

Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence
Minister for Child Poverty Reduction
Minister Responsible for Ministerial Services
Associate Minister for Arts, Culture and Heritage



Hemant
fyi-request-20861-4ef96975@requests.fyi.org.nz

09 NOV 2022

Ref: PMO 2022-329

Tēnā koe Hemant

Official Information Act request: Conflicts of interest in Parliament

Thank you for your Official Information Act 1982 (the Act) request, received on 15 October 2022. You requested:

“Can i please get a list of all conflicts of interest that have been managed (declared or not) for this term of parliament.”

Ministers are personally responsible to the Prime Minister for managing conflicts of interest as and when they arise. To facilitate this, they are actively encouraged to seek advice from the Secretary of Cabinet on a confidential basis. It is in the public interest that the Secretary of Cabinet can obtain and assess information about conflicts of interest and provide advice to Ministers and the Prime Minister about how to resolve them.

Every year Cabinet Office proactively publishes information about the management of ministerial conflicts of interests. This information covers transfers of responsibility and agreements not to receive papers.

The information from previous years is available on the Department of the Prime Minister and Cabinet website: <https://dpmc.govt.nz/our-business-units/cabinet-office/ministers-and-their-portfolios/ministers-interests>. The annual proactive release of information about the management of ministerial conflict of interests for 2021 – 2022 will be published in December. I am therefore refusing your request under section 18(d) on the grounds that the information is or will soon be publicly available.

In addition, declarations of conflicts of interest made by Ministers at Cabinet and Cabinet committee meetings are subject to the convention of Cabinet collective responsibility and confidentiality. The protection of discussions between Ministers at these meetings is a core constitutional requirement for the effective conduct of public affairs.

In respect of any information about conflicts that is not covered by the proactive release, successive Ombudsmen have formed the view that there are good reasons to withhold correspondence between Ministers and the Cabinet Office about actual or possible conflicts of interest, as well as Ministers' declarations of interests at Cabinet committee and Cabinet meetings.

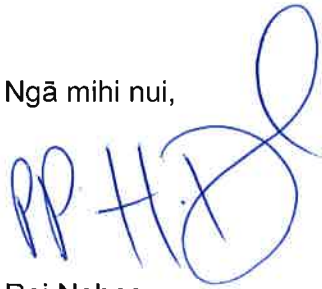
Accordingly, to the extent that the information requested is not covered by the proactive releases, I have decided to withhold that information on the basis of the following sections of the Act:

- section 9(2)(f)(ii), to maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility;
- section 9(2)(f)(iv), to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials; and
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between Ministers of the Crown or officials in the course of their duty.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Ngā mihi nui,

A handwritten signature in blue ink, appearing to read 'Raj Nahna', with a large, stylized flourish extending from the end of the signature.

Raj Nahna
Chief of Staff