

Declaration and Conflicts of Interest

Uepū	Kiriwhanake
Policy Owner	Pouwhakahaere Whanake
Policy Holder	Director – People Services
Approved by	Te Mana Whakahaere
Date Established	July 2008
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1.0 Te Pūtake

Te Wānanga o Aotearoa (TWoA) manages Conflicts of Interest within the organisation to a high standard in order to maintain public trust, and will provide the mechanism to identify, record and actively manage conflicts of interests to ensure that all decisions made on behalf of TWoA are made in the best interest of TWoA.

2.0 Ngā Ture Whakapai

- Consumer Guarantees Act 1993
- Copyright Act 1994
- Defamation Act 1992
- Education and Training Act 2020
- Employment Relations Act 2020
- Fair Trading Act 1986
- Human Rights Act 1993
- Privacy Act 2020
- Protected Disclosures (Protection of Whistleblowers) Act 2022
- Unsolicited Electronic Messages Act 2007

3.0 Tikanga Whakahaere

Ngā Uara	Policy
Te Aroha Having regard for one another and those for whom we are responsible and to whom we are accountable <i>Policy statements related to the allocation of responsibilities or accountabilities.</i>	3.1 TWoA is dedicated to creating a strong framework to register and actively manage Interests and Conflicts of Interest to ensure all practices align with Ko te uaratanga, Ko te whakakitenga and, Ngā Uara in upholding ethical conduct, cultural values, and safeguard the reputation of TWoA. 3.2 Taumatua is responsible for ensuring that there are adequate controls and processes put in place to centrally monitor, report and record the disclosure / declaration of Interests and gifts. 3.3 Kiriwhanake is responsible for ensuring that there are adequate controls and processes put in place to manage, monitor, report and record Conflict of Interests and for developing Tikanga Here which will:

		a. outline the process to be followed by TWoA, third parties, and suppliers when reporting a Conflict of Interest; and b. specify the correct reporting channels and offer guidance on how to manage conflicts along with the corresponding measures. 3.4 Line Managers will support kaimahi to have awareness of conflict of interest situations and support Kaimahi to comply with their obligations to this Tikanga Whakahaere. 3.5 Kaimahi and governance members must behave and be seen to behave in an impartial and transparent manner.
Te Whakapono The basis of our beliefs and the confidence that what we are doing is right <i>Policy statements related to stakeholder participation or reporting.</i>	3.6 Conflicts of Interest can arise or relate to financial and non-financial interests. All kaimahi, governance members, third parties, suppliers / vendors must disclose and register any Interests (or changes in interests) including: a. for kaimahi, as a part of the Kaimahi onboarding process; periodically (on an annual basis) and when a change in interests or relationships or Conflict of Interest arises. b. for third parties as part of the requisition (including a nil disclosure) and when a change in interests or relationships or Conflict of Interest arises. c. for suppliers and vendors as part of the contract management process, and when a change in interests or relationships or Conflict of Interest arises. d. for governance members, upon appointment and when a change in interests or relationships or Conflict of Interest arises. 3.7 TWoA expects timely and truthful disclosure of all interests that may arise, particularly where there is a reasonable possibility that the interest might create a conflict. 3.8 TWoA encourages any concerns about a suspected or actual undisclosed interest to be raised immediately and for anyone who wishes to raise a concern to do so confidently without fear of retaliation or victimisation. 3.9 The existence of a potential or perceived Conflict of Interest does not automatically imply wrongdoing. However, any Interests that could give rise to a potential or perceived Conflict of Interest must be	

		readily disclosed and managed in a transparent manner, according to this Tikanga Whakahaere, as though they were an actual Conflict of Interest, and in particular by applying the following principles: - considering how an impartial observer might reasonably perceive a potential Conflict of Interest situation or relationship, whether or not any wrongdoing is involved; - disclosing where there is any doubt or question as to whether a potential Conflict of Interest exists or could exist; and - readily updating interests which are new or which have changed since previous disclosures.
	3.10	Conflicts of Interest will be put on record where appropriate, and effectively managed or avoided in accordance with any Tikanga Here.
	3.11	TWoA will deal with all Conflicts of Interest as soon as practicable after being identified which will be dealt with professionally, impartially, and honestly.
Ngā Ture The knowledge that our actions are morally and ethically right and that we are acting in an honourable manner <i>Policy statements related to compliance or process / system integrity</i>	3.12	During the term of employment, a Kamahi shall not compete against TWoA, directly or indirectly, in any areas of trade or business conducted by the TWoA, including on a private basis or for any third party without the written consent of TWoA.
	3.13	A Delegated Financial Authority holder may not use their Delegated Financial Authority in a situation where the Delegated Financial Authority holder has an actual, perceived or potential conflict of interest. In such a situation, the Delegated Financial Authority must be exercised by a kaimahi having a higher level of Delegated Financial Authority.
	3.14	Failure to disclose an interest or to resolve or properly manage a conflict of interest will result in appropriate action being taken against those responsible: - a breach of this Tikanga Whakahaere for Kaimahi may result in disciplinary, deemed necessary to protect people and the organisation. - a contract entered into in breach of this Tikanga Whakahaere may render the contract voidable and/or legal action being taken by TWoA.
	3.15	TWoA will not allow any person who has an actual, perceived or potential Conflict of Interest in a matter under consideration, to take part in any discussion or decision on the matter giving rise to

		the conflict unless the relevant manager decides otherwise. However: - a person who has a direct or indirect financial interest in the matter being considered must not take part in any decision about the matter; and - It is immaterial whether or not a person involved has actually received personal gain or whether TWoA suffered damage, however it is important to properly establish whether there was a conflict of interest when an act, contract or transaction was entered into.
Kotahitanga Unity amongst iwi and other ethnicities, standing as one <i>Policy statements related to cohesion, uniformity, integration or transparency</i>	3.16 3.17 3.18	TWoA will maintain, file and archive records of conflicts of interest in line with the Data, Information and Records Management Tikanga Whakahaere. The disclosure of any Interests and actual, potential, or perceived Conflict of Interest may involve disclosing personal information. This information will be handled in accordance with the Privacy Act 2020 and the Privacy and Breach Tikanga Whakahaere. TWoA will develop and implement tikanga here to provide for, and give effect to, this tikanga whakahaere.

4.0 Whanuitanga

This tikanga whakahaere applies to all Governance and Kaimahi of Te Wānanga o Aotearoa.

5.0 Whakamāramatanga

Term	Description
Actual Conflict of Interest	The declarer will be in a position to be influenced by their private interests when performing their responsibilities for TWoA.
Conflict of Interest	A Conflict of Interest includes a perceived, potential, or actual conflict of interest between the private or personal interests and the official responsibilities of someone in a position of trust. A Conflict of Interest (or potential Conflict of Interest) occurs when a kaimahi or governance member: - is in a position to derive personal benefit from actions or decisions made in their official capacity. - has responsibilities which are, or could be affected by some other personal, financial, non-financial or academic interest or duty, such as whanau members or

Term	Description
	close friends benefiting from the official responsibilities undertaken by a person in their official capacity. - activities outside their employment or relationship with TWoA lead, or could lead, to material benefit for the person concerned, either directly or indirectly, to the detriment, or potential detriment, of TWoA. - activities interfere, or could interfere, with the fulfilment of their employment obligations. A perceived or potential Conflict of Interest should be treated as a Conflict of Interest.
Financial Interest	A financial interest is where a personal or monetary gain could be generated from your official duties. A financial interest could result from: owning property, having unpaid debts to others or receiving hospitality or travel or corporate gifts. The party does not need to directly experience financial or personal gain as it remains a conflict of interest if a whānau member, a close acquaintance or someone in close proximity to the party has the financial interest.
Interests	For the purposes of this Tikanga Whakahaere; - Financial Interests - Non-Financial Interests
Governance Members	Members of any established TWoA governance group e.g. Te Mana Whakahaere and Sub Committees.
Kaimahi	For the purpose of this Tikanga Whakahaere is all persons employed or seconded by TWoA.
Line Manager	The manager the kaimahi directly reports to as per the approved organisational structure.
Non-Financial Interest	Non-financial interests do not have a financial component but may arise from relationships; personal or whānau relationships or involvement in sporting, social, professional, community or cultural activities. They may include any tendency toward favour or prejudice resulting from friendship, animosity or other personal involvement that could bias your judgement or decisions. For the purposes of clarity, this means whanau relationships and or active involvement in sporting, social, professional or cultural activities, political parties, iwi and hapū, community groups or incorporations, or associated organisations.
Perceived (or apparent) Conflict of interest	The declarer could be in a position to appear to be influenced by their private interests when performing their responsibilities for TWoA.

Term	Description
Potential Conflict of Interest	The declarer will be in a position where they may be influenced in the future by their private interests when performing their responsibilities for TWoA.
Private (or personal) Conflict of Interest	Private interests are those interests that can bring benefits or disadvantages to parties as individuals or to those that the party wishes to benefit or disadvantage. Private interests are not limited to pecuniary interests or interests that can bring direct personal gains or help avoid personal loss. They also include many social and professional activities and interests.
Third Party	For the purposes of this Tikanga Whakahaere, a contractor to TWoA.
Undisclosed Interest	An interest which is not disclosed, declared and registered.

6.0 Ngā Hononga

Related Tikanga Whakahaere:

- Data, Information and Records Management
- Delegations of Financial Authority
- Privacy and Breach
- Procurement

Related Tikanga Here:

- Performance Management
- Mana Whaiaro (Code of Conduct)
- Conflicts of Interest

Related Documents:

- Management of Suppliers and Payments
- Employment Agreement