

Purpose

This policy sets out the expectations of Te Tāhū o te Ture with regard to disclosure of any conflicts of interest, whether actual, potential, or perceived.

Policy Statement

Te Tāhū o te Ture expects us to perform our duties honestly and impartially. We must not use our position in Te Tāhū o te Ture for personal gain or to advantage or benefit any other person or organisation with whom we have a relationship or connection, whether directly or indirectly.

Te Tāhū o te Ture requires us to declare any actual, potential or perceived conflicts of interest at the earliest possible opportunity.

Scope

This policy applies to all employees (whether permanent, fixed-term, or casual) and for the purposes of this policy, the following are also included:

- Persons seconded to Te Tāhū o te Ture.
- Contractors and consultants (individuals, employees of contractors or consultants or sub-contractors).
- Board members.
- Volunteers working without reward.

This policy should be read in conjunction with the [Conflict of Interest Guidelines](#), [Code of Conduct](#), and the Public Service Commission Standards of [Integrity and Conduct](#).

This policy does not apply to the judiciary, as they are not employees of Te Tāhū o te Ture.

What is a Conflict of Interest

A conflict of interest arises when personal interests compromise or may be seen to compromise our responsibilities to Te Tāhū o te Ture. Conflicts or perceived conflicts involve ethical considerations, which encompass Te Tāhū o te Ture [Code of Conduct](#). They can arise in a variety of ways: from financial or non-financial interests, personal or professional relationships, family or community expectations; and they can exist whether or not money is involved. A conflict may be actual, potential or perceived.

Interests that might be considered to conflict with your responsibility to Te Tāhū o te Ture may include:

- holding another public office;
- being a current or (recent) former advisor, director, or partner of another business or organisation;
- being a member of a club, society, or association;
- having a professional or legal obligation to someone else (such as being a trustee);
- having a beneficial interest in a trust;

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- owning shares or some other investment or asset;
 - having received a gift, hospitality, or other benefit from someone;
 - owing a debt to someone; or
 - being a relative or close friend of someone who has one of these interests, or who could otherwise be personally affected by a decision made by Te Tāhū o te Ture.

Having a personal interest, on its own, is not what causes a conflict. Everyone has multiple roles and interests at work, at home, in their extended families, or in the community. A potential conflict of interest arises only where your duties or responsibilities for Te Tāhū o te Ture overlap with one of your other roles or interests.

The existence of a conflict of interest does not necessarily mean that we have done something wrong and it need not cause problems. However, conflicts of interest do need to be identified and managed carefully in order to maintain public trust and confidence in the justice system. In any situation where activities are paid for out of public funds or carried out in the public interest, the public needs to be confident that decisions:

- are made for the right reasons; and
- are not influenced by personal interests or ulterior motives.

The risk with having a conflict of interest that is not properly managed is that you may be seen to be advancing your own interests or the interests of others you feel a sense of loyalty or obligation to, rather than the interests of Te Tāhū o te Ture. Even if you have no intention of acting improperly, and are confident that you can think and act impartially, if it looks like you might be influenced by personal interests or ulterior motives when making a decision, you risk undermining public confidence in the integrity of that decision.

Disclosing a Conflict of Interest

We must disclose actual, potential or perceived conflicts of interest to our immediate manager as soon as we become aware that one exists.

All conflicts, other than for procurement activity, must be declared by following the Conflict of Interest Guidelines.

For conflicts or perceived conflicts relating to our involvement in a procurement process, the disclosure requirements of the [Procurement Policy](#) apply. Where disclosure of a conflict of interest is required under the *Procurement Policy*, we must also complete the procurement “*Conflict of Interest and Confidentiality Agreement*” (available from the Procurement and Contracts team).

Once a conflict of interest has been declared, your manager (or procurement advisor / project manager as may be appropriate) will determine how to manage the conflict in consultation with you. We are required to follow all reasonable instructions in this regard. Considerations will include the public perception of the relationship, the transparency and independence of any transaction involved, and the integrity of Te Tāhū o te Ture and the wider justice system. If necessary, advice should be sought from senior management.

If the conflict cannot be managed, or where there is likelihood that the situation could undermine public trust and confidence in Te Tāhū o te Ture, then we may be required to cease any involvement in the activity relating to the conflict.

Failure to disclose an interest that may give rise to a conflict of interest may be regarded as a disciplinary matter. Action may be taken in accordance with the [Disciplinary Process Policy](#) and the [Fraud and Corruption Policy](#) (if applicable).

Raising Concerns

If you have concerns about the way your conflict of interest is being managed, this should be discussed with your manager in the first instance. Further advice and support can be sought from senior line management, or specialist teams such as Risk and Internal Audit, People Experience, Procurements and Contracts, or the Office of Legal Counsel. The responsibility for making the decision about the management of the conflict of interest lies with the line manager of the person with the conflict of interest (or project manager / procurement advisor where applicable).

If you have a concern about wrongdoing, including suspected impropriety in relation to disclosure / nondisclosure of interests or the management of declared interests, you need to immediately notify your manager or alternatively Risk and Internal Audit. Further guidance can be found in the Fraud and Corruption Policy.

Responsibilities

Employees

It is the responsibility of every employee or contractor to inform their immediate manager (or procurement advisor / project manager as appropriate) as soon as possible when an actual, perceived, or potential conflict of interest arises, or when they are uncertain or concerned about a possible conflict.

Managers and Project Managers

Once a conflict of interest is declared, the immediate manager (or procurement advisor / project manager as appropriate) is responsible for deciding, in consultation with the person and if necessary other senior managers, the action required to resolve or manage the situation effectively.

Each declared conflict of interest should be considered on a case by case basis, according to the particular circumstances and the level of seriousness and sensitivity. Judgement and careful assessment are important.

Managers and project managers (or procurement advisors) must periodically review management plans to ensure they are still managing the conflict effectively. This review must be documented and recorded.

For declared conflicts or perceived conflicts, managers and project managers (or procurement advisors) must update the management plan in Mahi. Please see Te Tāhū o te Ture 's Conflict of Interest Guidelines.

Senior Managers

Once a year, Risk and Internal Audit will request that all members of the Strategic Leadership Team and Senior Management Team complete an annual conflict of interest declaration, which can be submitted through Mahi. All senior managers must complete this even if there are no known conflicts.

Managers must also ensure all employees are regularly reminded to review their individual situations.

Any new declared conflicts or changes to existing declared conflicts relating to this policy must be updated in Mahi.

Manager, Risk and Internal Audit

The Manager, Risk and Internal Audit, is responsible for ensuring that:

- all reported conflicts are recorded on the conflicts register; and
 - unreported conflicts (where subsequently discovered) are investigated where appropriate.
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Protected Disclosures

If you are concerned about an undisclosed interest you may make a protected disclosure under the Protected Disclosures Act 2000. Please refer to the Ministry's [Protected Disclosure Policy](#).

RELATED POLICIES AND PROCEDURES

- [Conflicts of Interest Guidelines](#)
- [Procurement Policy](#)
- Procurement Conflict of Interest and Confidentiality Agreement (obtain from Procurement and Contracts team)
- [Code of Conduct](#)
- [Fraud and Corruption policy](#)
- [Disciplinary process policy](#)
- [Contractors and Consultants Policy](#)
- [Protected Disclosures Act 2000 and Policy](#)
- [Secondary Work Policy](#)
- [SSC Standards of Integrity and Conduct](#)

CONTACT	Risk and Internal Audit	OWNER	Manager, Risk and Internal Audit
LAST REVIEWED	August 2024	NEXT REVIEW	August 2026
LAST UPDATED	November 2023	STAKEHOLDERS CONSULTED	
APPROVED BY	SLT Business Committee		