

## Record of Discussion – Ethical Career Transitions reference group meeting, 24 April 2026

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<b>Date</b>	<b>24 April 2026</b>	10:00 — 11:30am (online)
<b>Attendees</b>	<b>Reference group</b>	Kirsten Windelov, Public Service Association Max Rashbrooke, Victoria University of Wellington School of Government Derek Gill, Transparency International New Zealand
	<b>Public Service Commission</b>	Callum Butler (Manager Integrity and Ethics) Lydia McKinnon (Principal Advisor Integrity and Ethics)
	<b>Ministry of Justice</b>	Grace Darkins (Senior Policy Advisor Constitutional Arrangements and Treaty) Peter Lecky (Advisor Constitutional Arrangements and Treaty)

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### Opening

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1. Officials began the meeting by explaining that the reference group had been convened to support the development of a discussion document on ethical government -private sector career transitions. The purpose of the meeting was to discuss the issues related to transitions in and out of government roles, often referred to as the ‘revolving door’, and to test officials’ understanding of the risks and advantages of these movements. Officials would not be seeking detailed drafting input on the discussion document from the reference group. This would preserve the ability of the reference group members to make independent submissions on the document during public consultation.
2. A document was provided to the reference group in advance of the meeting to prompt discussion and clarify the scope of the project. This document is **attached**.

### Summary of reference group comments

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#### *Which types of career transitions raise the most concern in New Zealand?*

3. Public concerns are centred on high profile transitions that appear in the news cycle, usually Ministers moving immediately into lobbying or similar roles. These high-profile movements tend to be identified through media scrutiny, and it is less common to see individuals called to account through other means.
4. Movement of individuals from roles in the public sector to the private sector, and vice versa, is common and there can be benefits to these movements. For example, departments may be able to make more effective regulation if they employ staff who have experience in that industry. Equally,

public debate can be improved when people who have domain-specific knowledge (i.e. from their time in public employment) contribute to public discourse.

5. However, there are also integrity concerns. Some examples of potential issues and concerns include:
  - 5.1. Misuse of confidential information obtained in the public sector when moving into the private sector.
  - 5.2. Bias in individuals' actions and decisions while in office based on future employment prospects.
  - 5.3. Parts of government departments becoming "captured" by industry when a high number of employees enter from the private sector.
  - 5.4. Ministers closely involved in setting regulations for a certain sector moving directly into roles in that sector and taking advantage of the arrangements they influenced or created.
  - 5.5. Unfair access to decision-makers when personal connections are leveraged to arrange meetings or share views.
6. Such issues typically occur when individuals transition between positions in the public and private sectors within the same field or area of expertise. Of particular concern is individuals lobbying in areas of previous responsibility as Ministers or public officials. For Ministers, this could arguably be all government portfolio areas, due to their exposure to Cabinet material.
7. To ensure any potential options are proportionate, it is important to understand where the potential harm occurs when different groups (e.g. Ministers, public servants, Ministerial staff, board members) move between sectors.
8. The most proportionate options would be to consider any restrictions on a case-by-case basis, that accounts for an individuals' circumstances and the role their intended movement. However, this may be unworkable and overseas jurisdictions have seen success with generally applicable policies that are targeted at the specific risks of public to private career transitions (e.g. "cooling off" periods).

#### ***How could lobbying be defined?***

9. A narrow definition of lobbying that covers only corporate or "professional" lobbyists has limited value. Lobbying is broad and undertaken by many different types of organisations such as NGOs and trade associations. A definition based on lobbying activities rather than on specific types of organisations and roles may be most effective.
10. There is a question of whether "indirect" lobbying methods should be included in the definition. For example, some organisations seek to influence government by growing their influence with the general public, and achieving influence that way.

#### ***What existing measures are there and are they effective?***

11. Currently in New Zealand there are legal obligations around information management in any sector through general employment duties in contracts, and there are specific confidentiality requirements related to Cabinet material. Conflict of interest management policies are also relevant to this issue.
12. In many cases, the existing measures are not effective. For example, provisions in the Cabinet Manual relating to post-Ministerial conduct cannot be enforced after Ministers leave office.

13. Generally, there is a lack of evidence on how well conflict of interest processes are being implemented. Media reports on specific instances have shown some weaknesses. There is anecdotal evidence of inconsistency in how strictly conflict of interest procedures are currently applied. Some government agencies may, for example, manage conflicts related to previous political roles more stringently than those arising from previous private sector experience.
14. It is important that workplaces have cultures and procedures that allow employees to feel comfortable speaking up when they see potential misconduct.
15. Codes of conduct and conflict of interest requirements may address issues around individuals entering public roles, but do not bind individuals when they leave.

***What measures could be introduced to manage the risks of government-private sector career transitions and what are some important considerations?***

“Cooling off” periods and restraints of trade

16. “Cooling off” periods and dedicated enforcement/oversight bodies are used overseas to protect integrity of public decision-making. A cooling-off period is a defined timeframe during which an individual is restricted from undertaking certain actions or jobs related to their previous role in government.
17. These periods seek to restrict the activity of individuals until the confidential information they have been exposed to is no longer confidential or otherwise advantageous. The duration of cooling off periods varies internationally: there are arguments that due to the pace of the policy process, information can still be relevant two or three years later. Other factors can also affect the relevance of the information, such as a change of government or other events that significantly affect government policy areas.
18. There may be scope to use restraint of trade provisions to better address the risks arising from revolving door movements. Restraints of trade are contractual provisions that limit an individual’s ability to engage in certain work activities after leaving employment, and are intended to protect employers’ interests such as confidential information. They are an existing concept in employment law that is used on a selective basis.
19. Both cooling off periods and restraints of trade involve restrictions on individuals. They would need to be proportionate and account for any potential impacts on rights and freedoms (e.g. freedom of association) and the security of individuals’ livelihoods. Restrictions would need to be “incredibly well-defined” to avoid perverse outcomes. Overly-broad restrictions could, for example, limit the pool of people who seek public office or employment to those who can afford a period of potentially limited income after their government role.
20. Post-employment restrictions may have an even greater impact on ministerial staff, as their events-based employment arrangements provide less security compared to most other public servants.
21. Employers in both the public and private sectors will often hire people on the strength of their existing relationships with relevant stakeholders. It is important to consider that a cooling off period could devalue these relationships and affect employment prospects.

22. It is hard to regulate individuals' use of information after transitioning to the private sector, and more straightforward to regulate their relationships with those still in public roles (i.e. restraining lobbying of certain individuals).

#### Improving use of existing mechanisms

23. Attention could be paid to ensure that existing mechanisms, for example conflict of interest policies, are used to address the risks created by public-private sector movements. Evidence on the effectiveness and consistency of conflict of interest practices across the public sector could be a useful input on this topic.
24. Policies that allow employees to safely report wrongdoing or inappropriate influence could also be promoted to ensure that risks are detected when they arise.
25. More restrictive measures, such as cooling off periods, could become a 'check box' step and lead to a loss of emphasis on the importance and application of existing ethical standards.

#### ***What is unique about New Zealand's context and what do overseas comparisons tell us?***

26. Many Māori public servants will also have responsibilities or roles with their iwi and hapū. Any measures must be carefully considered to avoid 'driving out' Māori public servants. This should be considered when assessing whether international arrangements could be translated to New Zealand's context.
27. Some consider New Zealand to be too small to practically introduce regulations such as a cooling off period. Ireland, which has a comparatively sized population, has taken the opposite view; in a small society regulating these dynamics is more important, not less.
28. Denmark has a comparatively sized population but does not regulate lobbying or public/private sector transitions and retains high levels of trust and integrity. However, Denmark has greater social cohesion and lower wage disparity than New Zealand, so lessons from this comparison may be limited.
29. Some of New Zealand's issues may arise not from a lack of talent, but from employers using professional networks when engaging staff or suppliers and not casting a wide enough net across the country and its different sectors to seek talent.

### **Ethical Transitions – Reference Group**

Information for group discussion, 24 April 2026

#### *Project scope*

The Public Service Commission and the Ministry of Justice are jointly working to produce a discussion document that identifies options to support ethical career transitions between government and private sector roles. This is a commitment under New Zealand’s fifth Open Government Partnership (OGP) National Action Plan (2025-2027).

The scope of the discussion document is:

- Movement between executive government and the private sector, in both directions
- Covering elected and non-elected officials
- Including, but not limited to, movement to lobbying and interest groups

The document will include a full set of options and is not intended to limit government decision-making.

#### *Background and timing*

- For the Ministry of Justice, this project continues work begun in 2023 on lobbying.
- For the Public Service Commission, this project is part of a focus on strengthening integrity, in particular around conflict of interest management, and also links to the talent development priority identified in the [State of the Public Service Report](#).
- New Zealand’s OGP process identified both lobbying and conflict management as a concern.
- We plan to complete public consultation before the pre-election period begins on 7 August.

#### *Reference group*

The Public Service Commission and the Ministry of Justice are seeking the views of experts during the research and evidence-gathering phase of this project.

Reference group contributors will not be asked for detailed drafting input, to ensure they can stay independent from the final document and can submit during the public consultation stage if desired.

The Public Service Commission will publish a summary of reference group discussions online. These documents will be checked with reference group members for accuracy.

#### *Discussion topics*

##### **Problem definition**

- Which types of transitions raise the most concern in New Zealand, and why? Types of transitions could include:
  - Ministers/ministerial staff - lobbying/interest groups
  - Regulated entities - departments with regulatory responsibilities

- We are aware of some well-known cases involving ministers and their staff exiting to/entering from the lobbying sector. Are you aware of any examples involving non-political public servants? What private sector roles would it be most concerning to see public servants moving to/from?
- If no changes were made, how might the revolving door issue impact public perceptions, or result in actual harm, over time?

### **Current state**

- How effective are New Zealand's current tools (e.g. conflicts of interest policies, confidentiality obligations, Cabinet Manual provisions, transparency settings) at managing revolving door risks?
- Do you have any insight on the experience of Māori public servants in managing conflicts of interest related to roles they hold with iwi or hapū? Do you know anyone we could talk to about this?

### **International comparisons**

- In jurisdictions where lobbying is regulated, what employment do former ministers or officials generally engage in during their designated 'cooling off' period? How might this translate to New Zealand's context?
- Are you aware of any research that measures of effectiveness of other countries' regimes?
- Are you aware of examples where regulation or post-employment controls have had unintended consequences?
- In regulating the revolving door, have other countries sought to address the same issues as we are currently discussing? Are there particular aspects that are more or less relevant to the New Zealand context?
- Are you aware of any international examples of regulations or other measures that seek to manage risks that may arise when people move from private sector roles (e.g. in the lobbying industry) to public roles?

### **Options**

- Which options do you think might be useful in the New Zealand context to address issues specifically related to transitions between the public sector and lobbying roles? If an incremental approach was necessary, what would you start with?
- Do you think that clearer safeguards, for example through a post-employment framework or lobbying regulation, would encourage or discourage movement between the public and private sectors?
- When thinking about a post-employment framework, how important is legal enforceability?
- How could we approach the issue of oversight once individuals have left government employment?