

Review of Stats NZ Tatauranga Aotearoa's policies, processes, and practices for managing conflicts of interest, particularly as they pertain to political neutrality.

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Terms of Reference: Review of Stats NZ's policies, processes and practices for managing conflicts of interest, particularly as they pertain to political neutrality.

Background

It has been reported in the media that on 24 January 2024, a Stats NZ employee attending Rātana Pā in an official capacity, made comments that publicly criticised attending Ministers of the Crown.

All public service employees have an obligation to serve the Government of the day and to perform their role in a politically neutral manner. This enables the maintenance of public confidence in the impartiality of Stats NZ and maintains the trust of Ministers so Stats NZ can continue to be a credible core public service department and effectively serve successive Governments.

While all public servants have the same rights to freedom of speech and political activity as other New Zealanders, it is important that judgement is exercised, and that any potential, perceived or actual conflicts of interest between their work activities and political, personal or other interests or activities are identified and appropriately managed.

Guiding information on how to ensure impartiality and manage standards of integrity and conduct are provided by Te Kawa Mataaho – The Public Service Commission (see [here](#) and [here](#)) and are outlined in the Stats NZ Code of Conduct.

Political neutrality is a fundamental principle of the Public Service that cannot be compromised. To provide independent assurance that Stats NZ's conflict of interest policies, processes and practices are fit for purpose and sufficient enough to ensure the circumstances that arose at Rātana Pā do not happen again, the Government Statistician and Chief Executive of Stats NZ has commissioned a Review.

Purpose

The purpose of the Review is to provide advice to the Chief Executive, and to provide the public, Ministers and the Te Kawa Mataaho – The Public Service Commission with assurance, on whether Stats NZ's policies, processes and practices are fit for purpose to manage conflicts of interest, particularly as they pertain to political neutrality.

The purpose of the Review is:

- Identify and confirm the nature of the perceived or actual conflict of interest that occurred.
- What can we learn from the way Stats NZ's current policies and processes were applied to identify and manage the conflict that arose?
- Given the circumstances that arose, were those policies and processes sufficient and fit for purpose?
- What new or improved policies, processes or practices should be put in place to strengthen the way in which the organisation supports staff to identify and manage conflicts of interest in the future?

Scope

In answering the above questions, the Review should consider, make findings, and report on the following with respect to Stats NZ's systems, policies, processes and practices:

- What is the appropriate level and process for taking decisions around sensitive conflicts involving political neutrality?
- Is the Stats NZ guidance to attend events in an official capacity, appropriate and sufficiently clear as to when it is appropriate for staff to attend in an official capacity?
- Does Stats NZ have appropriate conflict identification and management frameworks, and do they reflect the current context?
- Does Stats NZ's policies, processes and practices allow the identification of a full suite of possible ways and practices to avoid, remedy or mitigate conflicts of interest?
- What is the appropriate level of documentation for sensitive or high-risk conflicts?
- How can Stats NZ best support its managers and staff in working through potential conflicts of interest, before, during and after specific situations?

The Review should also consider any other relevant matters necessary to provide a complete review and report on the above.

Out of scope

The Review will not make findings relating to any personal employment matters.

Appointment

The Government Statistician and Chief Executive of Stats NZ appoints Anaru Mill to undertake this Review (Reviewer), with the support of Liz Sinclair.

Description of Review

The Reviewer can develop their own process for this Review. It is, however, expected the process for the Review will encompass a document review, interviews, and meetings. Information and feedback obtained from all these processes and channels will be analysed by the Reviewer.

Deliverables and timeframe

The Review will commence immediately and will be completed by 5 April 2024, with the presentation of a report that makes factual findings and includes recommendations.

Signed:

Dated: 28/2/2024



Mark Sowden
Government Statistician and Chief Executive, Stats NZ

Approach

In accordance with the above Terms of Reference, the approach I took to producing this report involved a review of relevant documentation and a series of interviews.

Documentation on policies and processes

I considered:

- the written policies on the Stats NZ code of conduct, political neutrality and conflict of interest.
- a range of material provided to me by Stats NZ on processes to familiarise and train staff in the policies and related processes.

Interviews

I conducted 12 interviews or discussions with staff and senior Māori public servants from:

- Stats NZ (People & Capability, Tangata Tiriti Learning Capability, Strategic Engagements and Māori Partnerships, Partnerships and Engagement and 2023 Census Engagement Team, the Leadership Team, and Employee A)
- Te Arawhiti
- Treasury
- Ministry of Business Innovation and Employment
- Department of the Prime Minister and Cabinet
- Te Kawa Mataaho Public Service Commission
- Te Hapai O - Māori Statutory Advisory Board

Structure of this report

For efficiency, I have provided my findings and recommendations upfront in this report. These are then supported by sections on the relevant Stats NZ policies and processes, and finally a set of appendices, including unattributed comments, to illustrate some of the key issues that emerged in formulating my findings.

Acknowledgements

I acknowledge the generosity of all those who gave up their time to provide me with information and/or share their views through interviews. Their free, frank and honest insights have been invaluable in the completion of my review and informing this report.

I offer my particular gratitude to those Māori public servants. Whether real or perceived, I think it is a most challenging period for Māori public servants to manage and balance their interests.

In seeking to maintain the trust and confidence of key stakeholders including Ministers and the citizens and whānau we serve, it is also a time in which it is even more important to understand and carefully manage how we give effect to the conventions of the public service. In this context, it is important that we continue to set the example and maintain the highest standards, to keep ourselves as Māori, and as public servants, beyond reproach.

Executive Summary

Government organisations in Aotearoa New Zealand are expected to ensure employees can identify interests and manage conflicts, so the public can be confident the people making decisions on their behalf are doing so objectively and in the public interest.

This review considers whether Stats NZ Tatauranga Aotearoa policies, procedures and practices are fit for purpose to manage conflicts of interest, particularly when they pertain to political neutrality. It was commissioned by the Government Statistician and Chief Executive of Stats NZ after a situation arose where the duties and responsibilities of an employee of Stats NZ, potentially conflicted with their interests outside of work.

On 24 January 2024, a delegation of four Stats NZ employees attended the Rātana celebrations at Rātana Pā in an official capacity. The Rātana celebrations are widely attended by iwi, hapu and Māori, the Crown, government officials and other stakeholders.

The purpose of Stats NZ's attendance at the event was to engage with key iwi and Māori stakeholders to demonstrate a commitment to and strengthen existing business relationships. On the day and in the lead up to the event's formal Government welcome, one of the Stats NZ employees was invited, and subsequently accepted, a role to speak on behalf of tangata whenua.

The employee spoke, making comments that publicly criticised attending Ministers of the Crown. These comments represented a conflict of interest with the employee's official Stats NZ role at the event, which requires public servants to remain politically neutral.

The overall scope of this review was to consider whether Stats NZ had the right systems, policies, processes, and procedures in place to manage conflicts of interest of this nature - and what improvements Stats NZ could make to support ongoing, robust conflict of interest management.

To undertake this review, documentation relating to conflicts of interest at Stats NZ and material developed to inform and educate people on their responsibilities was considered. Interviews with Stats NZ employees, senior Māori public servants from other agencies, other prominent Māori leaders, and the employee concerned were conducted, in accordance with the Terms of Reference.

This review found that the employee's responsibilities in relation to potential conflicts of interest were made clear to him by the organisation, his managers, and leadership with a range of messages, and through a number of channels well in advance of the event at Rātana Pā.

However, this review did identify areas where Stats NZ can improve and strengthen its management of employee conflicts of interest, particularly around the development of more thoughtful and practical guidance and documentation on key potential conflicts and management plans. The recommendations of this report focus on possible measures and steps to improve Stats NZ policies and practices to better support all its employees, drawing insights and contributions from the wider public sector.



Anaru Mill

Recommendations

It is recommended that:

Ensure conflict of interest framework and practices are robust and fit for purpose at Stats NZ

In July 2023 Stats NZ internal audit completed a review that made recommendations proposing a plan of ten main actions to improve and strengthen Stats NZ's conflict of interest policies, processes and practices. A copy of that action plan is provided as **Appendix C**.

Recommendation 1: Stats NZ implements as a priority the action plan recommended by Stats NZ's July 2023 internal audit review. Decisions taken by Stats NZ to focus implementation to the Executive Leadership Team only, should be retracted, and the actions should be applied across the Department as recommended.

For ease of reference, the July 2023 internal audit review action plan recommends:

- the provision of guidance for managers on dealing with staff conflicts of interest declarations
- the review and renaming of the conflict of interest policy and related procedures to support the articles, provisions and principles of Te Tiriti o Waitangi/The Treaty of Waitangi
- the review of recruitment processes to require panel members declare any conflict of interests with job applicants
- the consideration of whether an annual process requiring all staff to complete a conflict of interest declaration is warranted, and if so, set a target for 100% compliance of staff
- the resolution of incomplete management of conflicts of interest declarations
- the design and implementation of a process to achieve 100% completion of conflict of interest declarations by new appointees
- the design and implementation of a separate conflict of interest process for Executive Leadership Team members, applicants and new appointees.

Recommendation 2: In implementing these recommendations, Stats NZ should consider whether the target of 100% staff compliance is a fit-for-purpose target for the completion of annual conflict of interest declarations for the department or whether a more targeted approach is more appropriate.

Regarding the recommendation to revise and rename the Conflicts of Interest Policy and its related procedures to support the articles, provisions and principles of Te Tiriti o Waitangi/The Treaty of Waitangi, I suggest that the primary focus should be to consider how the conflicts of interest policy and its related procedures, can be improved so that it gives greater consideration and is more responsive to the identity, values and interests (including various affiliations) of Māori public servants.

Recommendation 3: To ensure ongoing improvement and a higher standard of conflict of interest management and day-to-day practice at Stats NZ, I recommend all Stats NZ managers receive practical conflict of interest management training and guidance, including support to identify, appropriately document, and manage and review potential conflicts. This could draw on a range of material including the Office of the Auditor General's comprehensive general guidance and training material on conflict of interest. However, Stats NZ guidance should be developed to reflect the specific roles, responsibilities, and expectations of Stats NZ staff.

Recommendation 4: Detailed support and procedures to work through potential breaches of conflict of interest policies should also to be developed for and promoted by all Stats NZ managers. The guidance must be clear and aimed at supporting managers and staff to navigate to a resolution.

Improved practical guidance for Māori public servants

Recommendation 5: Stats NZ should develop and agree an approach and guidelines for Stats NZ staff involvement in key engagements across the annual calendar. These should include, but not be limited to Waitangi, Rātana, Koroneihana, National Iwi Chairs Forum, iwi relationship hui, Māori data governance hui, Treaty settlement negotiation hui, and any other hui in which Stats NZ engages regularly.

Recommendation 6: Conflict of interest support arrangements for Stats NZ staff who work with communities and operate in public-facing roles, including representing the department at these and other engagements, should be regular, ongoing, and appropriately documented to ensure robust day-to-day management of potential conflicts of interest.

Recommendation 7: Consideration should be given to how conflicts of interest policies and related procedures can be improved across the public service so they are more responsive to the identity, values and interests (including various affiliations) of public servants. This recommendation could be progressed by Stats NZ to Te Kawa Mataaho Public Service Commission, for the consideration of the Integrity Champion network.

Recommendation 8A: A range of scenarios and practical examples, used to guide thinking and better management of conflicts of interest should be developed. Examples could include the practical experiences of senior Māori leaders and engagement staff within Stats NZ, drawing on their experiences as employees of Stats NZ working with their iwi Māori networks and the community.

Recommendation 8B: The scenarios and practical examples developed by Stats NZ could be of value to other public service agencies that have iwi Māori relationships as part of their core business. This could include, for example:

- how it is done in practice
- the best and most practical ways to support and mentor younger Māori - particularly those with roles utilising their cultural capability, insights and networks to provide advice and regularly represent their department in public situations.

This work could be progressed by Stats NZ in discussion with Te Kawa Mataaho Public Service Commission, and other agencies that have iwi Māori relationships as part of their core business.

Findings

Are the Stats NZ's policies, processes and practices fit for purpose to manage conflicts of interest, particularly as they pertain to political neutrality? What was the nature of the perceived or actual conflict of interest that occurred and:

- *What can we learn from the way Stats NZ's current policies and processes were applied to identify and manage the conflict that arose?*
- *Given the circumstances that arose, whether those policies and processes were sufficient and fit for purpose?*
- *What new or improved policies, processes or practices should be put in place to strengthen the way in which the organisation supports staff to identify and manage conflicts of interest in the future?*

Employee A's responsibilities in relation to potential conflicts were made clear to him by the organisation, his managers, and leadership with a range of messages, and through a number of channels well in advance of Rātana.

Employee A attended Rātana as a representative of Stats NZ and decided to publicly express views that may have caused him and Stats NZ to lose the confidence of Ministers.

My assessment is that Stats NZ policies and processes were sufficient and fit for purpose.

However, with the benefit of hindsight, I can see and have suggested some possible actions and steps for improvement in the next section of this report.

Stats NZ's risk and audit group conducted an internal review of its conflict of interest policy and processes in 2023. The review made a number of recommendations and proposed an action plan for improvements in 2023. Stats NZ could have been much more proactive in responding to and implementing the recommendations. In particular the recommendation the department 'design and implement a process to achieve 100% completion of conflict of interest declarations by new appointees.'¹

Employee A has a range of interests outside of his professional responsibilities as an employee of Stats NZ.

I understand that he had no potential conflicts of interest registered with Stats NZ.

I don't believe his interests posed an inherent conflict with the interests of Stats NZ. Indeed, his knowledge, experiences and networks stemming from his private interests, are part of his valued skill set and capability as a Māori advisor to Stats NZ.

The incident giving rise to the alleged breach of the political neutrality policy and potential conflict of interest

On 24 January 2024, in his official capacity as an employee of Stats NZ, Employee A along with three other Stats NZ staff attended the annual celebration at Rātana Pā. In addition to acknowledging the anniversary of the birthday of Tahupotiki Wirimu Rātana, as part of the agency collective and community visiting Rātana, the Stats NZ team sought to engage with:

¹ See Appendix C for a copy of the Recommendations and Actions Plan of the Internal Audit Review of Stats NZ Conflict of Interest Policies and Processes

- the hosting iwi (Ngaa Rauru Kiiitahi, Te Kahui Mounga, Mokai Pātea) with a view to strengthening new/forming relationships
- other iwi including Ngāti Hauā and the Kiingitanga
- other Māori stakeholders and the public.

Stats NZ also intended to convene bilateral hui with critical friends on the Stats NZ census transformation.

In line with public sector practice, travel and accommodation costs for all staff members attending Rātana in a representative or official capacity, including Employee A were met by Stats NZ.² As members of the official Stats NZ party, their time in attendance at Rātana was treated as a working day, and these staff were not required to take leave of any kind.³

It is the convention on such occasions, that all public servants in attendance are expected to be welcomed to Rātana in support of their Ministers and as members of the government party, through the formal pōwhiri.

We understand, however, that at some point in the lead up to the formal government welcome to Rātana Employee A was invited and subsequently accepted a role to speak on behalf of the tangata whenua⁴ for this occasion.

Employee A's whaikoreo (all in te reo Māori), which was reported on at length in a number of media, included commentary on political matters and personal criticism⁵ of some Ministers in the government party as well as a Minister not in attendance. A transcript and translation of this commentary is attached as **Appendix A**.

The Stats NZ code of conduct

Stats NZ Code of Conduct **Appendix B** ('the Code') is very relevant to the situation that arose at Rātana. Every employee is required to read, consider, acknowledge that they understand and sign the Code, which sits alongside [and directly references] Stats NZ conflict of interest policies and processes.

The Code references a number of cornerstone principles, including:

1. Maintain Political Neutrality
2. Respect the authority of the government of the day
3. Act lawfully and effectively
4. Use Stats NZ resources appropriately
5. Be honest
6. Report wrongdoing
7. Avoid conflicts of interest
8. Avoid activities, work or non-work related, that may harm Stats NZ reputation or reputation of the public service
9. Never mis-use your position for personal gain

² Email seeking a travel exception dated 30 October 2023.

³ Stats NZ policy and guidance on taking leave for attending events for personal purposes and expenses met for travel accommodation and meals for attending meetings and events for work purposes.

⁴ Tangata whenua – the people of the land, the hosts.

⁵ The most serious being the use of the term 'taurekareka', directed at some attending Ministers, and suggesting that another Minister not present was at home licking his behind.

10. Decline gifts or benefits that place you under any obligation or perceived influence.

The particularly relevant principles for the circumstances being considered by this report are 1, 2, and 7.

These principles are outlined below in more detail:

Principle 1: Maintain Political Neutrality

You need to exercise discretion about airing any political views in public – whether in support of or opposition to the government. When government has taken a decision it is your duty, as a public servant, to carry out that decision whether or not you personally agree with it.

Principle 2: Respect the authority of the government of the day

Stats NZ staff have the same rights of free speech and independence in the conduct of their private affairs as any citizen. We have an obligation, however, not to compromise Stats NZ, or the Minister or the government by public comment or criticism on issues or matters we have been involved or associated with in our official role. As Stats NZ staff we must not make public comment on departmental matters unless expressly authorised by a senior manager to do so. This covers speaking in public, talking to the media or expressing views in print and publications when those views could be taken to represent a formal Stats NZ position. Examples of media include national or local newspapers, radio or television, community magazines, hobby groups newsletters, the internet (including private websites, chatrooms, groups and news groups), and anything that is being published or broadcast.

Principle 7. Avoid conflicts of interest

As Stats NZ staff we need to avoid situations that might compromise our integrity and ensure that no conflict of interest exists, or appears to exist, between our private interests and our official duties.

We must avoid any financial or other interest or undertaking that could directly or indirectly compromise the performance of our duties or standing of Stats NZ. This would include any situation where actions taken in an official capacity could be seen to influence or be influenced by our private interest.

Where any actual or potential conflict of interest arises with the full, effective and impartial discharge of our official duties, we must inform the Government Statistician and Chief Executive (via your manager) as soon as possible. The Government Statistician and Chief Executive will then determine the nature and degree of the conflict as it relates to our official duties and decide upon the best course of action to resolve it.

Principle 1 is already canvassed above in this section.

In regard to Principle 2, in his address at Rātana, Employee A appears to have made no comments on Stats NZ departmental matters. However, he was attending Rātana in his role as a member of Stats NZ staff, the views he expressed were not authorised by a senior manager, but may have been construed to be those of Stats NZ. There were comments critical of government policy, but it would have been ambiguous to the public audience about whether the comments represented a Stats NZ

view. Regardless, there were clear and strong views expressed that were offensive toward government Ministers and therefore did not demonstrate the level of respect for the authority of the current government, that could be expected of a public servant.

In regard to Principle 7, Employee A did not appear to try to:

- avoid the activities at Rātana which, whether connected with his official duties or otherwise, might undermine the creditability of Stats NZ and jeopardise working relationships with Ministers, government departments, and other organisations and individuals Stats NZ works with on an ongoing basis
- avoid a situation where his private interests compromised the performance of his expected duties for Stats NZ at Rātana
- check in with the Government Statistician and Chief Executive (via his manager) as soon as possible on the conflict, as the potential for it arose.

What can we learn from the way Stats NZ's current policies and processes were applied to identify and manage the conflict that arose?

Although customised to an extent for the purpose and business of Stats NZ, the department's policies appear to be fairly standard and conventional for the public service, referring directly in a number of places to the Public Service Commission's rationale for policies and expectations of public servants in relation to conduct, political neutrality and managing interests.

Significant and meaningful effort appears to have been made by Stats NZ to give all staff the opportunity to be aware of, understand and make informed decisions in relation to these policies. This included:

- the appointment of a Stats NZ senior leader as an Integrity Champion by the Public Service Commission in April 2023 to coordinate guidance and key messages on integrity and conduct across the department ahead of the General Election;
- an internal audit review of the conflict of interest policies and processes in July 2023, which resulted in an action plan to improve processes around the declaration and management of interests of more staff across the department, at all levels of the department;
- familiarisation and training via regular presentations and discussions between managers and senior leadership and staff, messages, articles and support from the Integrity Champion and staff, and workshops and modules via Te Mataphi - the Stats NZ intranet; and
- specific discussions between managers and individuals where there were concerns about potential conflicts of interest or political neutrality being compromised.

Prior to the review in July 2023, the completion of staff conflict of interest declarations was around 20% of total staff, without a target for improvement. Although processes to complete these have improved further to the implementation of the audit review action plan, the total number of completed declarations 26% at April 2024, presents an opportunity and a challenge to increase this significantly.

Given the circumstances that arose, were those policies and processes sufficient and fit for purpose?

A question⁶ has been raised in relation to the definition of ‘political neutrality’ in the context of the Stats NZ policies, and what can be described as a political statement or message expressed while representing the department at an event such as Rātana. I have not been able to find a definition of ‘political neutrality’ within the Stats NZ policies or the Public Service Commission guidance.

Similarly, I have not been able to find any guidance in the material available from Stats NZ or the Public Service Commission to suggest that an affiliation to a culture, a community, a tribe, a faith or a movement is in itself an interest that needs to be declared and managed for the potential risk of conflict and/or perception of political neutrality.

The conventions around managing political neutrality and conflict of interest stem from the need for departments, Ministers and the public to have trust and confidence in public servants to do their jobs in an unbiased objective manner. Public sector employees are expected to carry out their duties in a way that ensures their political beliefs and personal interests do not come into play in any aspect of carrying out their roles – when they are providing advice, implementing policy, making decisions, or representing their agency or Minister.

Additionally, political neutrality has traditionally included an expectation that public servants would be able to hold the trust and confidence of both the current and any incoming Government, by not being seen to be critical of either the Government of the day or the opposition. Public servants would not therefore espouse any particular political causes to any members of the public. They would manage any private expressions of their political views, and explain public policy in a full, accurate and dispassionate way.

There is an opportunity however for Stats NZ, perhaps supported by the Public Service Commission and other key departments, to review and consider leading a discussion on how these types of interests should be treated and how political neutrality could be more clearly defined and understood in this context. Particularly, whether and how the cultural interests of Māori public servants⁷ can be more clearly defined, not to single Māori public servants out, but to acknowledge and recognise that their affiliations, interests and world view, whilst inextricably linked to their whakapapa, might be effectively accommodated within the conventions of political neutrality and management of interests.

With many prospective and current young Māori public servants being members of new generations (including what is often referred to as the kohanga generation) who are more capable and acutely aware of Māori culture, language, whakapapa, values, history and Treaty obligations - it is important that the public service has policies that can evolve to more effectively respond to this reality.

An interviewee shared a view in this regard:

“But this time around, it's the first-time people have been able to see and feel oppression or suppression. But then even in that situation, as bad as it is right now to be Māori, there needs to be a discipline of being Māori, which means that we have to be professional in the jobs we decide to do.”

⁶ Interview – Employee A and counsel.

⁷ Or public servants with any other affiliations interests and world views.

And that's our best form of protest, whether we like it or not, that's what we do. You say, I'm a public servant, but then I'm Māori first. You don't have to shed your Māori skin, but you have to distinguish what behaviour is correct and professional for the role you have."

What new or improved policies, processes or practices should be put in place to strengthen the way in which the organisation supports staff to identify and manage conflicts of interest in the future?

In July 2023, Stats NZ conducted an internal review of the department's conflicts interest policies and processes to provide assurance to the Chief Executive that adequate controls are in place and operating over conflicts of interest. The review was part of the 2023/24 Internal Audit work programme. More detail on the findings and outcome of that review is outlined further below.

What is the appropriate level and process for taking decisions around sensitive conflicts involving political neutrality?

In order to properly consider and answer this question, a comprehensive understanding of the number and nature or type of interests across the department is required.

This involves identifying as a matter of priority those interests – of all Stats NZ staff – that may potentially present or create a risk of conflicts involving political neutrality. Despite the improvements made since the internal review of the department's conflicts interest policies and processes, the number of staff who have gone on to complete their Conflict of Interest Declaration remains relatively low (26% of total staff).

As the parties best placed to consider the interest, circumstances and any perceived or potential conflicts in the context of a staff member's role and responsibilities, the assessment and management of any sensitive conflicts would sit with that staff member and their manager in the first instance.

To ensure these decisions are taken in an effective, constructive and sensitive manner however, training, guidance and support should be available to both staff and managers. Opportunities to escalate the discussion, planning and decision-making to more senior levels, should also be available as necessary.

The guidance on conflicts of interest involving political neutrality needs to be explicit as to the definition of 'political neutrality'. To this end, there is scope to be clearer about what is meant or expected in relation to political neutrality, in Stats NZ policies and Public Service Commission material that these policies reference.

Is the Stats NZ guidance to attend events in an official capacity, appropriate and sufficiently clear as to when it is appropriate for staff to attend in an official capacity?

Stats NZ provides clear and useful guidance on attending events in an unofficial or private capacity.

With the exception of an approval form requesting information about the purpose, cost and other details in relation to the upcoming attendance at Rātana, I did not however, see any specific material or guidance as part of my review, on attending events in a representative or official capacity.

A number of interviewees from different groups within Stats NZ outlined the discussions they had with staff prior to attending Rātana and similar events, but these appear to have been based on

their own interpretation of the policies, expectations, experience and common sense - rather than any formal guidance.

Does Stats NZ have appropriate conflict identification and management frameworks, and do they reflect the current context?

The internal audit review of Stats NZ policies and processes found that conflicts of interest policies and procedures, including the code of conduct, are fully documented, easily accessible, up to date and regularly reviewed. It noted that with a few exceptions, including that they do not address training for managers, or require recruitment panel members to declare conflicts of interest with job applicants, they are generally comprehensive and comply with authoritative guidance.

Interview feedback, however, indicates that Stats NZ's conflict of interest identification and management processes have, in the past, focussed primarily on governance decision-makers, rather than all staff. In a context where the scope of risks around conflicts of interest extends well beyond just governance decision-makers to all staff, the processes relating to conflict identification and the frameworks for managing these do not currently reflect this.

Does Stats NZ's policies, processes and practices allow the identification of a full suite of possible ways and practices to avoid, remedy or mitigate conflicts of interest?

Although Stats NZ have processes to identify and manage ways and practices to avoid, remedy or mitigate conflicts of interest, I did not sight any material used for these purposes and therefore have not assessed how comprehensive or effective they are.

Interviewees indicated that managers tend to identify ways to avoid and mitigate conflicts of interest, based on their own interpretation of the policies, expectations, experience and common sense – rather than any formal guidance. I received no feedback on how any conflicts of interest are being remedied.

What is the appropriate level of documentation for sensitive or high-risk conflicts?

I did not sight or assess any specific documentation or content on declarations or risk registers as part of my review. However, I would suggest that the more sensitive and high-risk a potential conflict of interest might be, requires a correspondingly detailed level of documentation to be maintained.

Although the current case that has given rise to this review could be regarded as both sensitive and high-risk, it is doubtful that any greater level of detail about potential conflicting interests would have averted the outcome. It is possible that better familiarisation, training and support about expectations by the department and the public service system, *may* have had a more positive impact on the outcome.

How can Stats NZ best support its managers and staff in working through potential conflicts of interest, before, during and after specific situations

The implementation of the recommended actions resulting from the July 2023 internal audit, and the additional recommendations to improve understanding and ownership of the conflict of interest and political neutrality policies by all staff, are expected to improve support to managers and staff *before* specific situations.

I consider the measures to support managers and staff *during* and *after* a situation or incident of possible breach is predominantly uncharted territory for Stats NZ, and a more deliberate programme of professional wrap-round support may be required for managers and staff in navigating remedies and learning from, rather than being damaged by, the experience.

It will also be useful for Stats NZ to provide formal guidance on what the containment or resolution of a conflict might look like. It will not be exhaustive, as there are many different situations that could arise. This may be a difficult task to scope, but it was suggested to me that there might be existing comparable types of guidance for other Stats NZ processes. For example – when an error occurs in statistical production, there is guidance on the process about what to do under what circumstances (i.e. for different severity of error – with some, contact with the Minister’s office etc. may be appropriate).

The need for a programme which includes professional measures akin to immediate first aid, follow-up trauma treatment, and medium-long term rehabilitation is something the leadership of Stats NZ may wish to consider.

Current Stats NZ Policies - process and support for conflict of interest management

Internal Audit Conflicts of Interest Review 2023

In 2023, Stats NZ conducted an internal audit of the department's conflicts interest policies and processes to provide assurance to the Chief Executive that adequate controls are in place and operating over conflicts of interest. The review was part of the 2023/24 Internal Audit work programme.

Among other things, the review identified *operational risk* (e.g. poor or inappropriate decision-making) and *reputational risks* (e.g. unwanted media attention), as possible consequences of an inadequate conflict of interest processes and controls.

The internal audit review found:

- Stats NZ's governance model, which was new at that point, provided the framework for governance and oversight of conflicts of interest. Conflicts of interest policies and procedures, including the code of conduct, are fully documented, easily accessible, up to date and regularly reviewed. They are generally comprehensive and compliant with authoritative guidance except for not covering training for managers or requiring recruitment panel members to declare conflicts of interest with job applicants.
- Conflict of interest declarations that are received are appropriately managed. A panel reviews all conflict of interest declarations made each quarter to ensure they have been adequately dealt with by the staff member's manager. The review process operates well, except for not flagging cases deemed not adequately dealt with for follow up by the panel at later meetings.
- Stats NZ's processes for managing staff conflicts of interest are not effective. The annual process asking for updated conflict of interest declarations from all staff has not been run annually.
- Stats NZ processes were not designed to result in 100% of staff completing a declaration.
- The percentage of declarations completed was 43% in January 2021 and less than 20% by July 2023.
- The requirement for all new staff to complete a conflict of interest declaration has a lower than 10% completion rate.
- Managers are not being trained in how to deal with declared conflicts of interest.
- The standard staff conflicts of interest processes have not worked well for managing existing ELT members' conflicts of interest, or as part of recruitment and appointment processes for ELT vacancies.
- A Treaty analysis conducted by the Stats NZ Te Tiriti o Waitangi Community of Practice as part of the review, concluded that the conflict of interest process does not support many of the provisions and principles of Te Tiriti o Waitangi/The Treaty of Waitangi.

The review recommended that Stats NZ set a target of 100% compliance and design and implement processes to achieve that.

Update: Between 1 July December and 30 December 2023, a total of 371 (or 26% of FTE) Stats NZ employees had submitted their conflict of interest declarations. Of these:

- 326 – No Conflict to declare
- 41 – Conflict remote – no further action
- 4 – Conflict confirmed, strategies required

It is important to note that Stats NZ conflict of interest policy is an operational policy of the Crown's machinery of government, applies to public servants only, and therefore has limited impact on the Treaty partner per se.

The specific recommendations and agreed actions resulting from the internal audit review are outlined in the table attached as **Appendix C**.

Familiarisation and training on code of conduct, political neutrality, and conflict of interest

A number of Stats NZ interviewees explained that the policies around the conflict of interest, code of conduct and political neutrality policies and processes are explained to new staff at Stats NZ when they sign their employment contract and code of conduct upon accepting a job at Stats NZ. More detailed familiarisation and training on the policies and expectations are part of the standard three month orientation of new staff around the 'essentials' of being an employee at the department.

There are also on-line modules for familiarisation, training and capability building on a range of departmental policies. Certificates of completion are offered, including in relation to conflict of interest, code of conduct and political neutrality policies.

Additionally, individual managers and leaders carry out regular environmental scans of their staff to identify any particular questions and risks, and if necessary, discuss with relevant staff those risks, and how they might be managed.

Formal and informal discussion around these policies and their implications, also takes place in the Māori network of staff across Stats NZ.

In this context, it was explained that there are frequent organised and ad hoc engagements to identify interests for Māori employees', but there is no structured facilitation or support for Māori staff to clearly understand and manage their interests.

The Public Service Commission's influence on the policy and management through pre-election guidance and the Integrity Champion/Officer Role

In April 2023, the Public Service Commission established the role of an Integrity Champion or Officer in all public sector agencies including Stats NZ, with an initial focus of supporting agencies through the election period and ensuring staff were/are aware and supported to maintain political neutrality.

From April 2023 through to the post-election period, the Stats NZ Integrity Officer provided support and advice to Stats NZ staff to help them negotiate their role as public servants during the election period.

This included, for example:

- talking to ELT/leadership, including Tier 3 (senior) leaders, and having sessions with teams that proactively reached out for support and advice
- providing advice to the Census Engagement Lead (to support their staff working in the community)
- drafting information for inclusion in the Chief Executive's verbal updates to Tier 3, people leaders and/or staff
- drafting letters from the Chief Executive on ensuring political neutrality to Board members, and
- posting regular articles/information on the intranet.

Included in the regular articles on Te Matapihi Stats NZ intranet, was a three-part series on the following topics:

- Election Year, know-how for public servants:
- Politically Neutrality at work
- Cabinet Manual for the public service

This series was posted twice during the election period, including following a People and Culture-led Conflicts of Interest segment.

As part of this work, staff were also given access, via the intranet and emailed updates, to Public Service Commission Election Guidance and encouraged to attend the Public Service Commission-led General Election Guidance Webinars.

This advice contained information on political neutrality, and practical tips on what is and what's not acceptable, both in work and in staff's personal lives during this period and as public servants in general.

It also emphasised the role of the Integrity Officer, including that they were available to provide advice and guidance to all staff, and that staff were encouraged to make contact should they have any questions or concerns about their roles as public servants and activities outside of work.

Practical guidance

Throughout and subsequent to the election period the Integrity Officer managed queries from staff on a range of matters, and provided practical advice and guidance.

An example of support provided to staff via the Integrity Officer role, was practical advice (sourced from Public Service Commission) in late 2023 concerning participation in planned protest activity.

This advice, provided via email to all staff, included:

Staff who are contemplating attending protests should also consider:

- *If they are doing it on their own time i.e., by taking leave or outside work hours.*
- *Whether they are senior staff or involved in regular, direct contact with Ministers.*
- *If they can ensure they are not identified with their agency – removal of lanyards, work uniforms, name tags etc.*

- *Social media - In particular this includes keeping any private social media activity separate from their work life. This can be difficult to manage, particularly on platforms like LinkedIn, and requires care.*
- *Not using agency resources such as printers for banners/posters etc.*
- *The nature and circumstances of the activity, the likely public perception, and the implications it may have for public trust in the public service.*

Here are some links to relevant guidance on the Te Kawa Mataaho website:

General Election Guidance 2023 pages 6 to 15 [page no-longer active]

Social media guidance for public servant's use of social media

Understanding the Code of Conduct page 30

In February 2024, a Public Sector Commission-led session was held with all 60+ Integrity Champions from across the public sector, to allow for feedback, views, and discussion on how the role could be developed to ensure effective ongoing support to agencies and public servants.

Appendix A: Transcript and translation

<p>Kia kotahi atu rā ki te kaupapa o tēnei rā. E te Kāwanatanga haere mai. Haere mai i runga i te kaupapa o te rā. Haere mai ki mua i te iwi mōrehu e pōhiri nei i a koutou. Haere mai ki te iwi Māori e pōhiri nei i a koutou.</p> <p>Ka tika kia tae mai koutou i tēnei rā, kia rongō ō koutou taringa, kia kite ō koutou kanohi i te hua o ō koutou kaupapa here e tāmi nei i taku ao Māori. Ko te tūāpapa tonu ko Te Tiriti o Waitangi, ko taku mana Māori motuhake, anei ko tō tātou Kīngi te whakatinanatanga o te mana Māori motuhake.</p> <p>Ēngari ko taku riri kē, e rua noa iho ngā māhuna e kite nei ahau. Ko te Kāwanatanga e toru nei ngā upoko, ko kōrua ēnei kua tae mai ko te tuatoru kua mau tonu ki tāna rohe mitimiti nei i tana tou. E kī, e kī, kāore i haere mai ki te whakarongo i ngā nawe, i ngā tāmitanga ki runga ki taku iwi Māori.</p> <p>Kotahi rautau i tēnei tau hīmatahia ai te mātoro a Tahu Potiki Wiremu Rātana ki te ao. Ko tāna kaupapa ko Te Tiriti o Waitangi. Tau mai ki tēnei rā kotahi rautau ki muri kua hori, e pakanga tonu ana te ao Māori kia whakamanahia e koutou ō koutou kupu oati ki taku iwi Māori. Nā kaupapa here katoa i puta i a koutou, tārona tonu i te kaki o taku ao Māori. E kī, kī!</p> <p>Ēngari ka tika, haere mai koutou. Haere mai koutou ki te whakarongo, haere mai koutou ki te titiro, kīhai koutou i rongō i te mamae i roto i tō koutou whare i roto i Te Whanganui a Tara. Kīhai ētahi o koutou i whakaeke ki runga o Tūrangawaewae i te wiki Māori i mahue ake nei. Ki te whakarongo i te reo ō te rangatahi e hōhā ana. Ko te kōrero o te puhi ariki kua hōhā katoa, eharakau koia anake, ēngari ko ngā rangatahi ā-iwi.</p> <p>E kī, e kī! E kite nei au ētahi o koutou ngā Māori. He pura koutou, he pura ō koutou kanohi, he pura ō koutou taringa ki ngā aue o taku ao Māori. He aha te hua ka pahawa i o koutou kaupapa here. E aro noa iho nei koutou ki te toko iti nā rātou nei koutou i pōti</p>	<p>Let me swiftly address the topic at hand. We bid welcome to the Government. Come and appear before the scattered remanence who are inviting you. Come and appear before the Māori people who are welcoming you.</p> <p>It is appropriate that you are here today to observe and pay attention to persecution of my Māori world view because of your policies. It has begun with an assault on the Treaty of Waitangi and on the Māori right to self-determination. Here is our King who is the manifestation of the Māori right to self-determination.</p> <p>However, the source of my anger originates from the observation that I only see two coalition partners. The government has three coalition partners, two of which are present and the third electing to stay in his constituency to lick his own arse and indeed declining the invitation to listen to the grievances and the suppression cast upon my Māori people.</p> <p>This year marks 100 years since Tahupōtiki Wiremu Rātana began to explore the world. The purpose was the treaty of Waitangi. Fast forward to this day 100 years later Māori are still fighting for the promises made to my Māori people by you to be acknowledged and honoured. Instead, the policies generated by you has my Māori worldview hanging by the neck.</p> <p>Nonetheless, it's appropriate that you have come to listen and to observe since you did not feel the distress from your building in Wellington. Some of you did not go onto Tūrangawaewae in the weekend just gone to witness the voices of the youth expressing contempt. The daughter of the king also expressed exasperation but was not isolated thought but was in expression shared by youth from many tribes.</p> <p>Well, well! I can see some Māori among you, are oblivious to pleas of my Māori worldview. What are the benefits that can be produced from your policies. You only prioritise the few who voted you into</p>
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<p>ki roto i te Whare Pāremata. Tino kore nei koutou e whaiwhakaaro ki te hunga pākia kinotia e te rawakore, e te pōharatanga i roto i ngā kaupapa here o ngā Kāwanatanga o mua.</p> <p>I roto i te tau ka mahue ake nei, i kimokimo mai te māramatanga i te taunga mai o Tama Pōtaka ki roto i te Pāti Nāhinara, ākene ka taea e ia ētahi āhuatanga; taihoa tērā ka kite e Tama, taihoa tērā ka kite. Ēngari, kua rongu iho koe i ngā tāketekete, i ngā tāmitanga kua uta ki runga ki tō tāua iwi Māori; kua noa iho ko te mana motuhake, kua noa iho ko te tino rangatiratanga, ēngari ko taku reo rangatira. Tangotangohia mai koutou i taku reo rangatira i roto i ngā tuhituhinga i roto ngā āhuatanga o roto i ō koutou tari. E kī, e kī! Nā wai i hoatu i te mana ki a koutou ki te tohutohu mai ki te ao Māori me pēhea tana aro atu ki tana reo Māori. E kī, e kī! Taurekareka!</p> <p>Ko te tūmanako, i roto i te wā iti nei, ka rongu koutou i ngā āwhero nui o te ao Māori.</p>	<p>parliament. You have not for one instance given any thought to the poverty-stricken community and the underprivileged because of the policies of previous governments.</p> <p>Last year there was a spark of encouragement at the candidacy of Tama Pōtaka to the National Party. Perhaps some outcomes can be achieved however, only time will tell. Indeed, you have witnessed the weight of oppression accumulate onto our Māori people. Not only has it encroached on my Māori right to self-determination but also onto my indigenous language. You have stripped the indigenous language from the official letterheads of your respective ministries. Who gave you the right to dictate how the Māori worldview interacts with its indigenous language. The cheek! Lackeys!</p> <p>It's with optimism that in this short amount of time you will hear the desperate desires of Māoridom.</p>
<p>E kitekite nei au i te ringa o Shane Jones e pēnei ana. E mahara ana au i te wā i tae mai ai koe ki Maungapohatu ki⁹ te whakatuwhera i taku whare. whakatakoto i a mātou te āhuatanga o ngā mahi tāmi; mea atu:</p> <p>“Whakarērea tō rangatira, he aha te hua ka pahawa.”</p> <p>Ko te āhuatanga kāore i mārama ana ki roto ki a ahau ko koe tētahi o ngā ringa tōhau nui i ārahi i ngā kaupapa hoatu o te whakamanatanga o Te Tiriti o Waitangi i roto i ngā tau. Kua huri tuarā mai koe ki te ao Māori.</p>	<p>I can see the hands of Shane Jones going like this. I remember the time you visited Maungapōhatu and came to the official opening of our meeting house. We conveyed our thoughts of persecution to you, saying:</p> <p>“Abandon your leader, what are the benefits.”</p> <p>The thing that I’m unable to comprehend, is that you were one of the champions of the treaty of Waitangi but you have now turned your back on the Māoridom.</p>
<p>Nō reira, mā roto i te noho tahi i tēnei rā e taea pea te tuku i ngā ĭnoi ki te wāhi ngāro kia ruia te māramatanga ki runga ki a koutou mō te tūpono ka huri o koutou whakaaro.</p>	<p>Perhaps by sitting together you will be blessed with enlightenment from a divine source on the off chance you have a change of heart.</p>
<p>Nō reira, e te Kāwanatanga, kāti ēnei kupu āku, ēngari, haere mai. Haere mai ki a rangona ō koutou taringa, kia rangona o koutou wairua ki te hoto o te ngākau, ki te hoto o te manawa ki ngā tangi tarariki nei o te ao Māori kua whakahuihuitia mai nei ki mua i o koutou nā aroaro.</p>	<p>To the coalition, let me suspend my argument. Come and listen and feel the astonishment and the distress of Māoridom who have gathered before you.</p>

Nō reira, kei ngā āpiha o te Kāwanatanga, koutou e noho mai nā i muri, ngā ringaringa, ngā waewae o ngā Minita Kawanatanga. Ki a koutou ngā Māori kia kaha. Kia tīkina atu ko te kōrero a taku tipuna a Rua Kenana hei whakaaweawe i tana iwi i mahue mai ki runga o Maungapōhatu:

“ka ahorha hoki koutou, ka aroha hoki koutou. Ka tāunuhia koutou, ka tāketeketehia koutou, ka tāmihia koutou. Ēngari, ēhara mō koutou kē, mōku kē, ko te korōria o Īhoa o ngā mano kē.”

Nō reira, i roto i te pōuri te māramatanga e whiti ana. Ka waiho i roto i ngā tūmanako, i ngā wawata hei para i te huarahi whakamua. Nō reira, kei te Kāwanatanga haere mai, haere mai. Tēnā koutou, tēnā koutou, kia ora huihui tātou katoa.

To the government officials and Māori supporting the ministers, be resolute. Let me repeat the words of my ancestor Rua Kenana used to inspire his people on Maungapōhatu:

‘how sad is it that you should suffer this suppression because of me and because of our faith.’

It is in the darkness that light prevails. I will leave it in the hands of faith to pave the way forward. To the government I bid you welcome.

Appendix B: Code of Conduct

Code of Conduct



Policy statement

All Stats NZ employees are expected to conduct themselves in accordance with the minimum behavioural standards detailed in this Code of Conduct (Code).

As a public service department, we need to demonstrate high standards of professionalism and integrity. Stats NZ's cornerstone principles of integrity, confidentiality, data security and statistical excellence reinforce that requirement, together with the operating values of delivery, flourish and adapt. These principles and values must be reflected in all staff conduct and behaviour.

This Code highlights the aspects of our conduct and behaviour that are critical to the successful execution of our roles, at departmental and individual levels. Our impartiality, trustworthiness and objectivity are critical if we are to maintain the confidence of our Minister, ministers, public and public service colleagues, business, communities and citizens.

Contact: Chief People Officer

Approved by: Policy statements should be formally documented and signed off at the appropriate level. Include here the title and signature (electronic or hard copy signature) of the approver of a new or amended policy. See the Policy Management Procedures for the required approval levels for new or amended policies.

Approval date: November 2021

Date of next review: 2024 or earlier if there is a change to legislation or significant shift in the organisation's strategic direction which we need to respond to.

Standards of Integrity and Conduct

As a Stats NZ employee, you are required to act and behave in accordance with the PSC [Code of Conduct](#). On joining Stats NZ, you are provided with a copy of the Standards of Integrity and Conduct (a public service wide code issued by Te Kawa Mataaho | Public Service Commission (PSC)). The Stats NZ Code of Conduct reinforces this, and you are required to sign a declaration that the Code has been received and that you understand it. You are also required to complete the e-learning module on Ako.

The PSC website provides detailed information about the [Standards of Integrity and Conduct](#) and an outline of expected [professional behaviour](#) in the public sector.

Cornerstone Principles

Integrity

By integrity, we are talking about being ethical and meeting the high standards of behaviour and practice required by Stats NZ. The statistics we produce are objective and trustworthy and we are transparent in the methods we use.

Maintain political neutrality

You need to exercise discretion about airing any political views in public – whether in support of or opposition to the government. When government has taken a decision it is your duty, as a public servant, to carry out that decision whether or not you personally agree with it.

Respect the authority of the government of the day

Stats NZ staff have the same rights of free speech and independence in the conduct of their private affairs as any citizen. We have an obligation, however, not to compromise Stats NZ, or the Minister and government, by public comment or criticism on issues or matters we have been involved or associated with in our official role. As Stats NZ staff we must not make public comment on departmental matters unless expressly authorised by a senior manager to do so. This covers speaking in public, talking to the media or expressing views in print and publications when those views could be taken to represent a formal Stats NZ position. Examples of media include national or local newspapers, radio or television, community magazines, hobby group newsletters, the Internet (including private websites, chat rooms/groups and news groups) and anything that is being published or broadcast.

Act lawfully and effectively

We are expected to obey the law and act within the letter and spirit of the law at all times. The purpose of many of Stats NZ's policies and procedures is to give effect to the requirements of the law. The law includes common law obligations such as not being absent without approval, undertaking the duties for which we are paid to the required standard, carrying out all lawful and reasonable employer instructions, working as directed and operating competently, efficiently and safely in our work.

Use Stats NZ's resources appropriately

Stats NZ also has a statutory duty to use resources efficiently, effectively and economically. We need to follow careful processes for procuring and using our resources and in disposing of assets that are no longer required. Business tools are any resource or equipment made available by Stats NZ to us for carrying out our duties.

Where limited personal use of a business tool has been approved, the use is still a privilege. We are expected to exercise good judgement with regard to frequency, volume and purpose for which we use Stats NZ's equipment, work resources and other business tools.

Be honest

We are expected to act honestly and that means being truthful and open. Being honest requires us to set out facts and relevant issues truthfully and to correct errors as soon as possible. We must be careful about providing only some of the facts about an issue, as provision of only some of the facts may mean we are telling only half the truth.

Reporting wrongdoing

The reporting of any type of wrongdoing is necessary to maintain the highest standards of integrity and behaviour required by Stats NZ. As employees we should not ignore any misconduct or wrongdoing that we become aware of within Stats NZ.

The Protected Disclosures Act 2000 in Corporate Policies, under Whistleblowing within Stats NZ, covers the circumstances of suspected or actual wrongdoing. The Act details the situations when a disclosure of "serious wrongdoing" can be made within the department or to another appropriate authority and the protections that exist for the person making the disclosure.

The Act states that all public sector organisations are required to have appropriate internal procedures for receiving and dealing with disclosures of "serious wrongdoing" in or by that organisation. At induction all new staff are told about the Protected Disclosures Act.

Avoid conflicts of interest

As Stats NZ staff we need to avoid situations that might compromise our integrity and ensure that no conflict exists, or appears to exist, between our private interests and our official duties.

We must avoid any financial or other interest or undertaking that could directly or indirectly compromise the performance of our duties or the standing of Stats NZ. This would include any situation where actions taken in an official capacity could be seen to influence or be influenced by our private interests (e.g. company directorships, significant shareholdings, offers of outside employment).

Where any actual or potential conflict of interest arises with the full, effective and impartial discharge of our official duties, we must inform the Government Statistician and Chief Executive (via your manager) as soon as possible. The Government Statistician and Chief Executive will then determine the nature and degree of the conflict as it relates to our official duties and decide upon the best course of action to resolve it.

Avoid any activities, work or non-work related, that may harm Stats NZ reputation or the reputation of the Public Service

As members of the public, we are fully entitled to participate in community life including public bodies and associations and political parties. Such participation, however, must not conflict with our position and responsibilities in Stats NZ or discredit Stats NZ in anyway.

If we become actively involved in the activities of a political party we may be creating a conflict of interest with our duties or position in Stats NZ, because our political impartiality may then be called into question. Active participation in a political party must therefore be discussed with Stats NZ in advance. The situation of

public servants standing for political office is covered separately in guidance provided on the State Services Commission website, www.publicservice.govt.nz

While employed by Stats NZ, we must avoid activities which, whether connected with our official duties or otherwise, might undermine the credibility of Stats NZ and jeopardise working relationships with the Minister, ministers, government departments, and other organisations and individuals we work with on an ongoing basis.

We have a responsibility to carry out our duties as efficiently and safely as possible. To this end we must not take illegal drugs, or consume alcohol or other substances, or take or not take any other actions that reduce our ability to perform our duties to the required standards and in a healthy and safe manner for ourselves and other staff.

Never misuse your position for personal gain

We are not to use our official positions for personal gain. Using our positions properly incorporates all the integrity standards. It requires fairness and for us to act within the spirit and the letter of law and policy. It means that we remain impartial in our work and are not influenced in our decision making by personal interests or advantage to any person or organisation with which we are connected.

We need to be objective in the way we manage our work, ensuring we are fair, consistent and transparent in what we do. Acting inappropriately will inevitably conflict with the statutory requirement for Stats NZ to function in an efficient and effective way. We must maintain accurate records about what we do, and respond openly to requests for information, so the public can be confident we do not misuse our position.

Decline gifts or benefits that place you under any obligation or perceived influence

The line between token gifts of appreciation and those that might compromise the recipient is sometimes difficult to draw. While low value expressions of appreciation are acceptable, we need to decline any gift or hospitality that might be seen as placing us under some kind of obligation or that would compromise our integrity.

Confidentiality and Data Security

We set the highest standards for protecting the confidentiality and security of data. Our reputation is one of our most valuable assets. It strengthens public trust and cooperation, and we go to great lengths to maintain it.

We need to maintain the integrity of official statistics and always observe and maintain the highest standards for protecting the confidentiality and security of data.

Maintaining the integrity and security of official information is a vital issue for Stats NZ. For this reason, on joining Stats NZ we are required to agree to, and sign, a Declaration of Secrecy form as required by the Statistics Act 1975. No staff member (whether permanent, casual, contractor or secondee) must begin work for Stats NZ until that form has been completed and signed.

Stats NZ is very security conscious when it comes to ensuring our data is secure. We have a number of security policies and practices and information about how to access these is provided as part of every new employee's induction. Refer to Te Matapihi for further information. Failure to observe relevant security procedures is a serious lapse of duty.

The unauthorised use or disclosure (leaking) by Stats NZ staff of information to which we have had official access will result in disciplinary action that may include dismissal. This confidentiality requirement continues even after cessation of employment or involvement with Stats NZ.

Official information

The availability of official information is a foundation of our democracy. We need to follow established procedures when responding to information requests and be alert to the interest that the Minister also has in information held by Stats NZ. When we receive requests to release politically sensitive information we must notify the Minister well in advance of any release.

Public perception about the integrity of Stats NZ will be shaped by the way we manage information. The Official Information Act requires us to give reasonable assistance to applicants so that they frame requests with "due particularity". This means we should not be evasive in compiling responses, nor answer in a way that will result in an applicant receiving information presented in a misleading way. The obligation for honesty is pervasive.

The disclosure of official information is subject to the Official Information Act 1982 and Privacy Act 1993.

Statistical Excellence

One of our highest priorities is to produce relevant, accurate and timely data with useful in-depth analysis. We aim to continually improve our technical and quality standards to foster a professional organisation and provide leadership for the Official Statistics System.

Trust and confidence in statistics depends on their relevance, integrity, quality and coherence as outlined in The Principles and Protocols for Producers of Tier 1 Statistics, 2007. Delivering fit for purpose statistics means applying our expertise to balancing cost, quality and respondent load. This is the purpose and special role of an official statistics agency and each of us needs to take up the challenge of finding more efficient, effective, and sustainable ways of making our professional contribution to Stats NZ's work.

Operating Values:

- **Deliver** for today while actively predicting and solving future needs
- Make Stats NZ a place where everyone **flourishes**
- **Adapt** and transform the organisation to lead effectively in a rapidly evolving landscape.

These principles were developed by considering our transformational priorities, our five-year priorities and our overall direction at Stats NZ.

Delivery

- Proactively improve the health of Aotearoa's data system. As the functional leader of the government data system, we have huge potential for identifying and mobilising solutions for key issues across Aotearoa. Our approach focuses on relationship building, standardisation and best ethical practices that shape and influence decisions that have positive impacts for decades to come
- Measure what matters and proactively manage risk around core systems. We identify key areas of public interest and how these change over time to ensure we are ready to measure what matters, when it

matters. We look at our future data needs and retire technology that is no longer useful while investing in better technology as it becomes accessible

- Delivery for and with Māori, iwi and hapū. We build enduring relationships and develop the infrastructure, capabilities and resources required to work with Māori data appropriately as part of our core business. We work in partnership and establish governance models that grow capacity and enable self-determination regarding the collection, ownership, meaning and application of Māori data
- Become an organisation that uses administrative data first. We have a robust foundation for working with administrative data and the way we work with all data providers is collaborative and effective. We meaningfully communicate, engage and consult with stakeholders, Māori, iwi and hapū and the New Zealand public to build trust and confidence at every step of the way

Flourish

This aim is focussed on our people. Stats NZ believe that if you are set up to flourish, Stats NZ will produce our best work and meaningfully contribute to a better Aotearoa.

- Engagement. To keep up with the pace of the modern and digital and data driven environment, it is imperative that we deeply understand the needs of our customers our stakeholders, Māori, iwi and hapū, and the New Zealand public. The way we will succeed is through meaningful engagement
- Transparency signals our intent of creating a culture of openness and accountability. This is relevant both internally and externally
- Running the business simply and strategically by providing a simple clear foundation for making strategic decisions about where we invest time, resources and energy. We want to make it easy to work with us and being accountable for what we deliver. We will work as one organisation towards the common goal of contributing to a better Aotearoa

Adapt

This aim is focussed on our people. Stats NZ believe that if you are set up to flourish, Stats NZ will produce our best work and meaningfully contribute to a better Aotearoa.

- Leadership and culture. You are the most important thing at Stats NZ. Great leadership and a culture that is conducive to supporting wellbeing are key elements of a thriving work environment. We ensure that you have the space and context to be your best, do your best work and to grow and develop. Stats NZ is a safe place to challenge appropriately, where any issues are respected and handled professionally. Our culture is one where great work is acknowledged, celebrated and role modelled every day
- People leaders provide you with a clear, transparent line of sight on what you are working on and why and how you are contributing to the delivery of the organisation's strategic direction and priorities
- Coaching and staff development is a priority and our leader's model collective leadership in the direction of our strategy.

Breaches of the Code of Conduct

The Stats NZ Code of Conduct sets out the minimum behavioural standards we expect from our people. If an individual's behaviour or performance falls short of the standards in this Code, Stats NZ will determine the seriousness of any proven conduct, and the most appropriate disciplinary action to be taken. This action can range from warnings to dismissal.

Examples of Misconduct or Serious Misconduct can include, but are not limited to:

- theft
- fraud
- abuse, denigration, intimidation and/or assault
- discrimination and/or harassment
- intoxication at work
- refusing to carry out legitimate and reasonable requests
- failure to comply with Health & Safety practices and legislation
- unauthorised absences
- falsification of information
- consistent failure to meet required and specified standards and levels of performance
- unauthorised and/or inappropriate use of Stats NZ property
- failure to disclose a conflict of interest
- behaviour that unreasonably disrupts the work of others in the workplace and/or likely to bring Stats NZ into disrepute
- convicted of any offence which, in the opinion of the Government Statistician, brings into question the employee's suitability for continued employment
- unauthorised disclosure, use or treatment of information and/or breaches of s21 of the Statistics Act 1975 relating to Declaration of Secrecy

If you consider, in good faith, that the standards set out in this guide may have been breached by another member of staff you should raise this with management and/or People and Culture. Each breach of the Code will be carefully and impartially considered and investigated if necessary.

If you are unsure about how a situation fits with the Code then consult:

- individual Stats NZ [Policies and Procedures](#) accessible via Te Matapihi
 - your Manager, Team Manager, Team Leader or Local Area Leader
 - a member of the Executive Leadership Team (including the Government Statistician and Chief Executive)
 - People and Culture
 - Security and IT
 - Health, Safety and Wellbeing
 - your Union Delegate.

Appendix C: Internal audit review recommendations and action plan

Recommendations and agreed actions	Responsible Business Unit	Status	Comment
Provide guidance for managers on dealing with staff conflicts of interest declarations.	People and Culture	Ongoing	Awaiting outcomes of review to implement recommendation to develop and implement guidance.
Review, revise and rename the Conflicts of Interest Policy and its related procedures to support the articles, provisions and principles of Te Tiriti o Waitangi/The Treaty of Waitangi.	People and Culture	Ongoing	Awaiting outcomes of review to implement recommendation.
Review recruitment processes to add a requirement for panel members to declare any conflict of interest with job applicants.	People and Culture	Complete	Recommendation being managed by the Senior Manager People Ops and Data. Implemented via the Recruitment and Talent Acquisition panel interview checklist / process.
Consider whether an annual process requiring all staff to complete a conflict of interest declaration is warranted by the potential risks involved, taking into account the assurance received from other conflicts of interest processes	People and Culture	Complete	Risk Advisory Committee agreed with support from the CE that this annual process should not be continued, instead moving to an approach where Governance ensure 100% compliance for ELT and other members of Boards.
If it is decided to continue with a process for all staff to complete conflicts of interest declarations at least annually, set a target of 100% completion	People and Culture	Complete	As above.

If we continue with an annual process, develop and implement a plan to achieve 100% compliance of staff completion of conflicts of interest declarations at least annually	People and Culture	Complete	As above.
Follow up cases of incomplete management of conflicts of interest at successive quarterly meetings until each is resolved. This may include Ci-Anywhere sending reminder emails to managers if a declaration has not been actioned within a certain period.	People and Culture	Ongoing	All incomplete management of conflicts of interest have been processed. A decision has been made to move away from using CiAnywhere for this activity. An alternative platform and process has not yet been identified as awaiting outcomes of review.
Design and implement a process to achieve 100% completion of conflict of interest declarations by new appointees.	People and Culture	Deferred	Risk and Assurance Committee advised to process with strengthening other controls supported by the Chief Executive.
Design and implement a separate conflicts of interest process for ELT members, to be managed within the Office of Chief Executive under the oversight of the GM External & Government Relations	Governance & Executive Services	Completed	Procedures for the conflicts of interest process for ELT (and all Executive governance members) have been prepared for approval. OCE (Governance) maintains ELT register of interests and seeks regular updates on declarations at each meeting. Process for when conflict of interests occur has been documented.
Design and implement processes for getting conflict of interest declarations from applicants for ELT positions and from new ELT appointees, to be managed within the Office of Chief Executive under the oversight of the GM External & Government Relations	Governance & Executive Services	Completed	All new ELT members will be asked to provide declarations of interests as above for the purposes of governance. New appointees follow the recruitment processes for declarations to People & Culture.

Appendix D: Integrity Champion/Officer information, including political neutrality Election Guidance advisory

Integrity Officer information



Te Kawa Mataaho
Public Service Commission

4 April 2023

Kate Satterthwaite
Statistics New Zealand

By email: Kate.Satterthwaite@stats.govt.nz

Dear Kate

Your Chief Executive has nominated you to be the Integrity Champion for your agency.

You have been chosen because your judgement, interest in the area, leadership, and detailed knowledge of how your agency operates. You will also play a key role in ensuring that your chief executive and/or Board Chair (as appropriate) is across any issues of political neutrality as under Public Service Act, they are responsible for upholding that principle.

As a cohort, the Integrity Champions will have an ongoing role in working closely with the Commission on matters of integrity and conduct, both as a sounding board and as a conduit to the staff within your agency. This year, the focus is on being a champion within your agency for the recently issued Election Guidance and for the upcoming new Code of Conduct.

We will provide further information about the new Code of Conduct in the coming months. However, our initial priority is preparing for the upcoming election and ensuring all agencies and staff are aware of what is expected of them in an election year.

You will shortly be invited to a workshop on the Election Guidance to be held in April. We will provide training on the Guidance and work through a variety of scenarios, in a "train the trainer" type session. We will then provide you with tools and resources to assist you in raising awareness and understanding of the Guidance within your agencies.

We have agreed with your chief executive that, from this point on, you will also be the single point of contact, for any Election related queries within your agency. The expectation is that:

- You will establish a process to ensure that you are made aware of any Election Queries within your agency so that if an issue arises, your agency first works through its own process of applying the election guidance. If your agency can't resolve the matter, you could then decide to either seek advice on specific aspects and/or a peer review from the Commission.
- When establishing your internal processes, particular care should be taken to ensure strong links with any parts of your agency that communicate with the public, including through social media and advertising.

The Head of Comms and Head of HR within your agency will be able to assist you in this regard. If your agency has a role as a monitoring agency, you should also work closely with the Manager of that area to ensure that appropriate integrity support is provided.

When formally seeking our advice, please email: election@publicservice.govt.nz and copy in your relevant Assistant Commissioner. Having one point of entry will assist us in ensuring all election queries are appropriately triaged and that no query is inadvertently overlooked.

Your agency's Assistant Commissioner and the Integrity, Ethics and Standards team will be available to you at all times to provide additional information, support and advice.

Thank you again for agreeing to assist us with this constitutionally significant work. We are looking forward to working with you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Hugo Vitalis'.

Hugo Vitalis
Deputy Commissioner, Integrity Ethics and Standards

Integrity Champions Toolkit #1

July 2023



Te Kawa Mataaho
Public Service Commission



This information sheet provides some practical suggestions for Integrity Champions representing their public sector agencies.

These suggestions were discussed at the Integrity Champions gathering on 24 July 2023. Although discussed in the context of the pre-election period, many of these have general relevance when dealing with integrity matters.

We encourage you to share with us any other insights that may benefit future Integrity Champions.

Practical s

Networking and connections

1. Use the opportunity of the election to build relationships with key people in your agency, such as the Head of Communications, Head of Human Resources, legal team, integrity team, They may have a wider perspective of what is going on.
2. Use the opportunity to connect across your organisation and with your front-line and regional staff. This is particularly important for larger agencies.
3. Establish an internal help you manage and respond to issues. Having different perspectives is important.
4. Connect with other Integrity Champions. They are also well placed to act as a sounding board and test ideas.

Getting your agency engaged

5. Use catchphrases that staff will remember. It is not realistic to expect staff to read all the guidance material.
6. Highlight key messages from the election guidelines that are particularly relevant for your own agency. Each agency will know what the key risks are likely to be, such as using social media or attending events.
7. Treat each query from staff as a coaching and learning opportunity, rather than just providing the answer. They could be a future Integrity Champion!
8. Use the daily quiz as an opportunity for teams to discuss an election scenario: [Election Case Studies and Scenarios](#)

Integrity Champions Toolkit #1

July 2023



Te Kawa Mataaho
Public Service Commission



Friendly reminders from the Commission to help the process run smoothly

1. We run a formal review and sign-out process for all election queries that you send us. This may involve Cabinet Office and Assistant Commissioners. This means we cannot give you a
an -
2. Let us know how urgent your query is. We aim for 10 working days but can answer more quickly if urgent.
3. Please send us your analysis of the issue and give us a sense of the direction you are proposing to take. We can add more value this way.
4. Your agency will usually have the best understanding of the context, potential risks, and the options for how they could be mitigated. We can help by providing a peer review and suggesting other options.
5. Use the Integrity Champion network to ask questions and help each other. We are already seeing examples where agencies are reaching out and sharing advice with each other. We can help you connect.
6. Make sure that all staff in your agency know that you are the Integrity Champion and what your role is. This will save us having to re-direct staff in your agency back to you.
7. Please let us know when someone else takes over as Integrity Champion (permanently or temporarily). Our email address is below.

Useful resources

The letter of expectations you received from Te Kawa Mataaho Public Service Commission following your appointment as Integrity Champion that provides some helpful advice

[General Election Guidance 2023 - Te Kawa Mataaho Public Service Commission](#)

[Cabinet Office Circular CO \(23\) 1 - Government Decisions and Actions in the Pre-election Period](#)

[Social media - Te Kawa Mataaho Public Service Commission](#)

[Guidelines for Government Advertising - Te Kawa Mataaho Public Service Commission](#)

How to contact us

For election queries, please email: election@publicservice.govt.nz and copy in your relevant Assistant Commissioner.

For other integrity queries, please email the Integrity, Ethics and Standards team: enquiries@publicservice.govt.nz and copy in your relevant Assistant Commissioner.



9. Find and share examples of where election issues have had a direct impact on staff. This (A good example was the public servant who was talking to a member of the public on agency premises and the person explained halfway through the conversation that they were an election candidate).
10. Regularly remind staff about the Election Guidance and integrity matters more generally. Intranet posts, emails and staff talks are all good options.

Resourcing and resources

11. Keep a record of election queries received within your agency. This will help the next Integrity Champion.
12. e required for you and your agency to manage election queries.
13. Consider how experienced a staff member is who is seeking your help with answering and managing an election issue. You will need to lean in for less-experienced staff to help them exercise judgement.

Myth busting

14. Educate your service providers and your agency - that the business of government continues right up to the election. There is a myth that government shuts down for 3 months. It does not. However, restraint is needed when making significant appointments and in relation to some government advertising.
15. Continue to provide free and frank advice to Ministers. There is a misconception that being politically neutral requires officials to stop giving advice in the pre-election period.

More than just election queries

16. Use the opportunity of the election to encourage staff to raise other integrity-related questions. For example, you can remind staff about the importance of declaring conflicts of interest.
17. Embed political neutrality principles in your induction materials for all staff. These election issues should not come as a surprise to new staff at election time.
18. Use the opportunity to remind staff that they are public servants and are part of the public sector. It seems obvious but staff in some agencies may not realise!
19. Keep the Integrity Champion role going beyond the election. Your agency will benefit from having a permanent integrity forum.

List of Stats NZ content to support employee Conflict of Interest awareness

Item	Publishing date
Te Matapihi (Stats NZ employee intranet) content 'Election know-how for public servants'	20/04/2023
Te Matapihi (Stats NZ employee intranet) content 'Election know-how for public servants'	05/07/2023
Chief Executive People Leader's stand-up meeting notes - 'Election know-how for public servants'	13/07/2023
Te Matapihi (Stats NZ employee intranet) content 'Election know-how for public servants'	13/07/2023
People leaders Pānui - 'Election know-how for public servants'	13/07/2023
All staff Pānui - 'Election know-how for public servants'	14/07/2023

Stats NZ sample content

Election know-how for public servants

Political neutrality, and being a public servant in an election year.

It's election year, and as public servants we have (in addition to voting!) a vital role to play in ensuring the integrity of our electoral process, along with the operation of government.

As we get closer to Election Day on 14 October, it's important that we're clear on what's okay and what's not okay during this time.

Read guidance below on what is expected of us as public servants during the smooth transition between one government and the next.

General guidance

Government

The government has the right to govern right up until Election Day, as there is no caretaker convention prior to an election in New Zealand.

This means we need to continue to support government business right up to Election Day through the provision of impartial and robust advice, sound business decision-making and the effective delivery of services.

Public Service Act 2020

The Public Service Act 2020 explicitly acknowledges that public servants have all the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990.

Along with these rights and freedoms, the Act enshrines the principle of political neutrality, along with free and frank advice, open government, merit-based appointment and stewardship.

It aims to recognise and preserve these principles for the public sector of today, and for future generations.

Public servants

- **While at work**, public servants are expected to be politically neutral at all times, regardless of the stage in the election cycle. This helps ensure that the public sector maintains the trust and confidence of both current and future governments, as well as the New Zealand public
- **As individuals**, public servants have the same rights to freedom of speech and to political activity as all New Zealanders. In general, there is nothing wrong in having political interests or activities outside work as long as these are identified and conflicts are avoided or appropriately managed
- **Public servants are expected** to take reasonable care to maintain a clear separation between their work role and personal views. That is, in our personal lives, we have the same right to be politically active as all New Zealanders; we just need to ensure not to link this to our job, what we’ve learnt from our job, and to the work of Stats NZ.

Support and questions

If you have any questions or uncertainties about how interests outside work may impact on your public sector role, engage early with your manager and seek clarification and advice from Kate Satterthwaite, General Manager, who has been appointed as Stats NZ’s Integrity Champion.

If standing for election, public servants must separate their political candidacy from their work role and their agency – please contact Kate if you have plans to stand or closely support someone standing for election.

Detailed guidance

Below is more detailed information to guide us as public servants during the election period. There are three phases of the election cycle...

Pre-election period	Election Day	Post-election period
Generally the three months immediately before election day. In 2023, the pre-election period begins on 14 July 2023	The date of the general election is 14 October 2023	The period after the election until the appointment of a new government. The caretaker convention applies for the day after election day until the new government is sworn in.

At work

We must always be politically neutral at work. It is not appropriate to:

- Campaign for a political party or candidate in the workplace
- Provide work contact details to political parties
- Use work resources (such as printers or photocopiers) for political party purposes or undertake electioneering work for our Ministers, or do work for party caucuses.

In our private lives

We have the same rights and freedom of speech and political activity in our private lives as other New Zealanders.

Public servants are strongly encouraged to vote, and they may choose to participate in the election process – for example, volunteer to help out on Election Day or take time off work to support the Electoral Commission.

It is okay to have personal political interests and views outside work: the rule is not to link these to your work and the work that Stats NZ does. The Seniority of your role is also an important consideration, more on this below.

For example, staff, in their personal capacity:

- *Can attend political party meetings* – they just need to make sure they don't connect their attendance or participation to their jobs, share what they've learnt or do at work, and the work Stats NZ does
- *Can deliver political or candidate pamphlets and support candidates behind the scenes* – you just need to make sure the pamphlets or party material you're handling doesn't contain the broader work of Stats NZ
- *Can use social media* – you just need to make sure you don't post or respond to political comments that concern our work or link your personal political comments to your work profile, i.e. via LinkedIn
- *Can support a candidate or political party by placing an election billboard on your property* – however, the seniority of the staff member needs to be considered, for example, if the staff member by virtue of your job is a visible leader in the community or a leader in the workplace this would not be appropriate.

Public servants who are senior, have direct contact with Ministers, represent Stats NZ, work in a Minister's office or provide advice to Ministers on issues that may be politically topical need to exercise careful judgement when considering political involvement. Their political activity could affect public confidence in the political neutrality of them and their agency.

The visibility of a political activity can also affect public and Ministerial confidence in the political neutrality of a public servant and their ability to serve the current and future Governments.

Get advice on Election-related issues

- If you have any questions or uncertainties, talk with your leader
- Seek clarification and advice from [Kate Satterthwaite](#), our Stats NZ Integrity Champion
- Read this helpful information from Te Kawa Mataaho (Public Service Commission) here: <https://www.publicservice.govt.nz/guidance/general-election-guidance-2023/>

Ends.