

Code of Conduct

Te Tāhū o te Ture - Ministry of Justice

Te Arawhiti – The Office for Māori Crown Relations

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MINISTRY OF
JUSTICE
Tāhū o te Ture


Te Arawhiti
THE OFFICE FOR MĀORI CROWN RELATIONS

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

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Introduction

This Code of Conduct sets out standards of behaviour and conduct expected of Te Tāhū o te Ture the Ministry of Justice (the Ministry) kaimahi and contractors. It is one of our tools for determining the tika (correct) way to act, providing us with guidance in our day-to-day mahi and when we might face tricky situations.

By acting ethically, respectfully and working with integrity we increase and maintain the confidence Ministers, public sector agencies, the public, and our colleagues have in all of us. It is important for Ministry kaimahi supporting the operation of the court system to maintain the confidence of the judiciary.

The public expects the highest standards of truth, care, honesty, and integrity from people working in the justice sector. It is essential we act ethically, honestly and in ways consistent with the laws of Aotearoa New Zealand, especially honouring our responsibilities under Te Tiriti o Waitangi.

People expect respectful, equitable, inclusive, and unbiased experiences across the justice sector. All government kaimahi (employees) have responsibilities to work collaboratively, ethically, and efficiently, with proper regard for public resources.

The Ministry cultivates a fairer and safer Aotearoa New Zealand and provides services on behalf of the government.

The Ministry contributes to a credible and effective justice sector by:

- developing inclusive policy advice supporting justice in Aotearoa New Zealand
- supporting an efficient, inclusive, accessible, and trusted justice sector
- providing effective services to support courts and tribunals
- listening to and working alongside iwi Māori, as mana whenua, and communities to enhance safety and hauora (wellbeing).

Many of the provisions of the Code of Conduct are specific to particular Ministry activities, worksites, and wider working environments, including online hui and work functions after hours.

Development of the Code of Conduct included consultation with Ministry kaimahi and Te Pūkenga Here Tikanga Mahi (Public Service Association) delegates. The consultation process played an important part in making the Code of Conduct a key document for people working in the Ministry.

This Code was reviewed in 2023 and took effect on 28 August 2023.

Who the Code is for and its purpose

The Code of Conduct applies to all Ministry kaimahi in all locations and jobs, and all types of employment (i.e, permanent, fixed-term, temporary or casual workers). The Code also applies to independent contractors to the Ministry.

The standards and expectations set out in the Code are universal and apply to all kaimahi. While this may present challenges, it is important we demonstrate consistently high standards.

As public servants, Ministry kaimahi are also required to comply with the Standards of Integrity and Conduct Ngā Tikanga Code of Conduct issued by Te Kawa Mataaho Public Service Commission and to conscientiously honour our responsibilities under Te Tiriti o Waitangi in all dimensions of our mahi.

This Code outlines the standards of behaviour expected of all kaimahi. Professional integrity and responsibility are central to maintaining confidence in the Ministry and the public service. We must act with respect, care, professionalism, and integrity in our mahi. You are required to follow all reasonable instructions given to you.

As Ministry kaimahi we have a responsibility to provide (or support those who provide) honest, impartial, comprehensive, and timely advice to Ministers.

The Ministry is unique as a government department. It supports the operation of another branch of government, the judiciary. Ministry kaimahi must work to ensure the public have confidence in the judiciary being able to decide legal disputes impartially and independently, without interference from Ministers and the government. We must work with the judiciary to ensure their independence is preserved and maintained.

The Code also relates to actions and activities outside work. As a general principle, personal activities are not an issue unless they conflict with us performing our official duties or reflect on the integrity or standing of the Ministry or the public service. The Ministry has a legitimate interest where our private activities have potential to discredit the Ministry in its relationships with government or the public or harm its reputation.

How to use the Code

A Code of Conduct cannot tell you what to do in every situation. If you are uncertain how to respond to a particular issue or situation and are also uncertain whether your conduct will be consistent with this Code, ask your people leader for guidance.

People leaders can seek further guidance from AskHR@justice.govt.nz, People Experience Business Partners and PSA delegates. The Ministry's policies, procedures, and guidelines include specific guidance for matters covered in this Code. See the [A-Z Policies](#) on the Ministry intranet.

You need to exercise good judgement based on integrity, honesty, and openness to inquiry, in every action and in all situations that could reflect on the Ministry.

If you are unsure whether your or someone else's personal political activities conflict with our obligation of political neutrality, talk to your people leader.

If you become aware someone is breaching the Code you are required to report this to your people leader, or if necessary, your people leader's manager. Breaches of the Code of Conduct will be addressed in line with the Ministry's [disciplinary](#) procedures.

Political neutrality and working for the government

Ministry employees work for the government of the day. Your work helps the Ministry administer legislation it is responsible for and implement government policy.

You serve successive governments, which may have different policies. You must be politically neutral in your mahi. This enables both current and future Ministers to have confidence in the Ministry.

You must not seek to undermine or inappropriately influence government policy. You must ensure your personal beliefs, values, or views (including those of a political nature) do not limit or influence advice provided.

You must not comment publicly or express an opinion in a public forum about any work performed by the Ministry, unless specifically authorised. This applies even if the opinion is unrelated to your work duties and responsibilities, as members of the public may think you are speaking on behalf of the Ministry. Senior kaimahi who have regular contact with Ministers should not publicly express views for or against the policies of the Government of the day.

In election years, you need to be aware the Ministry contributes to electoral processes. This means being additionally mindful in your interactions with Ministers and mahi where this involves the electoral process.

If you take part in events of a political nature outside work, you must ensure your participation cannot be seen as being in an official Ministry capacity, or on behalf of the Ministry. Please check with your people leader before taking part in any proposed political event outside work.

Supporting the independent Judiciary

Te Tāhū o te Ture (the Ministry) recognises the importance of the constitutional independence of the judicial decision-making branch of government. The Ministry works with the Judiciary to ensure this independence is preserved and maintained.

The Ministry is responsible for maintaining co-operative and respectful working relationships between the Judiciary and Ministry kaimahi supporting them across the justice sector.

The Ministry is responsible for providing the Judiciary with adequate levels of administrative, technological and people support, and funding for judicial learning and development.

Our key operational role is to support the judiciary and the courts. We provide the necessary registry and administrative services supporting the judicial administration of the court system and judicial decision-making. Administrative support includes providing court security, registry staff, transcription services, finance, ICT, human resources, and funding for continuing legal education and development for judges.

In delivering these services, you recognise the importance of the constitutional requirements of the independence of the judicial function and support the Judiciary to ensure this is preserved and maintained. The courts must be, and must be seen to be, separate from and independent of the executive – this serves to uphold the rule of law.

Parliament is responsible for making laws and the executive for administering them. The Judiciary is responsible for interpreting the law, for independently, impartially conducting trials and resolving disputes in accordance with the law.

An independent Judiciary gives people confidence when they appear before the courts, their cases will be decided in accordance with the law and without any influence from the executive, Parliament, or anyone else.

The heads of each court are responsible for ensuring the orderly and efficient conduct of their court's business. To assist with the conduct of a court's business, the Ministry appoints kaimahi as registrars, deputy registrars and other officers of the court. In carrying out the business of the court, these kaimahi work under the direction and supervision of the Judiciary, not the Ministry, as part of the judicial branch of government.

You must ensure judicial independence is maintained in the delivery of services. You must respect the confidentiality and privacy of court information, judicial information, the security requirements of judicial IT systems, and any service and security protocols applying to Ministry kaimahi.

In delivering services to the judiciary, you must not breach, interfere with, or prejudice the independence of the Judiciary by:

- Attempting to involve, lobby or influence individual judges or judicial officers about decisions or matters falling within the responsibilities of the Ministry or the Judiciary (except where communication is required to deliver Ministry services). The Ministry and the Judiciary have formal mechanisms for consultation and procedures for communication and must ensure those are always followed.
- Attempting to involve, lobby, obtain advice from (including legal advice) or otherwise influence individual judges or judicial officers in relation to any purpose not connected with your mahi (for example, in relation to personal legal disputes or the interests of our community connections).
- Behaving inappropriately with the Judiciary, such as attempting to discuss with a judge detail of a case the judge is or was involved with, unless required to for work.

For more information on the relationship between the Ministry and the Judiciary, please read the Statement of Principles observed by Judiciary and Ministry of Justice in the Administration of Courts, including the Principles for the Supervision and Control of Court Information and Judicial Information.

Fair and professional services

Our aim is to provide the best service, ensuring our services are provided fairly and equitably to all people and communities.

- Interacting with all clients and the public fairly, equitably, inclusively, and respectfully, recognising their mana, dignity and worth. You must be impartial, unbiased, unprejudiced, fair, and just.
- Maintaining professional standards of behaviour, language/s, and dress.
- Not discriminating in favour of or against people you meet on a professional basis on the grounds of gender identity, sexual orientation, family status, age, race, colour, ethnicity, disability, employment status, faith, ethical belief, or political opinion.
- Not letting our personal beliefs or values influence how you provide Ministry services. You must not give preferential service to any person, group, or organisation with whom you have a direct or indirect relationship or connection.
- Not tolerating violence, sexual harassment, bullying, racial harassment, or any other kind of harassment in workplaces or offsite.
- Keeping up to date with policies, procedures, Acts and Regulations and statutory requirements regulating your mahi. You also observe wider legal and sector processes.

- Being responsible for maintaining ngā tohu mātauranga (qualifications) and any occupational requirements of your role, like a driver's licence, practising certificate or membership of a professional association is important. Complying with any codes of ethics or professional practice applying to your profession is essential. The loss or suspension of any occupational qualification may result in employment being terminated.

Conflicts of interest and compromised integrity

A conflict of interest arises when personal interests compromise or appear to compromise your Ministry responsibilities. It is important to declare any actual or potential conflicts of interest as early as possible.

You must not be involved in any personal, financial, or professional situations compromising your integrity or otherwise causing a conflict, or a perceived conflict, between personal interests and your responsibilities to the Ministry, Ministers, or the public.

You must not use your position in the Ministry for personal gain or to advantage, directly or indirectly, any other person or organisation with whom you have a relationship or connection.

If you find yourself in a situation where you could have, or be perceived to have, a conflict of interest (no matter how remote), you must declare the conflict to your people leader as soon as possible. The people leader will be responsible for deciding the action required to resolve the situation.

Many situations of conflict or compromise can be managed, avoided, or resolved, for example by transferring a duty to another colleague not affected by the specific circumstances.

You must not provide Ministry services to, or in relation to your family members, colleagues, friends or your community or business connections. You must disclose and discuss such relationships appropriately.

The conflicts of interest JET page has more information.

The acceptance of gifts, favours and hospitality may be seen to be an inducement putting you under an obligation to someone or their organisation.

The Code of Conduct module on Thrive should be completed every 12 months.

You are entitled to undertake secondary mahi (including self-employment), hold a community office, do voluntary work or have a financial interest in a company or organisation. This must not undermine your official duties across the justice system, must be done in your own time, and must not adversely affect your efficiency or performance in your work for the Ministry. If

you are not sure whether a situation could be a conflict of interest or compromise of integrity, please seek guidance from your people leader.

Respect for colleagues in the workplace

Respect for colleagues in the workplace means:

- Respecting your colleagues and working with each other fairly, inclusively, equitably, and professionally. You must not discriminate against people based on gender identities and expressions, sexual orientation, family status, age, ethnicity, disability, employment status, faith, political or ethical beliefs.
- The Ministry is committed to honouring its responsibilities under Te Tiriti o Waitangi, acknowledging and valuing mana whenua aims and aspirations.
- Supporting the Ministry in its recognition of the aims and aspirations and equitable employment of all, including ethnic communities, rainbow communities, women, and disabled kaimahi.
- Working safely, taking all practical steps to ensure your actions or inactions do not cause harm, injury, illness or distress to your colleagues or yourself. You must comply with the Ministry's occupational safety and health requirements, processes, and policies to support your individual and shared hauora (wellbeing).
- Not causing distress to colleagues, compromising their safety, interfering with their ability to perform their duties and/or work quietly.
- You must work in a fit state to perform your duties to the required standard and not under the influence of alcohol, drugs, or solvents.
- Being open and honest regarding matters relevant to employment is important. You must not withhold or misrepresent information about your conduct, your relationship to other Ministry kaimahi or clients, your suitability for ongoing employment or your ability to perform our employment duties.
- You must cultivate respectful working relationships with your colleagues, kaimahi and people leaders. You must give your full commitment to the performance of your duties during working hours and deliver on time. You must not be absent from mahi during hours of work without agreement.
- You must use Ministry property, equipment, funds and other resources efficiently and with due care. You must ensure the Ministry's property, equipment, funds and other resources are not used for anything other than authorised purposes. You must be honest and forthright in reporting any payments or benefits you receive that you are not entitled to.

Protection and proper use of information

- You must use data and information for its intended purpose only. This means respecting and protecting data and information as a taonga (possession, treasure) so Ministers, the Judiciary, colleagues, and clients have confidence in our services and information management systems.
- A lot of the information you have access to is confidential and sensitive. This includes judicial information, court information including collections records, and kaimahi personnel records. You must take proper care with the use, exchange, storage, disclosure, and disposal of all information (in electronic or written form) and keep it always secure and only used for its intended purpose. You must take all reasonable steps to prevent information being accessed by unauthorised people, including when working remotely or from a non-Ministry venue.
- You must not access court (or judicial) information held on Ministry supported case management systems, computer network, physical files, or any other place, unless properly authorised to access that information.
- If you consider there is a legitimate work-related reason for accessing information about people or groups you are connected with, please refer to the *Conflict of Interest and Compromised Integrity* section of this Code and seek approval from your people leader.
- You must comply with all our legislative requirements regarding privacy and information. You must respect and protect others' right to privacy and confidentiality and not breach these rights. You can only disclose information held by the Ministry to people lawfully entitled to receive the information, where you are authorised to make disclosures as part of your mahi. If you are unsure whether a person requesting information held by the Ministry is lawfully entitled to receive information, you should refer their request to your people leader. You must not gather information about people or groups just for the purpose of managing reputational risk to an agency.
- You must not disclose advice given to any Minister or use, comment about or reveal any information gained in your official capacity or because of your employment not already publicly available, unless this is a requirement of your job or when specifically authorised. Your confidentiality obligations continue after the employment relationship with the Ministry ends.
- Only kaimahi who are specifically authorised to speak on behalf of the Ministry are permitted to make public statements about information held by the Ministry or respond to enquiries about government policies or Ministry activities.

- The Ministry is required to release certain information (excluding court information and judicial information) if requested. Where a request is received, information must be released:
 - in accordance with the requirements of the Official Information Act 1982, the Privacy Act 2020 or other applicable statute, and
 - by kaimahi specifically authorised to disclose requested information on behalf of the Ministry.
- The Ministry has the right, without limitation, to monitor the use of Ministry information and technology equipment and systems. This includes the right to access your personal communications and monitor internet use made via Ministry devices and systems.
- You must use the Ministry's IT and phone system in line with information and communication technology policies and processes. Always choose a safe computer password and do not disclose it to others. You must take all reasonable steps to prevent unauthorised access to electronically held information.
- Under the Protected Disclosures Act 2022 you can report any serious wrongdoing in the Ministry. If your disclosure is made in accordance with the **Ministry's Protected Disclosures Policy** you will be covered by all the protections under the Act.

Personal activities

Our actions outside of work must not bring the Ministry into disrepute or otherwise breach this Code of Conduct.

You must not take part in any activity or behave outside of work in ways that could:

- harm the Ministry's relationship with the judiciary or the government
- harm the reputation of the Ministry or public confidence in the Ministry
- reflect negatively on the Ministry or you when identified as Ministry kaimahi.

When expressing ourselves publicly, there are a range of common-sense actions you can take to prevent others from interpreting your comments as being made on behalf of the Ministry. For example:

- Not making statements about being employed by the Ministry.
- Being clear your statements are made solely in your personal or union capacity.
- Not using the Ministry of Justice's logo, insignia, letterhead, uniforms, or email addresses.

You must not behave outside work in any way that might harm your colleagues. This includes behaviour like bullying and harassment outside the workplace, for example, at offsite work functions or during virtual hui.

Ministry kaimahi work closely with legal policy and the administration of the law. As the agency responsible for overseeing the justice system, the Ministry expects all kaimahi to comply with the law. Kaimahi who commit a criminal offence may harm the public confidence held in the Ministry to effectively perform this role. It may also make them unsuitable for ongoing employment. You are always expected to act lawfully, both at work and in your community life to maintain integrity and confidence in the justice sector.

If you are charged or convicted of any criminal offence (except an infringement offence) or become subject to any court order in relation to a criminal matter, you must inform your people leader as soon as possible. All criminal offences proven to have been committed by Ministry kaimahi will be of concern, but those involving dishonesty, breaches of trust, or violence will be treated with the utmost seriousness.

You must inform your people leader of involvement in any civil proceedings in a court or tribunal if this involvement could represent a conflict of interest or breach of this Code (for example, as a witness in a hearing). For further advice about declaring a perceived potential conflict please have a kōrero with your union delegates or connect with AskHR and/or PX Business Partners.

It is inconsistent with the role of the Ministry to have unpaid fines and penalties unless steps have been taken to make payments or to formally dispute the fine or penalty. This includes fines and penalties incurred for traffic and parking infringements, speed camera tickets, or sanctions imposed by a court, tribunal, or other authorised body. You must comply with the terms of any fines or penalty payment arrangements.

You have the same rights of access to our political representatives as other members of the public. You need to treat your access with sensitivity; public servants need to remain politically neutral in relation to their work. You must not communicate privately with Ministers or Members of Parliament about your employment or about Ministry operations unless authorised.

You must not lobby or attempt to influence Ministers or Members of Parliament about Ministry decisions, such as work priorities or allocating resources. There are some exceptions; where kaimahi may raise issues through their union or in a personal capacity (and not as a representative of the Ministry), as part of participation in publicly accessible democratic or legislative processes.

You are entitled to stand for elected roles in local or central government. If you intend to stand you must advise your people leader and follow all requirements of the relevant electoral legislation.

Glossary te reo Māori – sourced from Te Aka Māori dictionary

Hauora – be well, fit, healthy

Kaimahi – employee, worker

Mahi – work, occupation

Mana whenua – territorial and Indigenous rights, tribal history

Ngā tohu mātauranga – qualification, academic qualification

Taonga – property, goods, treasure, anything prized, resources, valuable objects

Tika – to be correct, true, upright, right, just, fair, lawful

Tikanga – correct procedure, rule, code, protocol, customary system of values

[Te Aka Māori Dictionary \(maoridictionary.co.nz\)](http://maoridictionary.co.nz)