

## Appendix 1: Technical Advisor: Code of Conduct

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In addition to the requirements of the Technical Advisor to deliver the Services in accordance with the terms and conditions of this Contract,<sup>1</sup> MFAT wishes to ensure that all Technical Advisors maintain proper standards of integrity, conduct, and behaviour whilst working overseas. This Code<sup>2</sup> prescribes the standards required by MFAT of all Technical Advisors whilst undertaking the Services. Any breach of this Code could lead to the termination of the Contract.

The three principles of conduct that all Technical Advisors are expected to observe are:

1. Technical Advisors shall fulfil all lawful obligations to government<sup>3</sup> with professionalism and integrity.
2. Technical Advisors shall perform their duties honestly, faithfully and efficiently respecting the rights of the public and their colleagues.
3. Technical Advisors shall not bring MFAT, nor the government into disrepute through their private activities.

Where a Technical Advisor is subject to a Code of Conduct of another department or agency that Code shall continue to apply to the extent that it is stricter and/or there is no conflict with the provisions of this Code.

### **Political Neutrality**

Technical Advisors are required to show political neutrality in serving MFAT and the government. In so doing they should conduct their relationships professionally and impartially.

In developing and implementing policy a Technical Advisor is expected to provide honest, impartial and comprehensive advice, and must not withhold relevant information nor seek to obstruct, or delay a decision nor attempt to undermine or improperly influence government policy, for example by an unauthorised release of information. Where a Technical Advisor holds strong personal beliefs on certain issues these must be managed so as to avoid conflict with their duties.

Technical Advisors need to ensure that their private participation in political matters does not bring them into conflict with their primary duty to serve the government in a politically neutral manner.

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<sup>1</sup> If there is any conflict between this Code of Conduct and Schedule 2 Standard Terms and Conditions, Schedule 2 Terms and Conditions will prevail.

<sup>2</sup> This Code is based on the New Zealand State Services Commission 'New Zealand Public Service Code of Conduct' and the Ministry of Foreign Affairs and Trade 'Code of Conduct'.

<sup>3</sup> For the purpose of this Code 'government' may mean the government of New Zealand or the host government in the country where the assignment is carried out.

### **Public Comment**

Technical Advisors must not provide responses to media or other requests for comment on government policy unless specifically authorised to do so. Generally when on assignment overseas Technical Advisors have the same rights of free speech and independence in the conduct of their private affairs as other members of the public. However, they also have a duty not to compromise the government by public criticism of, or comment on policies which they have been professionally involved or associated.

### **Participation on Voluntary or Public Bodies**

Technical Advisors are free to stand for, or be appointed to any office, or position on any voluntary body. However they should first inform MFAT of their intentions if there is any doubt or potential conflict of interest between such participation and their duties and responsibilities as a Technical Advisor. Strong conflicts are likely if the Technical Advisor is appointed to a public body.

### **Political Participation**

In order to protect bi-lateral relationships between New Zealand and other governments Technical Advisors shall not on their own account participate in any political activity in a foreign state. This prohibition includes membership of any pressure group, political party, or other political or lobby organisation.

### **Publications**

Any Technical Advisor who wishes to publish an article or a book which is based in whole, or in part upon their experience whilst working as a Technical Advisor shall first submit a draft manuscript for MFAT's approval, and shall not publish any material before that approval is granted.

### **Official Information**

The disclosure of official information is subject in New Zealand to the Official Information Act 1982, and may be subject to legislation or rules in other countries. Technical Advisors must comply with the relevant host country rules in relation to the release of official information and must be authorised to respond to a request. Technical Advisors have a duty not to release or communicate, in an unauthorised way, information which may result in damage to New Zealand's, or the governments' foreign relations. This duty extends to reckless or negligent communication.

### **Security**

Technical Advisors shall comply with all security notices, instructions, guidelines, practices or requirements issued by the host country and by MFAT.

### **Performance of Duties**

Technical Advisors shall carry out their duties in an efficient and competent manner, and avoid behaviour that might impact on their effectiveness. This includes a duty to:

1. obey the law;<sup>4</sup>
2. obey all lawful instructions;
3. ensure competence and efficiency in the performance of assigned duties;
4. refrain from conduct that might impair work performance, including being under the influence of alcohol, illegal drugs or solvents during working hours;
5. not to bring illegal drugs into the workplace;
6. seek MFAT's approval before undertaking additional paid work in-country whilst on full time assignment; and
7. show reasonable care in the use of property, resources or funds.

### **Health and Safety Responsibilities**

Technical Advisors are required to enter into a Health and Safety Acknowledgment form and prepare a Safety Plan in order to ensure you:

- take all reasonable and practicable care with your own and other's health and safety;
- record and report injuries, illnesses, incidents (including near misses) and any other concerns relating to safety, that arise from work;
- regularly consult and collaborate with other members of the Activity team, including MFAT, on health and safety.

### **Personal Taxes**

Technical Advisors are responsible for assessing their own personal tax liabilities both in their normal country of residence and in the host country. Each Technical Advisor must ensure that they make payment in full of all tax liabilities. Failure to effect payment of taxes may be grounds to terminate the Contract.

### **Traffic Accidents**

Whilst engaged on assignment overseas Technical Advisors shall comply with local traffic and parking laws and regulations and, where they opt to purchase their own car whilst in-country, shall carry ample and comprehensive vehicle insurance to provide cover regardless of fault for themselves, accompanying family members and any other driver or passenger. Technical Advisors shall obtain a sum of coverage that as a minimum complies with local standards and practices, or normal international standards, whichever is the higher.

Where relevant, Technical Advisors should follow driving recommendations as described in the Safety Plan and only drive where they are competent and feel safe to do so.

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<sup>4</sup> Technical Advisors shall obey the laws and regulations of the country in which they are assigned and shall respect the laws of New Zealand while on assignment.

### **Parking Offences**

Whilst engaged on assignment overseas Technical Advisors shall pay parking fines promptly and meet their responsibilities in the case of traffic accidents or offences in the host country.

### **Lawful Conduct**

Whilst engaged on assignment overseas Technical Advisors must act lawfully, and in particular, shall not:

1. become involved in black market or parallel market operations;
2. contravene foreign exchange regulations of the host country;
3. seek to use official accounts to transfer non-official or private funds;
4. expend official money or incur official costs without proper authorisation;
5. purchase or export any item of cultural property of a sensitive nature other than in accordance with local regulations; and
6. become involved in any activity which could be construed as illegal, unethical, corrupt, fraudulent, collusive or coercive.

Where a Technical Advisor may be in breach of a local law (excluding parking infringements) they must advise MFAT immediately.

Technical Advisors have no immunity whilst working overseas on behalf of MFAT.

### **Corruption**

Whilst engaged on assignment overseas Technical Advisors should be aware of possible corruption and be diligent in identifying any act of corruption they may encounter. Technical Advisors must immediately report to MFAT any act of corruption of which they have become aware.

Technical Advisors will take specific note of Schedule 2 clause 16.

### **Anti-Terrorism**

Additional to Schedule 2 clause 17, Technical Advisors must not be involved in any organisation or activity that provides direct, or indirect support, or resources to organisation and/or individuals associated with terrorism. If, during the course of the assignment, a Technical Advisor in the carrying out of their duties discovers any link whatsoever with an organisation or individual associated with terrorism they must advise MFAT immediately.

### **Respect for Others**

Technical Advisors have a duty to contribute to the development of effective working relationships by treating their colleagues, stakeholders and the public with courtesy and respect, and conducting themselves in a polite, friendly and helpful manner in all written (including electronic) and oral communications at all time. Respect for others includes:

1. respecting the privacy of individuals when dealing with personal information
2. not discriminating against or harassing anyone because of their sex, marital status, family status, ethnicity, race, colour, age, sexual orientation, disability, political opinion, religious or ethical beliefs, or employment status

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3. avoiding behaviour that might endanger or cause stress to other colleagues
4. having due regard for the safety of others
5. avoiding behaviour that could be construed as bullying, workplace harassment, sexual harassment or victimisation.

### **Vulnerable Children Act 2014 (if applicable)**

When working with children and families:

1. Complying with relevant provisions of the Vulnerable Children's Act including the provision of information to enable Security Vetting to take place.
2. Informing your employees and MFAT of any information which may affect your ability to maintain Security Vetting.

### **Conflict of Interest**

Whilst engaged on assignment overseas Technical Advisors should perform their duties with integrity, honesty, impartiality and act in a manner that will bear the closest public scrutiny. They shall avoid situations that might compromise their integrity and shall ensure that no conflict exists, or appears to exist, between their private interests and their official duties. They must observe the principles of fairness and impartiality in all official dealings so that no individual, or organisation is given preferential treatment.

Where any actual, or potential conflict of interest will be managed in accordance with Schedule 2 clause 9.

Situations of conflict of interest may arise where a Technical Advisor's partner or children takes up local employment and MFAT advice should be sought where any conflict is likely to arise in such cases.

During the course of the assignment the Technical Advisors must not take up secondary employment or be engaged in any other trade, business or occupation without the prior written consent of MFAT.

### **Gifts**

Technical Advisors must not abuse the advantages of their official position for private purposes or personal gain. They must not solicit gifts, rewards, or benefits that might compromise, or be seen to compromise, their integrity or the integrity of the government or MFAT.

Technical Advisors may accept token gifts of appreciation (but not money) where the total value of the gift is NZD100 or less, and which do not, or do not appear to place the Technical Advisor under any obligation.

### **Koha**

A 'koha' is a gift, a token, or a contribution given in money or in kind, as appropriate, in interactions with Māori, whether individuals, kaumatua or iwi. There may be occasions where the local cultural environment in the host country makes it appropriate to give koha in return for traditional hospitality received. In such situations, where official expenditure and public money is involved, the Technical Advisor must first obtain the consent of MFAT or the in-country government department, and the amount and the explanation of the circumstances should be documented in each case.

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A koha should not be confused with a payment for goods or services.

### **Personal Behaviour**

Whilst engaged on assignment overseas Technical Advisors should avoid any activities, whether connected with their official duties, personal relationships, or otherwise that might bring the government, or MFAT into disrepute, or jeopardise its relationship with the public or key stakeholders.

Specifically Technical Advisors must avoid such behaviour which:

1. creates a potential conflict of interest
2. may offend or appear to offend against local laws or customs
3. may offend or appear to offend against broadly acceptable standards of conduct
4. may bring the government of New Zealand into disrepute or its relationship with another government or international organisation
5. may reflect badly against MFAT
6. may lead to a situation giving rise to coercion.