

### Instrument of Delegation

1. Pursuant to section 41(1) and (2A) of the State Sector Act 1988 and section 7B of the Oranga Tamariki Act 1989 (the Act), and with the prior written approval of the Minister for Children, and upon satisfying myself that any potential conflicts of interest will be avoided or managed, I delegate to the employees of Turuki Health Care Charitable Trust (**Turuki**) for the time being holding the designated positions of my powers and functions under 388A and section 389 of the Act to –
  - 1.1 from time to time, provide financial and other assistance to a permanent caregiver of a child or young person for the purpose of assisting the permanent caregiver to care for the child or young person:
  - 1.2 provide financial and other assistance to a permanent caregiver of a child or young person if –
    - (a) the need for assistance arises from the care and protection needs or the extraordinary health, education, or developmental needs of the child or young person; and
    - (b) those needs are greater than it is reasonable to expect the permanent caregiver to meet; and
    - (c) those needs cannot be met by existing sources of support under this Act or any other enactment, and are unlikely to be provided otherwise; and
    - (d) it is reasonable in the circumstances for the chief executive to provide assistance; and
    - (e) the provision of assistance is consistent with any general or special directions given to the chief executive in writing by the Minister:
  - 1.3 from time to time, make grants or provide financial assistance to any person for the purpose of assisting that person to care for any child or young person –
    - (a) who has ceased to be subject to –
      - (i) an agreement made under section 139 or section 140 or section 141 or section 142 of the Act; or
      - (ii) an order made under section 78 or section 86 or section 91 or section 101 or section 110 or section 283(n) of the Act; and
    - (b) who, in the circumstances of the particular case, is in need of special assistance.
2. This delegation is subject to the requirements of section 41 of the State Sector Act 1988 and the following conditions:
  - 2.1 the delegated powers and functions cannot be sub-delegated to any other person:
  - 2.2 the delegated powers and functions must be exercised or performed in accordance with –
    - (a) all relevant statutory obligations including the Privacy Act 1993 and the Public Finance Act 1989:
    - (b) all relevant obligations in the Standards of Integrity and Conduct or any other code of conduct issued by the State Services Commissioner under section 57(2) of the State Sector Act 1988:



- 2.3 information held by the delegates in relation to the exercise or performance of a delegated power or function is deemed to be held by the department for the purposes of the Official Information Act 1982;
  - 2.4 the Ombudsmen Act 1975 and the Official Information Act 1982 apply to the delegate in relation to the exercise or performance of a delegated power or function as if the delegate were an organisation named in Schedule 1 of the Ombudsmen Act 1975;
  - 2.5 where a person is informed by a written document of an action taken by the delegate, the document must, -
    - (a) state that the action was taken by a delegate outside the Public Service; and
    - (b) give the delegate's name and office; and
    - (c) state that a copy of this instrument of delegation may be inspected at the chief executive's office;
  - 2.6 the delegated powers and functions must be exercised or performed in accordance with any guidance or directions issued by the chief executive;
  - 2.7 the delegated powers and functions must be exercised or performed in accordance with any financial limits and guidance set out in the outcome agreement between the department and Turuki made to support this instrument of delegation.
3. In accordance with section 7D of the Oranga Tamariki Act 1989, I am satisfied that the employees holding the designated positions –
- 3.1 are appropriately qualified to perform the functions or exercise the powers under section 388A and section 389 of the Act; and
  - 3.2 are bound by contractual obligations that are sufficient to support their appropriate exercise of the delegation.
4. This instrument of delegation takes effect on the later of –
- (a) the date that the outcome agreement between the department and Turuki made to support this instrument of delegation takes effect; and
  - (b) 1 July 2019.
5. This instrument continues in effect until 30 June 2024 unless any of the following events earlier occurs:
- (a) it is revoked in writing;
  - (b) it is superseded;
  - (c) the outcome agreement between the department and Turuki made to support this instrument is terminated.
6. In this instrument of delegation –
- (a) **designated positions** means the position of Managing Director, Permanent Care Support Service, and the position of Manager, Permanent Care Support Service;
  - (b) **department** means Oranga Tamariki—Ministry for Children; and
  - (c) The terms otherwise defined in the Oranga Tamariki Act 1989 and the State Sector Act 1988 have the same meanings in this delegation.

At Wellington this 27<sup>th</sup> day of June 2019



Gráinne Moss

Chief Executive

Oranga Tamariki—Ministry for Children

