

CODE OF CONDUCT FOR MINISTERIAL STAFF

STATE SERVICES COMMISSION
TE KAWA MATAAHO



A code of conduct issued by the State Services Commissioner under the State Sector Act 1988, section 57 (3).

**WE MUST BE FAIR,
PROFESSIONAL,
RESPONSIBLE &
TRUSTWORTHY**

MINISTERIAL STAFF

Ministerial staff are employees (including acting, temporary or casual employees who are employed on events-based employment agreements by the Department of Internal Affairs and who work directly to a Minister in a Minister's office rather than in a department.

This group does not include departmental staff who are seconded or appointed to work in their Minister's office. Departmental staff are not covered by this code - they are subject to the Standards of Integrity and Conduct for the State services and are required to be politically neutral in their work.

Ministerial staff have an important role in providing advice and support to Ministers in the performance of their ministerial functions. Ministerial staff take political considerations into account in undertaking their work. The presence of Ministerial staff helps maintain the distinction between the executive and political aspects of the Minister's role.

EXPECTATIONS ON MINISTERIAL STAFF

The nature of the role means that Ministerial staff are not required to be politically neutral. Apart from this, Ministerial staff are expected to meet the same standards of integrity and conduct as other State services staff. Ministerial staff should be **Fair, Professional, Responsible and Trustworthy**.

FAIR

Means treating everyone fairly and with respect, and being responsive. It means working to make government services accessible and effective, to make a difference to the well-being of New Zealand and its people.

PROFESSIONAL

Means respecting the authority of the government of the day and the role of Parliament. It means respecting the duty of an independent State services to provide free and frank advice and undertake their responsibilities free from inappropriate influence.

RESPONSIBLE

Means acting lawfully and ethically, and working to improve the performance of government. It means using official resources and information carefully and only for proper purposes.

TRUSTWORTHY

Means being honest. It means ensuring actions are not affected by personal interests or relationships and not misusing a position for personal gain. It means avoiding any activities, work or non-work, that may harm the reputation of Minister's offices or the State services.

Explaining the Code of Conduct for Ministerial Staff



EMPLOYING DEPARTMENT

The Department of Internal Affairs as the department that employs Ministerial staff must maintain policies and procedures that give effect to these standards. The department may also issue its own code of conduct, with additional or detailed provisions that are pertinent to its circumstances. Ministerial staff must comply with any code of conduct and the policies and procedures issued by their employing department, except for provisions on political neutrality, from which Ministerial staff are exempt.

OTHER GUIDANCE

Understanding the code – Guidance for State servants (<http://www.ssc.govt.nz/code-guidance-stateservants>) provides guidance for State servants on the Standards of Integrity and Conduct. The Impartial standards and their explanation in that guidance do not apply in the case of Ministerial staff. The explanations of the Fair, Responsible and Trustworthy standards are relevant to this code and should be used where Ministerial staff require clarification.

CABINET MANUAL

The Cabinet Manual provides guidance to Ministers including in areas such as conduct, conflicts of interest, relationships with the State services and confidentiality. Ministerial staff support the Minister and thus they should be aware of and follow applicable requirements of the Cabinet Manual, while recognising this code may impose additional integrity and conduct obligations.

RELATIONSHIPS

Ministerial staff have a key role in facilitating effective communication between Ministers and agencies. In communicating with agencies Ministerial staff are acting on behalf of Ministers and should be aware that executive decisions are the preserve of Ministers and State servants. Ministerial staff should help facilitate the flow of free and frank advice between Ministers and State servants.

Major decisions should usually be discussed between the Minister and senior State servants, rather than communicated through Ministerial staff – this can help ensure there is clarity of message and it is backed by full authority. All State servants should be free from any influence or intervention that may conflict with their obligations under the Standards of Integrity and Conduct.

Ministerial staff should refer to the guidance set out in the Cabinet Manual in regard to relationships between Ministers, Ministerial staff and the State services.

ADVICE

Ministerial staff are not required to be politically neutral, and thus the advice they offer may have a political element. The advice offered may be partial, but this does not derogate from the requirement for it to be robust and complete. In common with all State servants, Ministerial staff must not mislead Parliament, the public, Ministers or other State servants.

POLITICAL PARTY ACTIVITY

The role of Ministerial staff is to support the Minister in their role as a Minister of the Crown. This means providing political advice to Ministers at all times but if Ministerial staff wish to undertake work for a political party they must do this outside paid work hours and must not use official resources for political party activity. Particular care should be exercised when using email and accessing electronic records and the internet.

CONFIDENTIALITY

Ministerial staff have the same confidentiality obligations as other State servants. Ministerial staff should only use confidential official information for authorised purposes in their role. Ministerial staff must not access official information for personal purposes or give that information to others, without clear authorisation. Personal private information should be protected. These requirements apply during the employment of Ministerial staff and beyond.

CONFLICTS OF INTEREST AND GIFTS

In common with all State servants, Ministerial staff must declare to their employing department, and take reasonable steps to avoid, any conflicts of interest (real or perceived). Such conflicts can arise from outside secondary work (paid or unpaid), political activity undertaken in a private capacity, offers of employment, financial interests and family and other interests.

The receipt of a gift or hospitality can create the perception of a conflict of interest. In common with all State servants, Ministerial staff should decline any gifts or hospitality that place them under any obligation or perceived influence. Any gifts or hospitality that are offered or accepted must be declared in accordance with the policies of the employing department.

MEDIA AND PUBLIC COMMENT

In common with all State servants, Ministerial staff should only make media or public comment when authorised to do so, and should not make political party comment. Ministerial staff should apply professional judgement and take care not to be involved in the preparation or dissemination of inappropriate material or personal attacks. Ministerial staff should not do anything that may bring the State services into disrepute. They should take particular care in the use of social media (when in an authorised official capacity or in a personal capacity) and this applies regardless of whether or not account settings are private or restricted.

Out of scope



Conflicts of interest

6.8 Conflicts of interest

The impartiality and integrity of employees is central to ensuring that the public, our clients and the government have confidence in Internal Affairs and in the work we do.

You must perform your duties honestly and impartially, avoiding any personal, financial or professional situations that might compromise, or be seen to compromise, your integrity or otherwise lead to a conflict of interest.

There are three types of conflicts of interest.

Type of conflict	Description
Actual	You have an actual conflict of interest
Perceived	Others reasonably think, or may reasonably think, you may have a conflict of interest
Potential	Something that has not yet occurred but there is a reasonable risk it will happen and, if it did, would create a conflict of interest, or perceived conflict of interest.

If you become aware that you have an actual, perceived or potential conflict of interest, you must disclose it to your manager as soon as possible. This is to safeguard both you and Internal Affairs. Even if you believe that you have dealt with the situation in the appropriate manner, you must advise your manager because with conflicts, perception (how it looks or may look to others outside Internal Affairs) is as important as reality (what actually happens).

Failure to disclose a conflict of interest may be perceived as an attempt to conceal it, and may lead to your integrity being called into question. To safeguard yourself against allegations of improper behaviour, you need to recognise when an actual, perceived or potential conflict of interest arises. If in doubt ask and disclose it to your manager.

Conflicts of interest usually fall into one of the categories below.

Area	Examples of Conflict
Personal	<p>When you could gain a benefit or advantage or have your actions interpreted as getting a personal gain or benefit. For example, an employee has knowledge of a change to legislation and provides this information to an interested stakeholder before it is available to others.</p> <p>Situations in which you (or your family or close associates) own or become the owner of, or have any material interest in, any contractor providing products or services to Internal Affairs, e.g. you have a financial interest in a cleaning company that wins a contract with Internal Affairs.</p>
Family and friends	<p>Where you have an opportunity or pressure to assist or provide an advantage or benefit to your family or friends.</p> <p>For example, a family member, friend or associate asks you to process or monitor progress of an application for a passport.</p>
Community	<p>Where you have an opportunity or pressure to assist or provide an advantage or benefit to a stakeholder or people in a community with which you are identified.</p> <p>For example, you might be asked to advise on a grant application to benefit people in your suburb.</p>

Area	Examples of Conflict
Secondary employment	<p>Where your employment outside Internal Affairs may conflict with your employment at Internal Affairs.</p> <p>For example, your secondary employer might be regulated by Internal Affairs staff (a casino, an adult video shop, a firm that uses spam email to promote itself).</p>
Voluntary interests	<p>Where your voluntary interests may conflict with your employment at Internal Affairs.</p> <p>For example, you might join an organisation pressing for a change in a law administered by Internal Affairs.</p>
Gifts and benefits	<p>Where receiving gifts and benefits may create conflicts of interest for employees.</p> <p>You might sign a contract for services with a company that had bought you tickets to a big game or show.</p>

Out of scope

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