



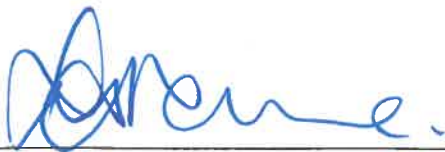
**MINISTRY OF SOCIAL  
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

**Delegations and Subdelegations relating  
to  
the approvals functions**

## Instrument of Delegation and Subdelegation

1. Pursuant to subclauses 2(1) and (4) of Schedule 6 of the Public Service Act 2020, subject to the rules in Part 2 of Schedule 1 in respect of this delegation, I, Debbie Power, Chief Executive of the Ministry of Social Development (MSD), delegate the functions and powers in Part 2 of Schedule 2 in respect of this delegation to the persons holding or acting in the positions in MSD referred to in that Part 2.
2. Pursuant to subclauses 2(1) and (4) of Schedule 6 of the Public Service Act 2020 and sections 7B and 7D of the Oranga Tamariki Act 1989, subject to the statutory requirements and conditions in Part 1 of Schedule 1 in respect of this delegation, the Chief Executive of Oranga Tamariki has delegated the functions and powers set out in Part 1 of Schedule 2 in respect of this Delegation to the person holding or acting in the position of Chief Executive of MSD.
3. Pursuant to subclause 2(3) of Schedule 6 of the Public Service Act 2020, the Chief Executive of Oranga Tamariki has consented to the subdelegation of any powers and functions in Part 1 Schedule 2 in respect of this delegation by the Chief Executive of MSD.
4. I, Debbie Power, Chief Executive of MSD, am satisfied, as required by section 7D(2)(a) of the Oranga Tamariki Act 1989, that the persons who are subdelegated the functions or powers in Part 1 of Schedule 2 in respect of this Delegation are appropriately qualified to perform or exercise those functions or powers, taking into account their training, experience and interpersonal skills.
5. This instrument comes into effect on 1 July 2021.
6. The delegation from the Chief Executive of Oranga Tamariki continues in effect until:
  - a. it is revoked in writing; or
  - b. it is superseded; or
  - c. the Accreditation Service Level Agreement between Oranga Tamariki and MSD, which supports this delegation is terminated.
7. The following delegations are revoked on the date this instrument takes effect:
  - a. the delegations dated 21 October 2019 relating to the approvals functions; and
  - b. any prior delegation of the functions and powers contained in sections 396 to 409 (inclusive) of the Oranga Tamariki Act 1989 to the Chief Executive of MSD (including any delegation contained in any agreement between Oranga Tamariki and MSD).



Debbie Power  
**Chief Executive, Ministry of Social Development**

30/6/21

Date

## **Schedule 1 Part 1**

### **Statutory requirements and conditions relating to the subdelegations in relation to Part 1 of Schedule 2**

1. The delegation from the Chief Executive of Oranga Tamariki is subject to the following requirements of subclause 2(10) of Schedule 6 of the Public Service Act 2020 and the following conditions:
  - a. the delegated powers and functions may be exercised or performed in the same manner, subject to the same restrictions, and with the same effect as if those functions and powers had been conferred on the delegate directly under the Public Service Act 2020;
  - b. the delegated powers and functions must be exercised or performed in accordance with-
    - i. all relevant statutory obligations including the Privacy Act 2020 and the Public Finance Act 1989;
    - ii. all relevant obligations in the minimum standards of conduct and integrity or any other code of conduct issued by the Public Service Commissioner under section 17(3) of the Public Service Act 2020;
  - c. 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;
  - d. information held by the delegate 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
  - e. the delegated powers and functions must be exercised or performed in accordance with any guidance or directions issued by the Chief Executive of Oranga Tamariki
  - f. the delegated powers and functions must be exercised or performed in accordance with the Accreditation Service Level Agreement between Oranga Tamariki and MSD dated 5 September 2019 (including any variation or supplement to that agreement).
  
2. In accordance with section 7E(3) of the Oranga Tamariki Act 1989, any subdelegation of functions and powers delegated by the Chief Executive of Oranga Tamariki is only permitted if the delegate is satisfied that the sub-delegate meets the requirement in section 7D(2)(a) of the Oranga Tamariki Act 1989.

## Schedule 1 Part 2

### Subdelegation Rules in relation to Part 2 of Schedule 2

1. For the avoidance of doubt, the delegation of a power to a class of office holder or position includes delegation of that power to a person validly acting in that class or position.
2. After receiving relevant training, MSD employees and office holders, and individuals working in MSD as contractors or secondees from elsewhere in the State services<sup>1</sup> who are holding or acting in a position set out in Part 2 of Schedule 2, may exercise delegated functions. Authority to exercise the delegated functions or powers also rests with any managers higher in the relevant reporting structure than the position identified in Part 2 of Schedule 2.
3. The people holding or acting in the positions listed in Part 2 of Schedule 2 must:
  - a. ensure they are appropriately trained to exercise the subdelegated powers and functions
  - b. ensure that any financial expenditure, associated with the exercise of powers or functions, is authorised in accordance with the financial delegations where applicable
  - c. seek appropriate advice if they are unsure about the power or function
  - d. act in accordance with relevant policies and procedures, in particular any relevant Code of Conduct
4. The people holding or acting in the positions listed in Part 2 of Schedule 2, must document how they exercised any power or function so that decisions can be appropriately audited. People acting without authority may face disciplinary action and may be held personally liable for unlawful expenditure.
5. Changes to the subdelegations in Part 2 of Schedule 2 or the Rules in Part 2 of Schedule 1 will not be effective unless they are under the signature of the Chief Executive of MSD.

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<sup>1</sup> State services—

- means all instruments of the Crown in respect of the Executive Government of New Zealand, whether public service agencies, bodies corporate, agencies, or other instruments; and
- includes Crown entities; and
- includes organisations named or described in Schedule 4, and companies named in Schedule 4A, of the Public Finance Act 1989; and
- includes the education service; but
- does not include—
  - the Governor-General; or
  - members of the Executive Council; or
  - Ministers of the Crown; or
  - members of Parliament; or
  - organisations listed in Schedule 1 of the State-Owned Enterprises Act 1986; or
  - tertiary education institutions; or
  - Offices of Parliament; or
  - The Office of the Clerk of the House of Representatives; or
  - the Parliamentary Service

## Schedule 2 – Subdelegated Approvals Functions

### Part 1

#### Functions and powers under the Oranga Tamariki Act 1989

<b>Function</b>	<b>Role</b>
Functions and powers under sections 400(1)(a), 400(1)(c), 401(1), 403 to 404, 408 and 409 of the Oranga Tamariki Act 1989	General Manager National Manager Accreditation National Manager Māori Lead Advisor Policy and Practice Manager Accreditation Manager Senior Assessor Assessor Junior Assessor Senior Advisor Senior Advisor National Providers Advisor Team Coordinator Lead Trainer Senior Business Analyst Senior Reporting Analyst Financial Evaluator
Functions and powers under section 405 of the Oranga Tamariki Act 1989	General Manager

Part 2

Functions and powers under other legislation

<b>Function</b>	<b>Role</b>
Powers under regulation 45 of the Social Security Regulations 2018 after considering the matters in regulation 47	General Manager National Manager Accreditation National Manager Māori Lead Advisor Policy and Practice Manager Accreditation Manager Senior Assessor Assessor Junior Assessor Senior Advisor Senior Advisor National Providers Advisor Team Coordinator Lead Trainer Senior Business Analyst Senior Reporting Analyst Financial Evaluator
Powers under regulation 46 of the Social Security Regulations 2018 after considering matters in regulation 47	General Manager
Functions and powers under sections 15 and 17 of the Adoption (Inter-country) Act 1997	General Manager
Specify information required for an application (s16(1)(a) of the Adoption (Inter-country) Act 1997)	General Manager
Functions under section 16(2) of the Adoption (Inter-country) Act 1997	General Manager
Functions under section 18 of the Adoption (Inter-country) Act 1997	General Manager
Functions and powers under section 19(1) to (4) of the Adoption (Inter-country) Act 1997	General Manager

<p>Functions and powers under section 22 of the Adoption (Intercountry) Act 1997</p>	<p>General Manager  National Manager Accreditation  National Manager Māori  Lead Advisor  Policy and Practice Manager  Accreditation Manager  Senior Assessor  Assessor  Junior Assessor  Senior Advisor  Senior Advisor National Providers  Advisor  Team Coordinator  Lead Trainer  Senior Business Analyst  Senior Reporting Analyst  Financial Evaluator</p>
<p>Take appropriate measures to prevent improper financial or other gain (section 5 of the Adoption (Intercountry) Act 1997 and Article 8 of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption)</p>	<p>General Manager  (Team Leader Adoptions &amp; International Casework in Oranga Tamariki-Ministry for Children jointly with the National Manager Adoption Service in Oranga Tamariki-Ministry for Children)</p>