



Conflicts of Interest Policy: External Contractors

Last reviewed: May 2023

1. Overview

- 1.1 This policy outlines the procedures for external contractors disclosing and managing conflicts of interest.
- 1.2 As a government entity, the NZFC is expected to act impartially and with transparency. The NZFC carries out several functions, including developing careers, marketing New Zealand's screen production industry, investing in films and administering grants. In doing so, the NZFC must make decisions on how to distribute its resources and those decisions must be made fairly, impartially, and in an open and transparent manner.
- 1.3 The NZFC recognises that Aotearoa is a small place and its staff and external contractors will have a range of interests, as well as personal and other connections, outside of the workplace. This policy is designed to reflect the value of having access to practitioners within the industry who hold specialist skills and knowledge, balanced with the need to ensure transparency and equity in our decision-making.

2. Who is covered by this policy?

- 2.1 This policy covers external contractors. The NZFC often engages external contractors to undertake specific pieces of work (e.g. external assessors to provide a perspective on funding applications). External contractors are engaged by the NZFC under a Services Agreement.
- 2.2 Generally, *external* contractors will only have access to specific NZFC information needed to complete their work and will not have access to NZFC premises or use an NZFC computer. *Internal* contractors, by contrast, generally have access to NZFC information and files beyond limited information needed to do specific work. Generally, internal contractors will have access to NZFC premises and may use an NZFC computer for their work. Internal contractors are covered by the 'NZFC Staff Conflicts of Interest Policy.'

3. What is a conflict of interest?

- 3.1 A conflict of interest exists when a work-related matter conflicts with a personal interest. Personal interests can be financial or relate to family, friends and associates.

- 3.2 A conflict of interest can be an *actual* conflict, a *perceived* conflict or a *potential* conflict.
- (a) an *actual* conflict arises when there is a direct conflict between an external contractor's duties and responsibilities and their interest. An actual conflict of interest is usually financial in nature and is generally disqualifying in nature, i.e. requiring recusal, unless it is minor, trivial or remote.
 - (b) a *perceived* conflict includes situations where it could be perceived, or appear to a reasonable person, that an interest could be viewed as a conflict. Perceived conflicts of interest are usually non-financial in nature, for example, arising from a relationship which an objective third party would perceive as likely to affect the impartiality of a decision maker.
 - (c) a *potential* conflict is a situation which, while not an actual conflict right now, could eventuate into an actual or perceived conflict in the future.

4. Declaring a conflict of interest

- 4.1 If you are engaged by the NZFC under a Services Agreement to undertake a specific piece of work for the NZFC, you must declare any actual, perceived or potential conflicts of interest to the Head of Department (HOD) who has engaged you.
- 4.2 If you are engaged to assess a funding application, you must disclose whether you have a conflict of interest in relation to that funding round and/or application. You must disclose if the application involves your spouse, partner, a family member, close friend or someone you have worked with in the past 90 days.
- 4.3 If you are unsure whether your situation amounts to a conflict of interest, ask for guidance from the HOD who engages you under a Services Agreement.
- 4.4 The HOD who engages an external contractor is responsible for recording and managing any actual, perceived or potential conflicts of interests for an external contractor. The HOD must ensure they follow the Conflict of Interest Policy for External Contractors.

5. Applying for NZFC funding

- 5.1 For the purposes of this section, "NZFC funding" includes any funding from the NZFC as part of a NZFC funding strand, programme or initiative. This includes devolved funds (e.g. Seed funding); NZFC discretionary funding (e.g., production finance), funds administered by the NZFC (e.g. NZSPG); and funds administered in partnership with other agencies (e.g. the Premium Fund).
- 5.2 External contractors who are engaged by the NZFC under a Services Agreement may apply for NZFC funding at any time. External contractors who are engaged to assess funding applications for the NZFC may apply for funding in any round other than a round in which they are providing assessment services.

Review log

Date updated	Notes	Approved by
May 2023	Standalone policy for external contractors developed and workshopped in 2022 and 2023 alongside updated NZFC Staff Policy	NZFC Board – May 2023