



1516-1513

11 July 2016

Sadie Ford

[fyi-request-4063-c6fb8023@requests.fyi.org.nz](mailto:fyi-request-4063-c6fb8023@requests.fyi.org.nz)

Dear Sadie

Thank you for your email of 26 May 2016 requesting the following information:

1. *The formal policies for the senior leadership teams at Ministry of Business, Innovation & Employment, Callaghan Institute and NZ Trade & Enterprise for holding non-executive directorships positions (both paid and not paid)*
2. *A list of the declared possible conflict of interests for the entire senior leadership teams at Ministry of Business, Innovation & Employment, Callaghan Institute, NZ Trade & Enterprise.*
3. *The salary bands for the individuals with declared conflict of interest and the associated directorship fees these individuals receive.*

As advised on 3 June 2016 we transferred the parts of your request relating to Callaghan Innovation and New Zealand Trade and Enterprise to those agencies. They will respond to you directly.

In response to your point 1, I have attached the Ministry of Business, Innovation & Employment's *Conflicts of Interest Policy*. This applies to the Ministry's senior leadership team. I have also attached a copy of the *Conflict of Interest Procedure*.

I am withholding the information sought for your point 2 under sections 9(2)(a) and 9(2)(ba)(i) of the Official Information Act. This is to protect the privacy of natural persons and to protect information which is subject to an obligation of confidence where making the information available would be likely to prejudice the supply of similar information or information from the same source, and it is in the public interest that such information should continue to be supplied.

I am also withholding the information sought for your point 3 under section 9(2)(a) of the Official Information Act to protect the privacy of natural persons, namely the Ministry's senior leadership team.

In my view there are no public interest considerations which outweigh these good reasons to withhold the information.

You have the right to seek an investigation and review by the Ombudsman of my decision to withhold information in response to parts of your request. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'MB', with a large, sweeping flourish that loops back up and over the text 'Yours sincerely'.

Michael Bird  
General Manager  
Evidence, Monitoring and Governance



**MINISTRY OF BUSINESS,  
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# Conflict of Interest Policy

July 2016

Version 4

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## Purpose

The purpose of this policy is to set out MBIE's requirements for employees and contractors in identifying, declaring and managing conflicts of interest to ensure that:

- Decisions are made and are seen to be made on proper grounds, for legitimate reasons and without bias arising from actual, perceived or potential conflicts of interest or acceptance of gifts, receipt of personal benefits, gains or favours.
- The confidence the public and the Government hold in MBIE is protected by ensuring that employees and contractors are aware of what is, or what may be perceived to be, a conflict of interest and that there is a process in place to declare and appropriately manage such conflicts.

## Scope

This policy and the related procedure apply to all MBIE employees and contractors in New Zealand and offshore. It must be read in conjunction with the Sensitive Expenditure Policy.

Some employees may also be bound by additional requirements around reporting and managing conflicts of interest. Employees involved in procurement activities must declare conflicts under the Procurement Policy.

## Help

If a manager is unsure if a conflict of interest is an issue or not, they need to talk to their (next up) manager about it, or contact [myHR](#).

## Definition of terms

**Conflict of interest:** occurs when an employee's private interests or obligations conflict, or can be perceived to conflict, with the performance of their duties or the responsibilities of their job or position.

A conflict of interest can be:

- **actual:** where the conflict already exists
- **potential:** where the conflict is about to happen, or could happen
- **perceived:** where other people might reasonably think that a person has been compromised.

**Conflict of Interest Register (CIRS):** A central online [register](#) for recording and managing all declared of interest.

**Private interests:** MBIE recognises that employees hold private interests and obligations outside of their role at MBIE. Private interests may be of a financial, personal or a business nature. A full explanation of private interests is contained in the Conflict of Interest Procedure Guide.

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## Policy statements

### 1. Principles

The confidence in MBIE held by the public, our clients, stakeholders and the Government is protected by ensuring that employees are aware of what is, or may be perceived to be, a conflict of interest and that there is a process in place to declare and appropriately manage such conflicts. MBIE is responsible for ensuring that decisions are made and are seen to be made on proper grounds, for legitimate reasons and without bias arising from conflicts of interest. "Proper grounds" means that decisions are made in accordance with the following principles:

- **Integrity** – MBIE maintains its reputation with the Government, its clients, stakeholders and the public by employees acting with integrity
- **Honesty** – employees are expected to be honest about their private interests and how these might affect or be perceived to affect the performance of their duties
- **Transparency** – actual, potential and perceived conflicts, gifts and management responses are declared and documented
- **Accountability** – employees are accountable for declaring all interests that may conflict with their work and their manager is accountable for managing a declared conflict following consultation with the employee
- **Public interest** – the 'public interest' is the collective interest of the entire community. All MBIE employees have a public duty to put public interest above their personal or private interests when carrying out their official duties
- **Political neutrality** – all public servants are required to serve the government of the day, by keeping politics out of their job, and their job out of politics.

There is nothing wrong with having a conflict of interest. What is important is how it is managed, as an undisclosed or poorly managed conflict of interest may undermine public trust and confidence in MBIE.

### 2. Declaration of conflicts and personal interests

All employees working at MBIE are required to declare any actual, perceived or potential conflicts and personal interests on joining MBIE and as they arise during their employment at MBIE and record them in the Conflict of Interest Register (CIRS), as well as:

- Employees or third parties involved in procurement (purchasing or tendering on behalf of the Ministry) must complete conflicts of interests' declarations under the Procurement Policy
- Employees are periodically requested to update declarations relating to conflicts and personal interests
- Interview panel members must declare a possible conflict of interest and step down, where necessary, if they have a personal relationship with a candidate
- Employees are required to complete the elearning module "Doing the Right Thing at MBIE"
- Twice yearly conflict of interest conversations between managers and employees will form part of the performance review process.

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### 3. Active management of conflicts of interest and gifts

A conflict of interest if not disclosed and well-managed, may have an outcome that undermines public trust and confidence in the Ministry and/or its employees and could ultimately lead to resignation or dismissal. Failure to disclose or appropriately manage a conflict of interest could amount to serious misconduct and may result in disciplinary action up to and including dismissal. Active management includes:

- Employees who are unsure about whether a conflict of interest exists (or the potential for one to arise) should seek advice from their manager before deciding that no conflict exists
- MBIE managers must uphold the Ministry's high professional standards, lead by example, and be a role model and mentor for the people around them and the people they interact with, internally and externally, as they manage/declare their own and their team's conflicts
- Gifts accepted by employees over the value of \$50 are MBIE property and must be declared in the CIRS. Further information about the acceptance of gifts is detailed in the Sensitive Expenditure Policy
- Managers must complete the CIRS with the agreed response for managing the conflict or gift disposal within 5 days of receiving the declaration.

#### Mandatory procedures

The [Conflict of Interest Procedure](#) provides the process for defining, declaring and managing conflicts of interest as well as registering conflicts of interest in the CIRS, which is located in myHR.

#### Related MBIE policies and documents

- [Code of Conduct](#)
- [Conflict of Interest procedure](#)
- [Procurement policy](#)
- [Sensitive Expenditure Policy](#)
- [Addressing Conduct and Behaviour policy](#)
- [Addressing Fraud Corruption and Dishonesty policy](#)

#### Measures of the success of the Policy

This policy will be monitored by the Human Resource Branch and measures for success are:

- All declared conflicts of interest are recorded in the CIRS through regular monitoring and reporting against entries in the CIRS
- Managers are aware of their conflict of interest responsibilities and are having at least twice yearly conflict of interest discussions with their employees
- Conflicts have an active conflict management plan in place where appropriate and logged in the conflict of interest register.

#### Consultation processes in developing or reviewing this Policy

This policy was developed in consultation with Business Managers across MBIE, the SLT HR Sub-committee, Legal and Risk & Assurance.

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## Compliance Management

The Human Resource Branch will oversee the general compliance with this policy to minimise the risk of breaches of this policy. This will include:

- Monitoring of compliance with the Conflict of Interest Policy and Procedure through regular reporting from the CIRS
- Random checking of Performance Agreements to ensure conflict of interest conversations are being held at least twice per year and any conflicts declared have been entered into the CIRS
- Monitoring the completion of the online eLearning module "Doing the Right Thing at MBIE" as part of MBIE induction
- Compliance information regarding the performance of this policy will be provided to Risk and Assurance on a quarterly basis.

## Training and Communication

Communications will be issued periodically to remind employees of their obligations under this policy.

There is the requirement that all new employees complete the "Doing the Right Thing at MBIE" elearning module on LMS as part of their induction when joining MBIE.

## Key Accountabilities and Responsibilities

Role	Description of responsibility
Chief Executive	<ul style="list-style-type: none"> <li>• Accountable for MBIE meeting its obligations under this policy</li> <li>• Authority to approve the Conflict of Interest policy.</li> </ul>
SLT	<ul style="list-style-type: none"> <li>• Reviewing and endorsing this policy is accepted or recommending changes to the policy.</li> </ul>
DCE	<ul style="list-style-type: none"> <li>• Ensuring their business groups are compliant with this policy.</li> </ul>
Managers/Team Leaders	<p>In addition to their responsibilities as employees, managers and Team Leaders are responsible for:</p> <ul style="list-style-type: none"> <li>• Ensuring MBIE employees are given appropriate information and training to assist them to comply with their obligations to this policy</li> <li>• Being aware of the risks of conflicts inherent in the work of the employees they manage</li> <li>• Monitoring the work of employees and the risks they are exposed to</li> <li>• Making employees aware of this policy and the procedures for complying with it</li> <li>• Having twice yearly conflict of interest conversations with each of their employees as part of the performance review process</li> <li>• Advising employees when they are covered by the Procurement Policy requirements for disclosure and ensuring this policy is complied with</li> <li>• Receiving declarations of conflicts of interest from the CIRS</li> </ul>

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Role	Description of responsibility
	<p>and completing this within 5 days of the conflict being disclosed</p> <ul style="list-style-type: none"> <li>• Discussing with employees the options for managing the conflict, deciding on the most appropriate course of action in consultation with their manager or HR if appropriate, and implementing this.</li> </ul>
All employees	<ul style="list-style-type: none"> <li>• Reading, understanding and complying with this policy and its related policies and procedures</li> <li>• Disclosing any actual, potential or perceived conflict of interest in line with this policy, as soon as it comes to their attention</li> <li>• Make declarations promptly, fully and appropriately in the CIRS or in terms of the Procurement Policy process.</li> <li>• Declaring any gifts accepted over the value of \$50 in the CIRS and in accordance with the Sensitive Expenditure Policy</li> <li>• Completing the elearning online module "Doing the Right Thing at MBIE."</li> </ul>
Policy Owner	<ul style="list-style-type: none"> <li>• Ensuring the Conflict of Interest Policy meets the minimum required for development and implementation as outlined in the Policy on Internal Policies</li> <li>• Ensuring the policy is working effectively through regular monitoring and reporting of compliance to the policy.</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>• Providing advice to managers on how to manage a conflict of interest or gift disclosure</li> <li>• Promulgating published guidelines around maintaining political neutrality during an election period when required</li> <li>• Monitoring and overseeing the general compliance with this policy to minimise the risk of breaches of this policy.</li> </ul>
Recruitment Panel Member	<ul style="list-style-type: none"> <li>• Declaring a possible conflict of interest and stepping down, where necessary, if they have a personal relationship with a candidate.</li> </ul>
Employees involved in procurement activities	<ul style="list-style-type: none"> <li>• Completing a conflict of interest declaration under the Procurement Policy before they commence any procurement work.</li> </ul>

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INNOVATION & EMPLOYMENT**  
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# Conflict of Interest Procedure Guide

July 2016

Version 4

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## Purpose of Guide

This document supports the Conflict of Interest Policy and provides guidance on helping to define a conflict of interest and then explains the procedure for declaring and managing conflicts of interest. It also explains the process for registering and updating conflicts of interest in the online Conflicts of Interest Register System (CIRS), which is located on [myHR](#).

The guide covers the following:

### 1. Defining a Conflict of Interest

#### 1.1 What is a Conflict of Interest?

#### 1.2 Types of Conflicts of Interest

##### 1.2.1 Private Interests

##### 1.2.2 Gifts and Hospitality

##### 1.2.3 Recruitment Panel Members

### 2. Conflict of Interest Management Process

#### 2.1 Declaring a Conflict of Interest

#### 2.2 Logging a Conflict of Interest

#### 2.3 Managing a Conflict of Interest

**Appendix 1:** Details the process that a conflict of interest follows once logged in the CIRS

**Appendix 2:** Questions & Answers - provides examples of the types of conflicts that could arise

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## 1. Defining a Conflict of Interest

### 1.1 What is a Conflict of Interest?

A conflict of interest occurs when an employee's private interests or obligations conflict, or can be perceived to conflict, with the performance of their duties or the responsibilities of their job or position. Where that is the case their independence, objectivity or impartiality can be called into question.

A conflict of interest can be:

- actual: where the conflict already exists
- potential: where the conflict is about to happen, or could happen
- perceived: where other people might reasonably think that a person has been compromised.

### 1.2 Types of Conflicts of Interest

#### 1.2.1 Private Interests

MBIE recognises that employees hold private interests and obligations outside of their role at MBIE. It is important when there is an actual, potential or perceived conflict in relation to these private interests that these be declared. Private interests may include:

##### *Financial*

- Where an employee holds a financial interest (for example, shares in a company) and may stand to financially gain from a work decision or action they are involved in that affects the value of that interest, for example through an increase in the value of the shares or other investments
- Where an employee may receive money, gifts, favours, gratuities, employment opportunities or contracts in connection with the provision of goods or services to MBIE.

##### *Personal*

- Where an employee has a close relationship with another person, for example a spouse, partner or family/whanau member, friend, or someone within their community who holds a position, owns assets or represents a viewpoint that may put them in conflict with the employee's work obligations or there may be a reasonable perception of influence. It is also important that close personal relationships within MBIE are declared at the point that such a relationship arises.
- Where an employee is in a position where they could provide or could be perceived as being able to provide a professional, personal, or financial advantage or benefit to whanau/family or friends
- Where an employee has a personal interest in a particular matter, for example a strongly held personal view, cultural or religious perspective, or political stance which may or may not have been shared in a public forum
- Where an employee utilises the services MBIE provides in relation to their personal affairs (for example, a tenancy dispute).

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## **Business**

- Where an employee is a director, owner, partner, or significant shareholder in a business, or has a close relationship with a person who is a director, owner, partner or significant shareholder in the business, or undertakes secondary employment whether on a paid or voluntary basis
- Where an employee has previously been involved in something that they now need to consider or work on as part of their role at MBIE (for example, a mediator being asked to mediate a dispute arising from an employment agreement they drafted in a previous role).

The questions and answers in Appendix 2 of this document also provides examples of potential conflict of interest scenarios.

### **1.2.2 Gifts and Hospitality**

An MBIE employee could also be compromised if they're given something from a person who stands to benefit from their decision. This might be the case if they accept:

- a gift
- an invitation to lunch, dinner or a sporting event
- free or subsidised travel or accommodation
- any other sort of benefit, including money.

The Sensitive Expenditure Policy sets out guidance on declaring any gifts and hospitality that employees have accepted. Some branches require that employees accept no gifts or hospitality at all, so employees should check these requirements with their manager. All gifts that are accepted over the value of \$50 must be declared in the CIRS.

### **1.2.3 Recruitment Panel Members**

Interview panel members must declare a possible conflict of interest and step down, where necessary, if they have a personal relationship with a candidate.

Candidates with a close personal relationship with the recruiting manager will not normally be considered for appointment. For an appointment to proceed:

- Chief Executive or Deputy Chief Executive approval must be obtained
- The decision maker who is related to the candidate must have had no involvement or influence in the appointment process, and
- A risk assessment is undertaken which identifies relevant and likely risks and ensures mitigation measures are manageable.

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## 2. Conflict of Interest Management Process

The following steps will be taken to identify and manage any conflict of interest.

### 2.1 Declaring a Conflict of Interest

When they start working at MBIE employees are required to declare any interests that may cause an actual or potential conflict of interest. In addition to this they are required to ensure that they declare all new actual, potential or perceived conflicts of interest that arise during their time at MBIE in the Conflict of Interest Register (CIRS).

Managers are required to have a conflict of interest discussion with each of their direct reports at least twice a year as part of the performance review process and to review and update the CIRS to ensure it is complete and accurate; at the time the Performance Agreement is set up (July/August) and again at the midyear performance review (January/February).

Employees involved in procurement activities must complete a conflict of interest declaration under the [Procurement Policy](#) before they commence any procurement work. In addition to this, prior to beginning involvement in particular processes where a conflict might arise (such as asset sales, resource auctions or tender processes) there should be a conflict of interest review with those employees who will be, or who are likely to be, involved, to identify employees who may have a potential interest in the process (for example through shareholdings or relationships with external participants).

Personal information contained in a conflict of interest declaration is protected by the Privacy Act 1993.

### 2.2 Logging a Conflict of Interest

The CIRS is an application that MBIE employees and contractors must use to declare any interests that may lead to actual, potential or perceived conflicts of interest with the performance of the duties or responsibilities of their position. The CIRS records all conflict of interest declarations, sends email notifications to managers for action, tracks management responses and generates reports upon request. Appendix 1 shows the process that a conflict of interest follows once logged in the CIRS.

When an employee/contractor identify a conflict they should declare it in the CIRS and select the appropriate categories of conflict of interest from the options below:

#### ***Gifts or favours received***

As a public servant, should an employee personally accept a gift or hospitality a sense of obligation may be created, which may influence, or be perceived to influence, the way they fulfil any future decision making role in relation to the gift giver. All gifts and hospitality over the value of \$50 that are accepted must be declared in the CIRS. However, some branches require that employees accept no gifts and hospitality at all, so employees should check these requirements with their manager.

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For any questions about gifts and hospitality, please refer to the [Sensitive Expenditure Policy](#).

#### ***Near relative in reporting line***

This is where an employee is in a position where they exercise delegated powers (financial or human resources), which could potentially benefit their partner, a relative or friend.

#### ***Personal or financial interest***

This is where a employee holds an interest or position (other than secondary employment which is a separate category) that could result in a professional, personal, or financial advantage or benefit to them, or be seen by others as being able to give them such a benefit.

#### ***Family or friends***

This is where an employee is in a position where they could provide or could be perceived as being able to provide a professional, personal, or financial advantage or benefit to whanau/family or friends. This includes partners (including de facto and civil union partners), parents and children, extended family (in-laws, aunts, uncles, cousins, nieces, nephews etc) and others with whom there is a close association (e.g. close friends or neighbours).

This also includes situations where an employee utilises the services that MBIE provides.

#### ***Community or Cultural Group***

This is where an employee is in a position where they could provide, or could be perceived as able to provide, a professional, personal, or financial advantage or benefit to members of their community, sporting, cultural or faith based group, or a stakeholder group such as fellow trust or board members.

#### ***Secondary Employment***

MBIE doesn't prohibit employees from having other jobs, however it is important that secondary employment is declared in order to ensure there is no actual, potential or perceived conflict with the employee's role at MBIE. Even if there is no scope for confusion because the two roles are different, issues must be resolved in relation to the potential for impairment to safety, wellbeing or performance as a result of working extended hours.

#### ***Political***

This is where an employee has a personal interest in a particular matter, for example a strongly held personal view, cultural or religious perspective or political stance that may conflict or has the potential to conflict with the performance of the duties of their role or their position at MBIE.

#### **Reporting**

Reports can be obtained from the CIRS. Reports can be used to check what conflicts have been declared and what steps have been put in place to manage a conflict. Managers are able to view declarations of employees reporting to them.

To obtain a report, please log a request with [myHR](#).

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**Approved:** Chief Executive

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## 2.3 Managing a Declared Conflict of Interest

A conflict of interest, if not disclosed and well-managed, may have an outcome that undermines public trust and confidence in MBIE and/or its employees. Failure to disclose or appropriately manage a conflict of interest could amount to serious misconduct, and may result in disciplinary action up to and including dismissal.

Once an employee has logged a conflict of interest declaration in the CIRS a notification email will be forwarded to their manager with details of the conflict that the employee has entered. The manager will then need to determine whether there is a conflict of interest, and if there is one, how the conflict is best managed. The options for managing a conflict of interest include:

- **restricting:** imposing restrictions on the employee's further involvement in the matter
- **reviewing:** organising a review of the process to verify its integrity by an independent person
- **removing:** the employee chooses, or is asked, to be removed completely from the matter
- **relinquishing:** the employee relinquishes (or divests) the private interest that created the conflict where that is practicable.

The manager should then meet with the employee to discuss their declaration and determine whether or not a conflict of interest exists, and if one does, what steps can be put in place to manage it.

The manager is responsible for deciding on the most appropriate way to manage the conflict, having consulted the employee and having sought advice from HR or their own manager, if appropriate. The manager must then record the actions they will take in the CIRS and complete these within the required timeframe. If there is no conflict of interest the manager then closes the declaration in the CIRS but the declaration record will remain in the CIRS for audit purposes. If there is a conflict of interest the manager enters the response to the conflict into the CIRS and this is then emailed to the employee for confirmation.

If an employee doesn't agree on how a manager proposes to respond to a conflict of interest they can escalate the matter to their one up manager. If the matter is still unable to be resolved, the manager should contact HR who will provide advice on the various options for resolving the dispute.

### Managing a close personal relationship

Once a close personal relationship declaration is made in the CIRS, the manager must ensure that it is managed as with any other conflict of interest. In addition, where there is a direct reporting relationship and the conflict cannot be managed any other way, one of the employees may be redeployed (by agreement and where practical) to another role within MBIE where the conflict may be avoided, or dismissed as a last resort.

### Related Policies and Procedures

- [Conflict of Interest Policy](#)
- [Sensitive Expenditure Policy](#)

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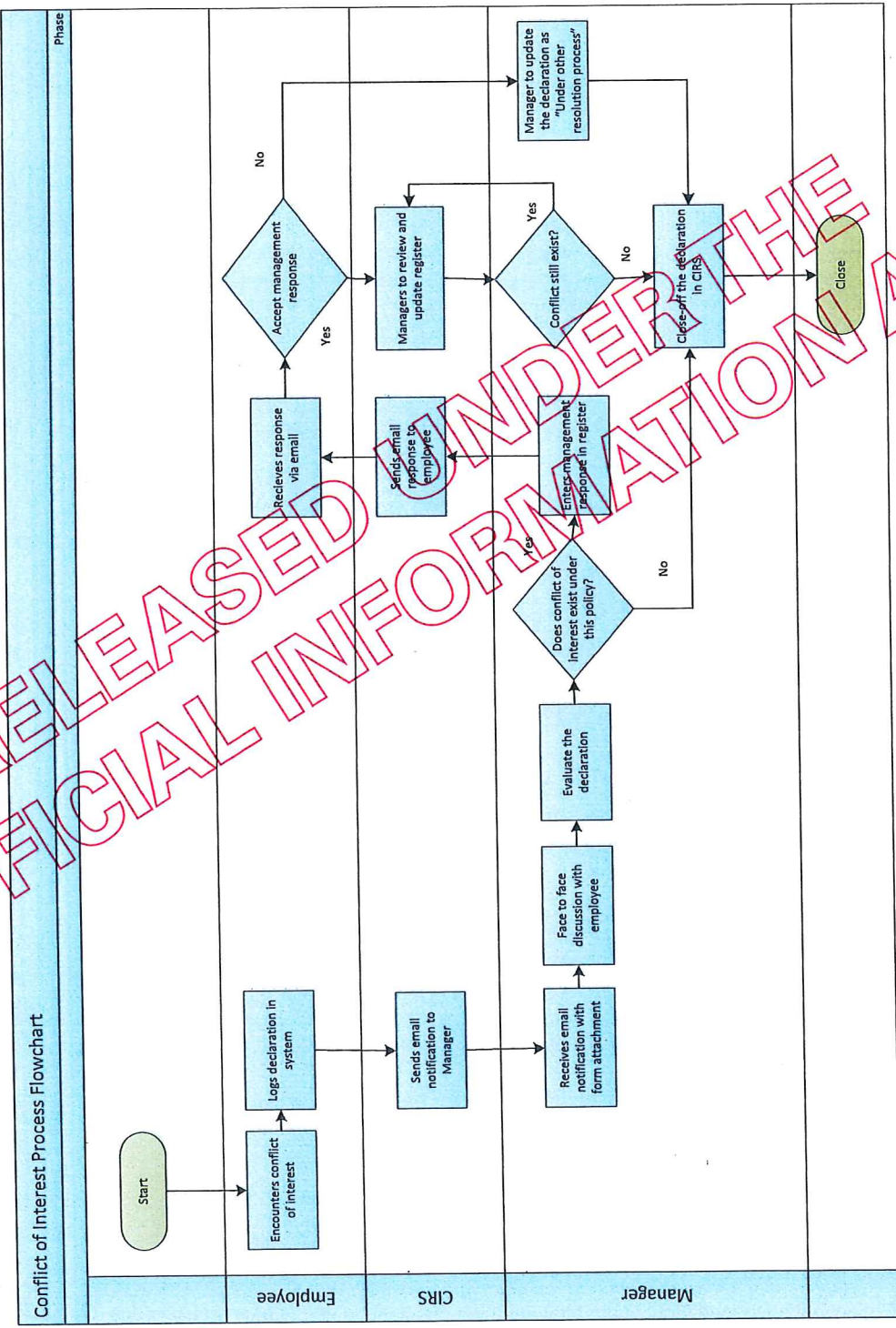
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**Appendix 1:** The process that a conflict of interest follows once logged in the CIRS is set out below





**Appendix 2: Questions & Answers – provides examples of the types of conflicts that could arise**

**1. If you think you may have a conflict of interest, what is the first thing you should do?**

*Log the conflict in the Conflict of Interest Register (CIRS). Your manager will then get an email and will consult you. They will also seek advice from HR, Legal or their own manager, as needed on the extent of the conflict and how it is to be managed. If you are unsure about whether there is a conflict of interest or not, you should discuss it first with your manager.*

**2. You are a member of a school Board of Trustees which is about to lodge a leaky building claim with Weathertight Homes Resolution Services. Should you disclose that you work for MBIE?**

*Yes, this is a **potential** conflict of interest (because a conflict is about to happen, or could happen in that Weathertight Services is housed within MBIE). It's also likely to be a **perceived** conflict of interest (because even if you have no involvement or influence over the way the claim is dealt with, other people might think that you had influenced, or tried to influence, the outcome).*

*You should note the conflict in the CIRS and also advise the Board of Trustees.*

**3. You have a dispute with your landlord which goes to MBIE Mediation Services. How should you manage the potential conflict of interest?**

*You may access publicly available information- if you do, it's important that you do this in your personal capacity. How the potential conflict is best managed depends on the circumstances, for example, whether you work in a completely different part of MBIE. Your manager is best placed to advise you. If you have queries about the process, such as when the hearing is or what the process is, then you ought to be able to call the Service and ask them, but again you should discuss and agree your approach first with your manager.*

**4. You've set up a small business that you are running from home, outside of your normal MBIE work hours – is this a conflict of interest?**

*Yes, this is a potential conflict of interest. MBIE doesn't prohibit employees from having other jobs, but any form of secondary employment needs to be declared in the CIRS. This is to ensure that there is no actual, potential or perceived conflict with your role at MBIE.*

**5. Your cousin is anxiously waiting to learn the outcome of their application for permanent residence, so they ask you if you can check for them. What should you do?**

*Direct them to the publicly available information channels (website, email and 0800 number). It would be a conflict of interest for you to use, or appear to use, your influence or knowledge of MBIE to get preferential treatment or information for your friends or family.*

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**6. A close friend of yours is shortlisted for a job and you are asked to be on the interview panel. What should you do?**

*Note the conflict in the CIRS and discuss with your manager. Your manager will decide the appropriate steps to be taken to manage the conflict. If their appointment would create a conflict for you (for example because you would be required to manage them) you must also declare this to your manager and in the CIRS.*

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