process with a company participating in that process.
- › You will not store or use MBIE information on unapproved ICT systems or services such as personal email accounts and cloud web services.

Being Trustworthy

We work to the best of our ability at all times

- › You will carry out your duties efficiently and use your skills and resources to the best of your ability and be present at and available for work as required.
- › You will perform your role in line with the performance and behaviour expectations set by your manager
- › You will not ask for, accept or offer a gift, bribe, benefit, payment or other favour in return for the provision of MBIE’s services, unless specifically permitted to do so by MBIE’s policies.

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

- › You will not access or work on matters for your family, friends or acquaintances, nor provide them with unauthorised advice or assistance.
- › If you feel that a personal relationship means that you cannot be objective in the performance of your duties, you will raise the matter with your manager immediately.

We undertake personal and professional development to improve the performance of ourselves and MBIE

- › You will be active in your own self-development and take opportunities to enhance your performance.
- › You will ensure that you remain up to date with any continuous professional development that may be required for you to perform your role.

We are open with MBIE and disclose any commercial activities, financial, employment, personal interests or relationships that might cause an actual, perceived or potential conflict of interest

- › You must perform your duties honestly and impartially and avoid any personal, financial or professional situations which may compromise (or be seen to compromise) your integrity. For example, giving preferential treatment to an organisation in which you have an interest.
- › You will ensure that your personal views do not impact on your work at MBIE. This includes ensuring that any personal adherence to or work for a particular political or moral cause or movement does not impact your work performance, discredit MBIE or jeopardise its relationship with clients and/or the Minister.
- › You will disclose all conflicts of interest (including potential and perceived conflicts) to your manager. For example, a family involvement in a company tendering for business with MBIE, ownership of a rental property during a dispute with tenants, when a family member appears on your recruitment panel, acting on behalf of others in tribunals or processing the application of a person known or related to you (for example processing an immigration application for a family friend). This can also include conflicts of interest arising from being a member of a club, society or association, having a professional or legal obligation to someone else (such as being a trustee) and owning a beneficial interest in a trust/land.
- › You will declare any secondary employment or contracting/consulting or business ventures that you are involved with.
- › You will advise MBIE if you are made bankrupt or enter into a No Asset Procedure.
- › You will disclose if you hold another public office.
- › You will disclose all gifts you accept over the value of \$50 that are offered in the course of your employment, such as prizes, tickets to sporting events, fees, discounts, upgrades, free travel, products, services, entertainment and hospitality or any other form of benefit, favour, reward or inducement.

We act with fairness, impartiality, courtesy, integrity and honesty in everything we do

- › You will carry out all lawful and reasonable instructions.
- › You will ensure that you don't incur any liabilities without proper authorisation.
- › You will not use your position as an employee of MBIE to obtain information not normally required by you in the course of your employment.
- › You will respect others' privacy.
- › We make sure our actions can withstand public, legal and parliamentary scrutiny and will enhance MBIE's reputation
- › You will not bring MBIE into disrepute. For example by making statements to the media without authorisation, or making public criticism of or comments on (including on social media) MBIE and/or policies with which you have been professionally involved or associated.
- › You will ensure any communications you make, whether internally or externally, are professional and respectful.

WHO THE CODE APPLIES TO

The Code of Conduct applies to (and creates enforceable obligations on the part of) all Ministry of Business, Innovation and Employment employees, including managers, people working on a full time, part time or temporary or casual basis and covers locally engaged employees working offshore. It should be read in conjunction with your employment agreement and MBIE's policies and procedures.

The Code of Conduct also applies to MBIE's consultants and contractors and will form part of those contractual arrangements to the extent specified in the contract between that person/company and MBIE.

BREACHES OF THE CODE

Breaches of the Code of Conduct may, following investigation, result in disciplinary action, up to and including a first formal warning; a final warning or dismissal either with or without notice.

If you have any questions about this Code of Conduct or what might be considered unacceptable behaviour under the Code of Conduct or before you take a course of action that you are not entirely sure complies with the Code of Conduct please discuss these with your manager. If you are aware of behaviour occurring within MBIE that could contravene the Code of Conduct, you must also raise this with your manager or another appropriate person.

As a state servant you are also expected to read, understand and adhere to the State Services Standards of Integrity and Conduct (which you can find at ssc.govt.nz).

PLEASE SIGN AND RETURN THE FOLLOWING PAGE TO YOUR MANAGER.

CODE OF CONDUCT ACKNOWLEDGEMENT

I _____ acknowledge that:
(Print name)

- › I have received a copy of the Code of Conduct;
- › I have read and understood my obligations under the Code of Conduct;
- › I understand that a breach of the Code of Conduct may lead to disciplinary action.

Signed: _____ Date: _____

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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

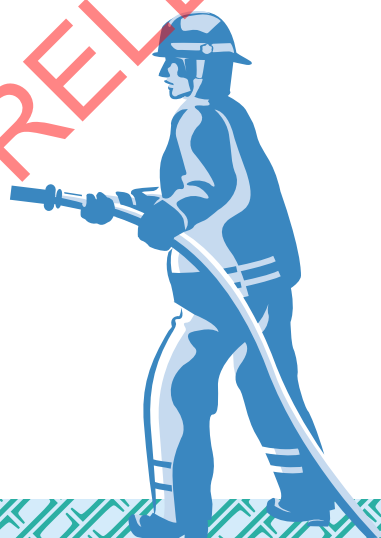
We must:

- 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.





3 Addressing Conduct and Behaviour Policy

This policy is part of a suite of 3 policies to do with conduct which includes the:

- [Addressing Fraud, Corruption and Dishonesty policy](#) which covers allegations of fraud, corruption and dishonesty and
- [Protected Disclosure Policy](#) which deals with serious wrongdoing as defined by the Protected Disclosure Act 2000.

Each policy sets out how conduct issues will be managed.

Purpose

The purpose of this policy and the related procedures are to:

- outline what managers need to do to address conduct or behavioural issues promptly and fairly and
- ensure all employees know what to expect where conduct or behaviour falls short of MBIE's standards as set out in the Code of Conduct.

Scope

This policy and the related procedures (Addressing Conduct and Behaviour Procedure and Addressing Fraud, Corruption and Dishonesty Policy) apply to:

- all MBIE employees (permanent, fixed term or casual) in New Zealand and offshore
- locally engaged staff offshore (although local variations may apply in accordance with local laws and customs)
- people seconded to MBIE from other organisations.

Depending on the nature of the issue, other specific policies may also be relevant and should be referred to. For advice please contact HR.

Escalation Process

The onus is on the relevant Manager within the Business Group concerned to advise their management chain on a no surprises basis. A Deputy Chief Executive may escalate issues to the Chief Executive where the issues have organisational wide implications.

Policy statements

1. Our commitments

- a. MBIE's policies and practices support a high-performing and healthy workplace culture with high standards of integrity and conduct
- b. MBIE will set clear and reasonable expectations of conduct and behaviour for all employees, while giving them the flexibility to deliver on their job requirements
- c. MBIE will address any conduct or behavioural issues as soon as practicable, and make decisions about any corrective or disciplinary action within reasonable timeframes

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Approved by: Chief Executive

Date: 05/01/2015

Policy Owner: General Manager Human Resources

Classification: UNCLASSIFIED



- d. Where any employee breaches MBIE's trust and confidence or does not meet behaviour and conduct expectations, they will be held accountable, and may be subject to disciplinary action.
- e. In undertaking any disciplinary process, MBIE will treat people fairly and aim to prevent the recurrence of the conduct or behaviour that is causing concern.

2. General principles underpinning our approach to conduct and behaviour issues

In order to act in good faith and ensure a fair process, MBIE will consider the circumstances surrounding each case carefully, and the following principles and practices will be applied:

- the safety of employees, contractors, clients and the public is paramount
- the relevant manager will seek advice and support from HR
- the employee will be told about any concerns and allegations, evidence and proposals during the process and will have the opportunity to comment in response
- allegations of misconduct or serious misconduct will be investigated appropriately before any disciplinary action is considered
- the employee will be told about their right to access support, advice or representation where disciplinary action may result
- the employee will be told about any potential disciplinary action(s) that they may face
- the decision-maker will listen to and will carefully consider the employee's comments and all other relevant information with an open mind
- disciplinary action will be approved only by managers with the appropriate level of delegated authority, following consultation with HR
- information about the issue, the associated process, and the outcome will be treated confidentially within the parameters of that process, and will be shared only as is necessary or in accordance with applicable legislation (e.g. the Privacy Act 1993, the Official Information Act 1982).

3. Informal corrective action

Where the conduct or behaviour issue is considered minor enough to be dealt with informally, particularly if it is a first offence, the employee's manager may opt to take an informal, corrective approach. This may include recording future expectations of conduct or behaviour in a file note or letter of expectations.

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4. Misconduct and serious misconduct

- a. concerns or allegations, if substantiated, may lead to formal disciplinary action against an employee, including misconduct or serious misconduct
- b. misconduct or serious misconduct includes (but not exhaustively) behaviour that:
 - breaches or seriously breaches the standards of conduct as described in MBIE's Code of Conduct or the State Services Standards of Integrity and Conduct and/or
 - brings (or could bring) MBIE into disrepute, and/or diminish public trust or confidence in MBIE
- c. some types of behaviour may still amount to misconduct or serious misconduct even where they are not specifically noted in the Code of Conduct or policy documents.

5. Addressing Fraud Corruption and Dishonesty Policy - Internal Assurance Investigations

In some instances (see list below) allegations may be forwarded by any employee to Internal Assurance to investigate because of their nature, and the significant potential risks they pose to the Ministry, its staff, systems, reputation, or integrity. These instances include bribery, corruption, criminal activity, dishonesty (as defined in the Addressing Fraud Corruption and Dishonesty Policy) and undeclared conflicts of interest that could adversely impact on the Ministry, and may include significant or complex issues such as:

- criminal activity
- dishonest behaviour, acting without authority and acting contrary to the interests of MBIE
- fraud
- possession of objectionable, offensive or pornographic material using MBIE equipment or premises and
- unauthorised access, disclosure or use of Ministry information.

Internal Assurance will undertake these investigations as they have the expertise and tools to investigate such allegations. The investigations will be undertaken in accordance with the Addressing Fraud, Corruption and Dishonesty Policy (link to policy).

Where an issue does not meet the threshold for investigation by Internal Assurance, it will be managed by the manager under the requirements of this policy and the Addressing Conduct and Behaviour Procedure. The Internal Assurance team determine the threshold for their involvement in consultation with the relevant manager.

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6. Types of formal disciplinary action

- a. the main types of formal disciplinary action that can be taken against an employee are warnings and dismissal.
- b. the type of warning issued will depend on the nature and gravity of the misconduct, as well as any information provided by the employee, and their employment history with MBIE.
- c. the decision maker, in consultation with HR, will decide whether it is appropriate to issue a warning, or a final warning. The decision maker must ensure they follow MBIE's delegations manual, in particular by ensuring any disciplinary sanction is authorised by a manager with the appropriate delegations.
- d. an employee may be issued with a final warning for a further breach or in the first instance for more serious incidents of misconduct.
- e. dismissal may be considered where earlier warning(s) have been issued, or for serious misconduct
- f. dismissal is usually on notice but summary dismissal giving no notice may be actioned in some cases of serious misconduct. Notice requirements will be specified in the applicable employment agreement
- g. where notice is required, at MBIE's discretion payment can be made in lieu of the employee working through the notice period.
- h. the employee will be given the opportunity to comment on the proposed outcome before a final decision is made. This opportunity to comment can be provided to the employee at a meeting, or requested from the employee in writing.

The decision maker is able to revert to informal corrective action at any time during or following a formal process if they believe this is appropriate based on the information considered.

Related procedures

- [Addressing Conduct and Behaviour Procedure](#)
- [Addressing Fraud, Corruption and Dishonesty Policy](#)

Relevant legislation

- Employment Relations Act 2000
- State Sector Act 1988
- Protected Disclosures Act 2000
- Human Rights Act 1993
- Privacy Act 1993
- Official Information Act 1982

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Other related documents

- [Code of Conduct](#)
- [Standards of Integrity and Conduct \(State Services Code of Conduct\)](#)
- [Delegations](#)
- Relevant employment agreements

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4

Addressing Conduct and Behaviour Procedure

Purpose

This document supports the [Addressing Conduct and Behaviour Policy](#) by describing the steps that managers should follow when considering and addressing concerns about their team members' conduct and behaviour. It is also intended to help employees understand what to expect in the event of an employment investigation and/or disciplinary process.

Scope

This procedure applies to all MBIE employees, and covers addressing any concerns, allegation or complaint about employee behaviour including, but not limited to, possible cases of misconduct or serious misconduct that may lead to disciplinary action.

Allegations of dishonesty, including fraud, corruption and dishonest behaviour may be considered under the Addressing Fraud Corruption and Dishonesty Policy, and should be referred to the Internal Assurance Assessment Team.

Concerns about poor performance are covered by the Addressing Poor Performance Policy and Procedure. Managers who are unclear about whether a concern is a behaviour/conduct issue or a performance issue should talk to HR.

Procedure

Addressing Fraud Corruption and Dishonesty Policy - Internal Assurance Investigations

In some serious instances (see list below), allegations must be forwarded by any employee to Internal Assurance to investigate, because of the nature of the allegations, and the significant potential risks posed to the Ministry, its staff, systems, reputation or integrity. These instances include bribery, corruption, criminal activity, dishonesty (as defined in the Addressing Fraud Corruption and Dishonesty Policy) and undeclared conflicts of interest that could adversely impact on the Ministry and may include significant or complex issues such as:

- criminal activity
- dishonest behaviour, acting without authority and acting contrary to the interests of MBIE
- fraud
- possession of objectionable, offensive or pornographic material using MBIE equipment or premises
- unauthorised access, disclosure or use of Ministry information.

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Other allegations

In all other instances of allegations the procedure set out below will be followed.

In order to act in good faith and ensure a fair process, MBIE will consider the circumstances surrounding each case carefully, and provide the employee(s) involved with a full opportunity to respond to the concerns or allegations and have access to appropriate support, advice or representation.

The following represents a typical process for considering an employee conduct or behaviour allegation, but some variation may be needed to suit the particular situation.

1. When a conduct or behaviour issue first arises

- a) When a manager becomes aware of a concern, complaint or allegation of potentially inappropriate behaviour or conduct by an employee, they should consider the following context and talk to HR:
 - whether the conduct or behaviour issue is minor enough for an informal coaching approach to be taken
 - if there is sufficient information to decide whether to proceed with any further steps
 - where there are appropriate first steps to be taken, such as making brief enquiries to clarify the basis for the allegations (if this is needed)
 - whether the information about the behaviour or conduct issues is such that there is already a sound basis for commencing an employment investigation
 - whether the alleged behaviour would (if substantiated) amount to misconduct or serious misconduct
 - the potential outcomes that may be considered if (after investigation) it is established that the alleged behaviour has occurred
 - who the decision-maker should be (including delegation levels) and
 - whether suspension should be considered.
- b) Having considered the above context, the manager may need to first establish some key facts to ensure that there is sufficient information to proceed. This is to ensure that the issue is not simply a misunderstanding or something that can be resolved informally. This may include checking relevant records or documentation or having an informal discussion with the employee (if appropriate).
- c) If it becomes apparent during any initial discussion with an employee that there is a case to answer or that a more formal process needs to occur, the manager will need to bring the discussion to an end and set up a separate specific meeting with the

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employee to formally put the matter to them for a response. This allows for a fair process and ensures that the employee has time to access support, advice or representation.

2. Notifying the employee and seeking an initial response

- a) If the manager believes there is sufficient information to begin a formal process, they should contact HR and their manager, and then write to the employee to:
- set out the nature of the allegation, concern or complaint
 - explain why this issue is of concern
 - include the relevant information currently available
 - refer to the relevant parts of the Code of Conduct or policy or Act that may have been breached
 - explain the nature of any investigation and when that will commence
 - advise the employee of the possible consequences (disciplinary outcomes) that they may face, particularly where this might include dismissal, and
 - inform the employee if suspension is being considered, and advise that they first have an opportunity to comment on whether suspension is necessary and
 - advise the employee that he/she is entitled to seek representation or advice.
- b) The manager may wish to invite the employee to provide a response at this stage, or they may prefer to commence an investigation, with or without an initial response being sought from the employee, depending on the nature of the concerns and evidence supporting them. A response from the employee could be provided either by the manager offering to meet with the employee (in which case a time and place can be suggested in the letter), or by the employee being asked to respond in writing within a specific timeframe. The employee should be advised that they are entitled to bring a support person to any meeting.

3. Suspension

- a) In serious cases, suspending the employee may be the *first* step in the investigation process, or may occur in the course of the process, as matters become clearer. Advice from HR must always be sought before suspending an employee.
- b) Suspending an employee may be considered where the alleged conduct or behaviour (if established) could amount to serious misconduct and where:
- the nature of the issue is such that there is a risk to MBIE (e.g. reputation or credibility) should the employee continue to work while an investigation is underway

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- there is a need to separate employees, or a potential safety risk to other employees, clients, or the employee involved
 - it is not appropriate for some reason for the employee to continue to perform their duties or remain in the workplace and/or
 - the employee's presence at work could compromise the integrity of the investigation.
- c) Suspension is usually for the duration of the process, ending when the outcome has been determined. An employee who is suspended usually remains on pay.
- d) The key steps in a suspension process are:
- the manager obtains advice from HR and ensures that a manager with delegated authority to suspend is directly involved
 - the decision maker advises the employee that suspension is being considered and why
 - the employee is advised that they have the opportunity to comment on whether or not suspension is appropriate and that they can seek advice, support or representation
 - a meeting is arranged as soon as possible between the employee (and their support person, if any), and the manager/decision-maker, to discuss the suspension proposal and any possible alternatives (such as placing specific conditions on the employee during the investigation)
 - the employee's response is considered by the decision-maker and
 - a decision is made whether or not to suspend the employee and is followed up in writing.
- e) When initially proposing suspension, the manager can place the employee on a short period of paid special leave (e.g. for around 24 hours) by agreement. This gives the employee an opportunity to access support or representation before responding to the suspension proposal. It may also be useful where a 'cooling off' period is needed, or in cases where the manager is concerned about the employee remaining at work in the meantime.
- f) If a decision is made to suspend the employee, he/she will be asked to hand over all work-related property and access cards and remain away from work for the duration of the suspension. If the employee has remote access to IT systems, this may need to be disabled while they are suspended.
- g) Any decision to suspend needs to be followed up in writing, including the potential timeframe of the suspension.

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- h) If the decision is made not to suspend the employee, the decision-maker may specify certain conditions to be met while the employee remains in the workplace during the investigation.

4. Investigation

- a) The manager will need to decide whether an investigation into the alleged conduct or behaviour is needed. This can be determined with reference to the information already to hand and any initial response that has been provided by the employee.
- b) An investigation into the issue normally takes place after the employee is notified. However, sometimes some inquiries need to be made before the employee is notified, such as where the employee(s) involved have not been identified, or where the information received is highly sensitive. Further investigations may also be needed after the manager hears the employee's initial response.
- c) A separate investigator may be assigned to investigate the allegation, or the decision maker may make reasonable investigations themselves, as appropriate to the nature and complexity of the allegation. A separate investigator could be the employee's manager, another manager, or someone else with the necessary skills and experience to investigate the particular issue. An investigation will involve the available and relevant information being gathered, tested and considered.
- d) The scope of an investigation varies according to the nature and complexity of the situation but it typically involves:
- interviewing the complainant (if any) and/or relevant witnesses
 - reviewing any relevant documentation or other evidence
 - providing all material and interview notes to the employee for him/her to review
 - interviewing the employee concerned or giving them an opportunity to respond to the material gathered and interview notes taken to date and
 - re-interviewing individuals where new information emerges, or conflicts in the evidence need to be further explored.
- e) Once the investigation is complete, a report or a letter will be prepared that summarises the information gathered and sets out the findings of the investigation.
- f) The decision-maker then gives the investigation report/letter to the employee and seeks any submissions from the employee in response to those findings, noting any potential disciplinary outcomes that might result. This is so the employee is fairly informed of potential consequences at this point, ahead of making any submissions to the decision-maker. This letter should invite the employee to attend a meeting with the decision-maker (see step 5 below).

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- g) If the investigation suggests possible criminal activity, the Internal Investigator, Internal Assurance will seek advice on whether, and if so when, the matter should be referred to the Police. MBIE will usually complete its own employment investigation in the first instance.
- h) As noted above, suspension of the employee may also need to be considered once the investigation findings are made, as well as before the investigation begins.

5. Meeting between the decision-maker and the employee

- a) Once an investigation is concluded, or at the outset of the process if a separate investigation is not considered necessary, it is important for the decision-maker to review all of the material to hand and to meet with the employee in order to give them an opportunity to respond directly before any decisions are made.

Alternatively, if it is not practical to arrange a meeting, or if the employee declines to attend, the employee should be given a timeframe in which to consider the material that has been gathered and to provide a written response.

- b) The employee may bring a support person or representative to any meeting, including this one. The decision-maker can also have an Advisor with them, such as an HR Advisor, or another manager or Advisor.

6. Making the next decisions

- a) Once the decision-maker has all the relevant information to hand, including the employee's response, they will consider whether or not the employee has committed misconduct or serious misconduct.
- b) If the decision-maker decides that misconduct or serious misconduct has occurred, the next step is to decide what action to take, if any, in response to this decision.
- c) When determining the type of disciplinary action that is appropriate as a response to misconduct or serious misconduct, any mitigating factors should be considered, such as the employee's record of service and conduct or any personal factors that might be relevant. In order to obtain this information, it can be helpful at this point to advise the employee of the proposed disciplinary sanction and seek any responses to that proposal.
- d) Where dismissal or any disciplinary sanction is proposed the employee will be given the opportunity to comment on that proposal before a final decision is made. The aim of any disciplinary action is to prevent a recurrence of the inappropriate behaviour or misconduct, noting that:
 - if the misconduct is so serious that it amounts to serious misconduct dismissal without notice is a valid option

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- for other types of misconduct, a warning or final warning may be appropriate
any previous warning in place will also be taken into account, and if the staff member is already on a warning, dismissal on notice may be a valid option following a further incident of misconduct.

7. Delivering the decision

The decision on the disciplinary outcome will be delivered to the employee, where practicable, in person by the decision maker and followed up in a written letter to the employee.

8. Warnings for misconduct

- a) A warning should outline the conduct of an issue and clearly advise the employee that any further conduct or behaviour issues that occur could lead to further and more serious disciplinary action.
- b) Warnings are confirmed in writing (in a letter) by the decision-maker and will generally include:
 - a summary of the issue and why it is of concern
 - reference to the Code of Conduct or policy breach
 - reference to any previous warning in place
 - a summary of the employee's response and the decision-maker's view of this response
 - the conduct or behaviour required of the employee (including the behaviour the manager does not want to see) in the future
 - a statement that this is a letter of warning and what kind of warning it is (e.g. a written warning / a final warning)
 - advice that any further conduct or behaviour issues may put the employee's employment in jeopardy and will likely result in further disciplinary action (such as a final warning or dismissal, as appropriate)
 - a note that the employee may wish to seek support through the Employee Assistance Programme.
- c) The decision-maker should also decide upon an appropriate expiry date for any warning, and include this in the letter.

9. Dismissal

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- a) Any decision to dismiss an employee must be authorised by a manager with the delegated authority to do so. The manager should check MBIE's HR Delegations and consult with the General Manager, People and Capability.
- b) Notice is paid according to the terms of the employment agreement. This would usually provide for notice in the case of any dismissal that follows a warning process. Payment can be made in lieu of notice. In cases of serious misconduct, notice is not required and any leave entitlements are paid as soon as practicable. Payroll will provide the employee with separate details of the final pay.
- c) The manager is responsible for ensuring that the employee leaves the workplace (if they are not already suspended) and returns any work-related property including access cards. The manager should also liaise with IT to ensure any remote access to computer systems is disabled immediately.
- d) In consultation with HR, the manager may then advise other managers and employees of the decision as appropriate.

10. Keeping records

- a) The outcome of any disciplinary process as it applies to an employee is kept on the employee's personal file, along with any correspondence during the process.
- b) Records of the investigation, including interview notes, are retained on a confidential file held securely by the HR Team.

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Related documents

- [Code of Conduct](#)
- The relevant employment agreement
- [Addressing Poor Performance Policy](#)
- Dispute and Grievance Resolution Policy
- [Delegations](#)
- [Addressing Fraud, Corruption and Dishonesty Policy](#)

Help

If you have questions about these procedures, talk to your manager in the first instance. Managers should seek advice from HR.

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Addressing Fraud, Corruption and Dishonesty Policy & Procedure

This policy is part of a suite of 3 policies to do with conduct which includes the:

- [Addressing Conduct and Behaviour policy](#), the overarching umbrella policy for managing conduct and behavioural issues of all staff, and
- [Protected Disclosure policy](#), which deals with serious wrongdoing as defined by the Protected Disclosure Act 2000.

Each policy sets out how conduct issues will be managed.

Purpose

The Addressing Fraud, Corruption and Dishonesty Policy applies to the prevention, detection, investigation, and resolution of dishonesty, including fraud, corruption and dishonest behaviour by staff as defined.

For ease of use the terms fraud, corruption and dishonesty will be included under the single term 'dishonest[y]' in this policy.

The Policy provides for investigation of all allegations and incidents, and where sufficient evidence of dishonesty exists, the pursuit of such allegations to their conclusion, including as appropriate disciplinary procedures, referral to the police, prosecution and the recovery of assets.

Fraud, corruption and other dishonest behaviour will not be tolerated. Where staff are found to have acted in a dishonest way, this will be treated as misconduct or serious misconduct for the purposes of the Ministry's Addressing Conduct and Behaviour Policy.

Scope

This policy applies to all staff (including current and former employees, contractors, consultants, secondees, interns and volunteers).

Escalation process

The onus is on the relevant Manager of the Business Group concerned to advise their management chain on a no surprises basis. A Deputy Chief Executive may escalate issues to the Chief Executive where the issues have organisational-wide implications.

Policy statements

The Ministry of Business Innovation and Employment's (the Ministry) [Code of Conduct](#) sets out standards of behaviour expected of all employees and secondees (onshore and offshore), and also to Ministry's engaged contractors, consultants, vendors and/or other parties with a business relationship with the Ministry. These standards reflect the fundamental

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requirements of courtesy, professionalism and integrity to ensure that all staff provide high quality services and policy advice to the Government, the public and our clients.

In most instances allegations must be forwarded to the Integrity Team to investigate because of their very nature and the significant potential risks they pose to the Ministry – its staff and systems – , in the way of bribery, corruption, criminal activity, conspiracy, declared or undeclared interests, dishonesty, theft, etc., that could adversely impact on the Ministry’s reputation and integrity.

The Integrity Team is resourced with expert knowledge, skills and tools to investigate allegations of criminal behaviour onshore and offshore.

Principles

- **Transparency** – All staff are advised what constitutes unacceptable behaviour and the processes that will be used to address it. This is covered at induction for all staff and awareness training for managers on their investigative responsibilities and in recognising “red flags” that may indicate incidents of dishonesty.
- **Broad application** – Managers and staff must report allegations or suspected incidents of dishonesty and cases will be investigated without regard to the suspected staff member’s length of service, position/title, or relationship to the Ministry. Former staff may also report suspected dishonesty.
- **Responsibility** – It is the responsibility of all staff to report allegations or suspected incidents of dishonesty immediately in accordance with step one of the guidelines outlined in this policy.
- **Fairness** – Principles of fairness and natural justice, statutory obligations under the Employment Relations Act 2000, statutory obligations of the Ministry, Code of Conduct and due HR and Legal policies and processes (e.g. performance management, disciplinary and dismissal, etc.) apply when dealing with dishonesty allegations.
- **Privacy** – All reports of dishonesty and all investigations are dealt with appropriately in terms of the Privacy Act.
- **Authority to investigate** – Those authorised to investigate allegations or incidents of dishonesty will have access as necessary to all Ministry assets, information repositories and facilities, and may undertake surveillance to establish the truth or otherwise of allegations made.
- **Timeliness** – Allegations or incidents of dishonesty are reported as soon as possible and priority attention will be given to the investigation of them.
- **Security** – the needs of the complainant and the staff against whom the allegation has been made for protection, security and support will be addressed.
- **Risk Management** – Regular reviews will be undertaken of transactions, activities or locations that may be susceptible to fraud, corruption and dishonesty.

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- **Communication** – Lessons learned from the outcomes of dishonesty investigations will be communicated to staff.
- **Continuous Improvement** – Lessons learned will be built into ongoing training, and improvements made to integrity controls, processes and systems should an investigation confirm any gaps or weaknesses.

Definition of terms

Fraud is defined as: Deliberate action intended to gain improper advantage for the staff member.

Examples of fraud (this list is not exhaustive) include:

- Falsely altering any application or document or systems
- Forging a document
- Issuing a genuine document improperly.

Corruption is defined as: Dishonest activity in which a staff member abuses/misuses his or her position of power, authority or trust, in order to achieve some personal gain or advantage for him or herself or for another person or entity.

Examples of corruption (this list is not exhaustive) include:

- Asking for or accepting or offering a gift, bribe or benefit or payment or other favours in return for the provision of Ministry's services. (Note accepting a gift may be appropriate in some circumstances but all gifts must be disclosed in an MBIE Gift Register)
- Selling customer or other Ministry information
- Improper accessing, processing or action of any document, application or systems with the desire/intent to deceive or gain personally, or on someone else's behalf or for someone else's gain
- Deciding not to take some action, such as to investigate or highlight some corrupt activity by a customer or staff member, when that inaction improperly benefits them, you, or some other person (e.g. willfully ignoring an unlawful act because the customer promises you a discount on purchases).

Dishonesty is defined as: dishonest behavior, deceit, or acting without authority in their role and acting contrary to the interests of MBIE, and includes fraud and corruption as defined above.

Examples of dishonesty (this list is not exhaustive) include:

- Criminal activity, e.g. theft of Ministry's assets (property, systems, equipment, funds, information). (Note: theft of kitchen, bathroom or stationery supplies should be referred to your manager and your local Facilities Team).
- Use of Ministry's assets (property, systems, equipment, funds, information) for personal gain, or for another person's gain, where you or that person are not entitled to expect

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such use. (Note: limited use of Ministry's assets is allowable in some cases – refer to the [Code of Conduct](#)).

- Possession of objectionable, offensive or pornographic material at work using MBIE facilities or premises.

Procedure

It is critical that the steps below are followed:

Step 1 Reporting allegations or suspected incidents of dishonesty

Report it and take no other action – If you see or become aware of any possible alleged or suspected incidents of dishonesty occurring within the Ministry as described above (whether it be by a fellow team member, a manager, or a contractor) you must raise it with the Ministry in person or in writing in one of the following ways:

- a) Inform the Integrity Team using the [Alleged Fraud Corruption and Dishonesty event reporting form](#) and emailing it to integrity@mbie.govt.nz.
- b) Anonymously through the Ministry's Integrity Line (call 0800 463 676 within NZ, or call 0064 212 3025 from overseas).
- c) Inform your manager.
- d) Inform your manager's manager or someone higher up in the organisation.
- e) Inform the Deputy Chief Executive Corporate, Governance and Information.
- f) Where you think it is not appropriate to tell any of these people, tell the Chief Executive (CE) in person or in writing.
- g) Where you are unsure about whether or how to raise the matter, talk to a professional adviser such as your union or your lawyer.

Members of the public can also report alleged dishonesty by Ministry staff directly through to the Ministry's Integrity Line.

Step 2 Receipt of allegations of dishonesty

Refer it and take no other action – The person who receives information of alleged or suspected incidents of dishonesty must notify the Integrity Team of the information as soon as possible, and in the case of receiving oral information, ensure any oral discussion has been recorded in writing. They must also advise the complainant in writing that they have reported the matter to the Integrity Team.

The Integrity Team on receipt of the notification will assess the immediate internal and external risks and notify the Chairperson of the Assessment Team of the alleged dishonesty and will convene an Assessment Team meeting.

The Assessment Team members consists of the Integrity Team; a senior Human Resources (HR) representative from People and Capability; a senior representative from Legal Services; the line manager and one-up manager if the staff member is identified, and Business Manager for that business group.

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Investigating Dishonesty

Step 3 Decide whether an investigation is warranted

The Assessment Team will consider all allegations or suspected incidents of dishonesty to establish if they meet the dishonesty threshold to be investigated by the Assessment Team in accordance with this policy. Any decision by the Assessment Team not to proceed will be formally documented along with the rationale.

If the Assessment Team decides the allegations do not meet the dishonesty threshold to be investigated by the Assessment Team, the matter will be referred back to the staff member's manager under the Addressing Conduct and Behaviour Policy.

Step 4 Investigating the Allegations

The Assessment Team will, on behalf of the Business Group concerned, direct the conduct of the ongoing investigation, monitor progress, and provide a quality assurance and supervisory role of the investigation until it is completed.

In determining who should conduct the investigation, the Assessment Team will consider the need for independence or perceived need for independence, any possible conflict of interest (although being in the same Business Group is not in itself a conflict of interest), availability to complete the investigation in a timely manner and capability and seniority in order to generate a credible and robust finding.

The person assigned to do the investigation (referred to as the investigator) may interview a number of people ranging from the complainant, witnesses and suspected staff member. The timing of when the interviews are conducted will be determined on a case by case basis.

Before interviewing the suspected staff member, except to the extent that it would compromise an effective interview or an effective investigation, the investigator will provide the suspected staff member with an overview in writing in advance of the areas that they are to be questioned about and the right to support and the possible disciplinary consequence if the allegation is found to have substance.

At the interview the investigator will advise the suspected staff member of the details of the allegation, the procedure they intend to follow, and seek the staff member's comments about the allegation.

The investigator will also keep the Assessment Team and the complainant, regularly informed about the progress of the investigation.

The investigator will have access to Ministry premises and the authority to examine, copy, photograph, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises. The investigator does not need to advise or obtain the consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.

Searches and surveillance may be undertaken where necessary to prove or disprove the allegations made. These will be conducted with due regard to the law, privacy and procedural fairness. Such searches or surveillance could include (and are not limited to) monitoring of

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computer use, emails, phone calls and texts or covert surveillance (e.g. cameras). If a case is not proven by the surveillance all surveillance material will be destroyed.

The decision to use covert surveillance must be first discussed with Legal Services and formally authorised at Deputy Chief Executive level with notification to the Chief Executive.

Step 5 Concluding an Investigation

The investigator will assess all relevant information and evidence gathered and will prepare a report outlining what the investigation has found which will be provided to the Assessment Team for closure.

The Assessment Team in conjunction with the manager will decide whether any further action is required depending on what the investigation has found.

Depending on the outcome of the investigation, the Ministry may:

- Take no further action;
- Instigate the Ministry's Addressing Conduct and Behaviour Policy and Procedures;
- Forward the information to the Police for criminal investigation;
- Make changes to processes, practices, systems, controls or policies as deemed appropriate.

The staff member will be advised in writing of the outcome of the investigation.

The complainant will also be advised in writing of the investigation.

Relevant legislation

- Employment Relations Act 2000
- State Sector Act 1988
- Protected Disclosures Act 2000
- Human Rights Act 1993
- Privacy Act 1993
- Official Information Act 1982

Other related documents

- [Event Reporting Form](#)
- [Code of Conduct](#)
- [Standards of Integrity and Conduct](#) (State Services Code of Conduct)
- [Conflict of Interest Policy and Procedure](#)
- [MBIE Addressing Conduct and Behaviour Policy](#) and [Procedure](#)
- [Sensitive Expenditure Policy](#)

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- [Relevant employment agreements](#)

Key accountabilities and responsibilities

Staff

All staff are expected to make themselves aware of and comply with this policy. In addition all staff are expected to:

- Report allegations or suspected incidents of dishonesty immediately.
- Alert their manager where they believe the opportunity for dishonest behaviour exists because of poor procedures or lack of effective controls.
- Provide full assistance in any investigation by providing all relevant information and co-operating in interviews.

Managers

Managers in the Ministry are also expected to:

- Deal with any dishonesty allegations in accordance with the Ministry's policy and procedures.
- Reinforce integrity behaviour within their branch/team.
- Ensure that staff members are aware of the Ministry's policies, control and assurance systems and also their particular roles and responsibilities.
- Be accountable for implementing the approved outcome(s) of any dishonesty investigation.
- Undertake improvements to remedy weaknesses in internal controls and processes or otherwise mitigate unacceptable risks exposed in the course of the investigation.

Senior Managers

Senior Managers are also expected to:

- Ensure that appropriate policies and guidelines are in place and that they are communicated across the Ministry.
- Support the processes and guidelines outlined in this policy.
- Ensure investigations into dishonesty are robust and credible and comply with this policy.

Help

If you have questions about this policy, talk to the Integrity Team within Enterprise Risk and Assurance (integrity@mbie.govt.nz).

Measures

The measures of success of this policy are:

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**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**

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- Allegations or suspected incidents of dishonesty are resolved to final outcome.
- Risks associated with fraud prevention are successfully managed.
- Effective changes are made to business practices as a result of lessons learned.

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Sensitive Expenditure Policy

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Policy Author: General Manager Financial Control

Next Review: 09/08/2021

Policy Owner: Chief Financial Officer

1.0 PURPOSE

The purpose of this policy is to outline how the Ministry of Business, Innovation and Employment (the Ministry) manages sensitive expenditure and to provide context on what is considered to be reasonable expenditure of public funds.

The policy is designed to provide staff with guidance on financial prudence and provide support for expenditure incurred, within the policy guidance, when expenditure may be subjected to audit, parliamentary or public scrutiny.

2.0 SCOPE

This policy applies to all staff, secondees and contractors, employed or engaged on any basis by the Ministry, whether they are casual, temporary or permanent, whether full time or part time and whether they are located in New Zealand or in any other country.

The Policy does not apply to any payments made through any payroll related to the Ministry.

Where sensitive expenditure is covered by an individual's employment agreement (including Offshore Assignments), that agreement will override this policy.

3.0 CONTACT FOR HELP

Please contact the Compliance Specialist or the Finance Lead Control in the Financial Accounting and Control team, Finance and Performance for more information.

4.0 DEFINITION OF TERMS

Term	Definition
Currency	Unless otherwise stated, any reference to currency in this policy is denominated in New Zealand dollars.
Sensitive expenditure	Is expenditure that could be perceived as providing a private benefit to an individual staff member, considered unusual or controversial upon audit, parliamentary or public scrutiny, or does not fall within normal scope of Ministry business.

5.0 POLICY STATEMENTS

5.1 Sensitive Expenditure Principles

The spending of public money requires a high degree of transparency and financial prudence taking into account public expectations and perceptions of appropriateness, efficiency and thrift.

Sensitive expenditure decisions must:

- demonstrate integrity, honesty and sound judgement,
- be able to withstand audit, parliamentary and public scrutiny,
- have a business purpose and therefore any private benefit gained must be incidental to this business purpose,

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- be consistent with the Ministry's purpose, operating model and character,
- be able to demonstrate and uphold impartiality,
- be transparent,
- be reasonable, having regard to the circumstances,
- be appropriate in all respects.

5.2 Approval and documentation

Sensitive expenditure, regardless of how it is procured, must only be approved if:

- it complies with this policy,
- it is appropriately authorised in accordance with the Financial Delegations Policy and the 'one-up' principle is applied in relation to any payment in respect of the approver, *(i.e. you cannot authorise a payment in respect to yourself, therefore your manager or their manager must approve any expenditure related to you, within their financial delegation),*
- it is within budget,
- it is appropriately documented and complies with all the requirements of the Procurement Policy and Procedures,
- a description of the business purpose for incurring the expenditure is provided, if this is not clearly identifiable as part of the third party documentation,
- the identification of the recipient(s) of the expenditure is provided, if this is not clearly identifiable as part of the third party documentation,

In exceptional circumstances the Chief Executive or Deputy Chief Executive may grant approval for exceptions to this policy.

5.3 Travel expenditure

The requirements that must be adhered to in relation to travel expenditure, are set out in the [Travel Policy](#).

The Sensitive Expenditure Guidance - Quick Reference table in Appendix One indicates the level of reasonable expenditure which may be funded by the Ministry for meals while travelling.

5.4 Entertainment, hospitality, gifts and koha (non-staff)

This section sets out the expectations and responsibilities relating to:

1. Providing hospitality and entertainment
2. Purchasing and consumption of alcohol
3. Giving gifts
4. Giving koha

5.4.1 Providing hospitality and entertainment

Hospitality and entertainment may be provided to external individuals or organisations for the following business purposes:

- external stakeholder engagement,
- building relationships,

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- representing the Ministry,
- reciprocating hospitality where this has a clear business purpose and is reasonable within the circumstances,
- where there is a cultural expectation or official obligation to do so.

The Sensitive Expenditure Guidance - Quick Reference table in Appendix One indicates the level of reasonable expenditure which may be funded by the Ministry for hospitality and entertainment.

5.4.2 Purchasing and consumption of alcohol

The Ministry does not purchase alcohol, except in exceptional circumstances, which must directly support the Ministry's goals and purposes, or on occasions where the consumption of alcohol would be considered appropriate for the circumstances, subject to public scrutiny.

The Ministry may provide alcohol in the following circumstances:

- an event for external stakeholders, building relationships or representing the Ministry, where alcohol would customarily be served,
- a significant occasion such as a launch event, opening ceremony or as a gift to a guest speaker.

The purchase of alcohol must be pre-approved by a Deputy Chief Executive or the Chief Executive.

5.4.3 Giving gifts

As a general rule, gifts should not be given to external individuals or organisations. However, the Ministry may provide gifts where there is a business custom or cultural expectation to do so which aligns with a business purpose. In such instances gifts:

- must not imply any obligation or expectation of favour in return or be intended to alter an organisation's or individual's decision making,
- should be reasonable, modest and appropriate to the circumstances having regard for public scrutiny.

For gifts received please refer to the Conflicts of Interest Policy and Procedures and the Conflict of Interest Register.

5.4.4 Giving koha

Koha is a New Zealand Māori custom which can be translated as a gift, donation or contribution and is most often given by visitors being hosted on a marae, but could also be given to other Māori groups, entities or individuals. Traditionally *Koha* took the form of food, gifts, song and personal possessions of significant value (Pounamu for example). In modern times it normally takes the form of money. *Koha* is a normal business expense subject to the guidelines for sensitive expenditure.

In the case of business conducted on behalf of the Ministry where *koha* is required to present to a Marae, it is appropriate to present *koha* to marae in cheque form on behalf of the Ministry. Where this is not possible, you should seek advice from the Māori Economic Development Unit, in the Strategic Policy and Programmes group, and the General Manager of Financial Control. Cheques for *koha*, as for cheques generally, should be requested from Finance five working days in advance.

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Any Ministry koha should:

- support the Ministry's business,
- be consistent with the Ministry's purpose, operating model and character,
- be consistent with custom, given the size and mana of the Ministry's attendance,
- align with the principles for sensitive expenditure,
- be accompanied by adequate supporting documentation and approval within financial delegation.

5.5 Staff support and welfare expenditure (including staff functions)

This section applies to Ministry staff only (those that are paid through the Ministry payroll and therefore does not apply to contractors) and sets out the expectations and responsibilities in relation to:

- 5.5.1 Staff gifts and rewards
- 5.5.2 Staff farewells and retirements and other celebrations
- 5.5.3 End of year staff functions
- 5.5.4 Staff sponsorship and staff social clubs
- 5.5.5 Care of dependents

5.5.1 Staff gifts and rewards

Gifts and rewards may be:

- gifts given as recognition for long service,
- gifts given to a staff member leaving the Ministry,
- a bouquet of flowers or gift, given to a staff member to acknowledge a significant life event such as the birth of a baby, marriage, a bereavement or serious illness,
- given to acknowledge performance.

Such staff support and acknowledgement need not be declared in the Conflict of Interest Register, but should be reasonable and appropriate for the circumstances.

The Sensitive Expenditure Guidance - Quick Reference table in Appendix One indicates the level of reasonable expenditure which may be funded by the Ministry for staff gifts.

5.5.2 Staff farewell, retirements and other celebrations

Hospitality and entertainment may be provided to staff:

- as recognition for long service,
- at a staff farewell,
- to acknowledge performance,
- to recognise a significant business achievement,
- to support internal organisational development.

The Ministry does not fund alcohol for staff functions.

The Sensitive Expenditure Guidance - Quick Reference table in Appendix One indicates the level of reasonable expenditure which may be funded by the Ministry relating to staff functions and celebrations.

5.5.3 End of year staff functions

The Ministry supports and encourages staff end of year celebrations. The Ministry may assist with the cost of Ministry wide celebrations by providing a subsidy, with approval provided by the Chief Executive. The subsidy may not be spent on alcohol.

The Sensitive Expenditure Guidance - Quick Reference table in Appendix One indicates the level of reasonable expenditure which may be funded by the Ministry for staff end of year functions.

Individual team functions should be organised and paid for by staff.

5.5.4 Staff sponsorship and staff social clubs

The requirements that must be adhered to in relation to staff sponsorship are set out in the [Sponsorship Policy](#) including, the details about requests for staff sponsorship and the required processes in considering, approving and providing staff sponsorship.

Where activities relate to the sponsorship of sports teams or other such activities, the [Sponsorship Policy](#) should also be referred to.

5.5.5 Care of dependants

A staff member may be responsible for the care of a dependant. Unless the cost is wholly or partly the subject of a component of the remuneration under an employment agreement, it is a personal and private expense of the staff member.

Payments for the care of the dependants, other than under employment agreements, are to be made only in exceptional circumstances – such as when the staff member is unexpectedly required to perform additional duties at very short notice. Any payments for care of dependants must be reasonable and consistent with current market rates.

5.6 Breaching this Policy

5.6.1 Any breach of this policy may be deemed as serious misconduct and disciplinary action may be taken.

5.6.2 If anyone becomes aware that they have, or may have breached this policy then they must notify their manager immediately. All managers that have been notified of a breach of this policy must immediately notify the CFO or the DCE Corporate Governance and Information Group, or if this is not appropriate they should inform the CE.

5.6.3 If any person working at the Ministry suspects any person has breached this policy they should inform one of the following:

- their manager;
- their managers' manager;
- the internal investigations team on integrity@mbie.govt.nz;
- the Ministry's Integrity Line - call 0800 463 676 if in New Zealand:
or from outside New Zealand call 0064 4 212 3025.

6.0 KEY ACCOUNTABILITIES AND RESPONSIBILITIES

Role	Description of Responsibility
Chief Executive (CE)	Responsible for: <ul style="list-style-type: none"> Approval of this policy. The Ministry meeting its obligations under this policy.
Policies and Procedures Sub-committee	Responsible for: <ul style="list-style-type: none"> Reviewing and endorsing this policy and any associated procedures, or recommending changes to the policy.
Deputy Chief Executives	Responsible for: <ul style="list-style-type: none"> Embedding this policy in their groups. Ensuring their business groups are compliant with this policy.
Policy Owner (Chief Financial Officer)	Responsible for: <ul style="list-style-type: none"> Ensuring the policy is working effectively through regular monitoring and reporting of compliance to the policy.
Manager Financial Accounting & Control	Responsible for: <ul style="list-style-type: none"> Reviewing all sensitive expenditure for compliance with this policy and any Fringe Benefit Tax implications. Reporting any non-compliance with this Policy to the CFO.
Approving Managers	Responsible for ensuring the proposed expenditure: <ul style="list-style-type: none"> Is considered financially prudent and will withstand scrutiny. is necessary and reasonable, for Ministry purposes. is consistent with Ministry policy. is covered by the available budget prior to granting approval can be approved under the financial delegation policy and that they have the appropriate delegation/authority to approve it. is supported by the appropriate documentation and is correctly coded.
All staff	Responsible for: <ul style="list-style-type: none"> Complying with this and all other relevant Ministry policies. Obtaining, submitting and retaining necessary documentation to support all Ministry expenditure.

7.0 PROCEDURES

- Procurement Procedures

8.0 RELATED MBIE POLICIES AND DOCUMENTS

- [Code of Conduct](#)
- [Conflict of Interest Policy](#)
- [Procurement Policy](#)
- Financial Delegations Policy
- [ICT Acceptable Use Policy](#)
- Payments Policy

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- [Sponsorship policy](#)
- [Travel Policy](#)
- [Offshore Assignment Manual](#)
- [Vehicle Policy](#)
- Alcohol & Drug Policy

9.0 RELEVANT LEGISLATION AND REGULATIONS

- Public Finance Act 1989
- State Sector Act 1988
- Public Audit Act 2001
- [Controlling Sensitive Expenditure: Guidelines for Public Entities](#)

10.0 MEASURES OF SUCCESS OF THE POLICY

This policy will be monitored by Finance and Performance for effectiveness.

Internal measures of success are that all Sensitive Expenditure incurred:

- is for legitimate and valid business purposes,
- is not for personal benefit,
- has been approved within the appropriate delegation,
- is appropriate and complies with this policy in all respects.

Externally, measures of success are that spending on sensitive expenditure:

- is assessed as reasonable and appropriate when subjected to audit,
- is perceived to be a fair and efficient use of taxpayers' money when subjected to public scrutiny,
- will not result in any justified adverse consequences from Annual Reviews, Official Information Act requests or general media enquiries.

11.0 CONSULTATION IN REVIEWING THIS POLICY

This policy was prepared by Finance staff in consultation with all Business Managers across the Ministry and key stakeholders.

This policy draws on previous versions of the policy and the Controller and Auditor-General good practice guide *Controlling Sensitive Expenditure: Guidelines for Public Entities* (February 2007).

12.0 COMPLIANCE MANAGEMENT

Compliance with this Policy will be monitored by Finance and Performance on a quarterly basis.

Staff who consider that there are grounds for enquiry into inappropriate expenditure must advise their Manager, the Manager Financial Accounting and Control or the risk and compliance team within Enterprise Risk and Assurance immediately. Alternatively, disclosure may be made under the Protected Disclosures Act 2000 in line with the Ministry's protective disclosures policy.

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Compliance management process

Compliance management tools and processes will be used to help minimise the risk of breaches of this policy:

- Monitoring of compliance with required processes, procedures or guidelines as set out in this policy and related mandatory procedures manuals and documents,
- Spot checks conducted by Finance and Performance on a regular basis to ensure compliance,
- Key messages will be provided to the business where spot checks have identified non-compliance,
- Tools such as checklists or online modules to help inform staff and managers of their relevant obligations,
- A central register to record breaches of this policy, held by the policy owner.

These tools will assist in measurement of compliance with the policy and related mandatory procedures, as well as identifying trends and risks to enable these to be managed appropriately.

Compliance reporting and information

Compliance information regarding the performance of this policy will be provided to the risk and compliance team within Enterprise Risk and Assurance on a quarterly basis.

13.0 TRAINING AND COMMUNICATION

This policy will be available to view on the internal policies page of the Intranet and through LeaderKit.

The Policy Owner will target policy users with periodic (at least yearly) reminders through medium such as the Managers' Update.

Any amendments or substantive changes to the policy or procedures will be supported by a communications plan.

Reports of any non-compliance to this policy will be provided to the business.

APPENDIX 1: SENSITIVE EXPENDITURE GUIDANCE - QUICK REFERENCE

Expenditure Type	Reasonable Expenditure Funded by Ministry (GST Inclusive - NZD)	Natural Account Code
Domestic Travel Expenditure		
Breakfast	\$10 - \$25	3212
Lunch	\$10 - \$25	3212
Dinner	\$25 - \$45	3212
Alcohol and tips	\$0	N/A
International Travel Expenditure Breakfast, Lunch & Dinner	Guidance as per Domestic Travel limits above, however manager approval can be given to spend over the domestic rates where the normal cost of meals in countries exceed the domestic guidelines	3232 Non-Trans-Tasman 3242 Trans-Tasman
Alcohol	\$0	N/A
Tips	Reasonable costs in context of local custom (not applicable to Trans-Tasman)	3233
Entertainment & Hospitality		
Entertaining External Clients	not more than \$100 / head	3254
Staff Dinners for Business Engagements (Senior Staff)	\$25-45 / head	3254
Staff Lunches for Business Engagements	\$10-\$20 / head	3254
Staff Morning/Afternoon Tea	\$5 / head	3401
Single End of Year Function	\$22.50 / head	3255
Staff Farewells & Retirements		
Service less than 12 months	Farewell \$0	N/A
Service > 12 months and < 2 years	Farewell \$5 / head (Direct Team Only)	3263
Service > 2 years and < 5 years	\$5 / head (Direct Team and Key Relationships) up to \$100	3263
Service > 5 years and < 20 years	\$5 / head (Direct Team and Key Relationships) up to \$250	3263
Service > 20 years	Discuss with DCE or above	3263
Staff Gifts*		
Birth, Marriage, Sickness or Bereavement	not more than \$100	3263
Performance & Long Service recognition gifts	not more than \$100	3263
Birthday	\$0	N/A
Leaving Gift – Service less than 2 years	\$0 contribution	N/A
Leaving Gift – Service >2 years <5 years	Up to \$50 contribution	3263
Leaving Gift - Service >5 years <10 years	Up to \$75 contribution	3263
Leaving Gift - Service >10 years <15 years	Up to \$100 contribution	3263
Leaving Gift – Service > 15 years	Up to \$200 contribution	3263

**In most cases gifts will attract fringe benefit tax (FBT) over and above the value of the gift.*

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Information Communications Technology (ICT) Acceptable Use Policy

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Purpose

The purpose of this policy is to ensure all MBIE data, information and technology is used in the correct way and for the appropriate reason.

Scope

This policy applies to all staff who use technology, including those in offshore branches (except where it conflicts with local legislative requirements).

Help

For clarification about this policy in a particular situation contact:

ICT Performance, Planning & Assurance

ICTPPA@mbie.govt.nz

Definitions

Technology: For the purposes of this policy, 'technology' refers to any device or system used to produce, access, store or communicate data and information.

Staff: All individuals, directly employed by MBIE, and contractors or employees of organisations supplying services to MBIE, inclusive of individuals who are based offshore.

Appropriate use: Reasonable and responsible use which:

- is predominantly for business purposes
- does not impact on technology performance, speed or availability
- does not involve media streaming unless it is work related
- does not result in unnecessary costs to MBIE
- does not involve excessive storage of personal material
- does not include objectionable or offensive material
- is consistent with MBIEs' values, integrity principles and Code of Conduct.

"Bring Your Own Device (BYOD)": Personally owned devices that are used to access MBIE data, information and systems.

Policy Statements

1. Staff will demonstrate appropriate use of technology by [following instructions for safe and secure technology use](#).
2. Personal use of MBIE technology is permitted as long as it is appropriate and kept to a minimum.

3. MBIE has the right to monitor all use of MBIE technology, systems and information, including BYOD, to ensure usage is appropriate, safe and secure.

Key accountabilities and responsibilities

The **Chief Executive** (CE) is accountable for the ICT Acceptable Use Policy.

The **Senior Leadership Team** (SLT) is responsible for endorsing this Policy as well as promoting and supporting the continuous improvement of the acceptable use of ICT in the Ministry.

The **Deputy Chief Executive** (DCE) of Corporate, Governance and Information (CGI) is responsible for recommending that the ICT Acceptable Use Policy is endorsed by the Senior Leadership Team.

In addition to line management responsibilities, each **Deputy Chief Executive** is responsible for receiving assurance from their general managers that their branch is complying with this Policy and providing the Chief Executive with such assurance as necessary

General Managers (GMs) are responsible for ensuring their managers and staff are made aware of and comply with the ICT Acceptable Use Policy.

The **Chief Information Officer** (CIO) is responsible for the ICT Acceptable Use Policy, including ensuring it meets the minimum requirements for development and implementation, it is signed off at the appropriate level, compliance can be monitored and breaches are investigated.

The **Information Communication Technology Branch** (ICT) will support the CIO to:

- review the policy periodically to ensure it meets MBIE's requirements
- ensure the ICT Acceptable Use Policy is published on The Link
- provide reporting on MBIE's use of Information and Communication Technology to measure compliance and investigate breaches
- ensure that the ICT Acceptable Use Policy meets the requirements of the Government CIO and NZ Information Security Manual (NZISM).

All **managers of staff** are responsible for:

- ensuring their staff are aware of this policy, procedures, and Instructions for Safe and Secure Use; including reminding staff of their obligations under the ICT Acceptable Use Policy
- discussing use of technology with their staff to ensure use is appropriate, necessary, and not putting MBIE at risk
- reinforcing MBIE's commitment to maximising the value realised from our investment in technology
- ensuring the timely return of any MBIE technology and information
- reviewing reports provided by ICT to ensure that their staff have the appropriate technology allocated, are using technology appropriately, and actioning any issues

- ensuring staff receive appropriate training on how to use technology safely and securely
- the reporting of breaches of this policy to the GM and DCE in their reporting line.

All staff accessing MBIE data, information and systems are personally responsible for:

- using technology appropriately and in accordance with all established policies, procedures, instructions, and guidelines
- limiting personal use of MBIE technology to ensure that personal use does not unduly impact productivity, threaten the security of MBIE's ICT environment, or negatively impact system performance and cost
- registering BYOD devices
- using only authorised technology to access MBIE data, information and systems
- managing user accounts and passwords by following instructions for safe and secure use
- not storing MBIE data and information in locations that have not been approved by MBIE
- safely using devices which are accessing MBIE information, data and systems by maintaining an awareness of risk, in particular when using devices in public places or on public Wi-Fi systems
- labelling, sending and using messaging and documents appropriately, as per the Rules for Document Classification
- immediately reporting lost or stolen devices, including BYODs, to the ICT service desk so that procedures can be applied to protect MBIE data, information and systems
- not recording images, audio or video unless approved by all participants and classified and stored appropriately.

HR Recruitment are responsible for:

- ensuring the ICT Acceptable Use Policy is sent to successful candidates (both permanent and fixed term roles) along with their contract of employment and offer letter and then filing the signed returned policy in employees files in MAKO

Mandatory guidelines and processes

- [Instructions for Safe and Secure Technology Use](#)
- [Approved ICT Devices](#)
- [Rules for Document Classification](#)

Related MBIE policies

- [MBIE Code of Conduct](#)
- [Sensitive Expenditure Policy](#)
- [Travel Policy](#)
- [Protective Security Policy](#)

- [Privacy Policy](#)
- [Records Management Policy](#)

Relevant legislation and regulations

- Privacy Act 1993
- Official Information Act 1982
- Copyright Act 1994
- Public Records Act 2005
- State Services Code of Conduct
- New Zealand Information Security Manual (NZISM)
- State Sector Standards of Integrity and Conduct
- Controlling sensitive expenditure: Guidelines for public entities

Measures of the success of the Policy

The success of this policy will be measured through the monitoring and analysis of staff use to ensure usage is appropriate.

Consultation processes in developing or reviewing this Policy

Key stakeholders were consulted in the development and consequential reviews of the ICT Acceptable Use Policy. These include:

- ICT Information and Data
- ICT Strategy, Architecture and Security
- ICT Security and Risk
- Director of Security
- Business Manager & Client Relationships
- Risk and Assurance
- Human Resources
- Legal
- a sample of end users in each business group.

Compliance Management

Managers are responsible for use of technology by their staff. They will receive reporting from ICT to ensure that the appropriate technology is allocated, use of technology is appropriate and costs incurred are correct.

The following compliance management tools and processes will be used to minimise the risk of breaches of this policy before they occur, allow visibility of compliance against this policy and identify trends or risks so they can be appropriately managed:

- blocking access to websites, whitelisting applications, forcing document classification and compliance to password rules, and removing access to or applications from devices, which result in a breach of the policy
- tools such as checklists or online modules to help inform staff and managers of their obligations
- reviews of performance in relation to required processes, procedures or guidelines, set out in the mandatory procedures listed above, on a regular basis to ensure continued improvement
- breaches will be recorded in a central register.

Compliance information regarding the performance of this policy will be provided to Risk and Assurance on a quarterly basis.

Communication and Training

The ICT Acceptable Use Policy is communicated to staff through its inclusion in the induction process and is available on The Link as part of MBIE's internal policies. An online module on the Learn@MBIE site provides an overview of security, including technology and cyber security and is compulsory for all staff members to complete. There are also optional 'tech sessions' provided by ICT through Learn@MBIE for staff who want training on how to use ICT in a secure and acceptable way.