



Instrument of Delegation

Delegation of powers and functions to Kaiarataki

1. Pursuant to clause 2 and 3 of schedule 6 of the Public Service Act 2020, and with the prior written approval of the Minister for Children and being satisfied that any potential conflicts of interest will be avoided or managed, I delegate to any person holding the role of Kaiarataki (Youth Justice Social Worker) at Best Care (Whakapai Hauora) Charitable Trust Inc (the delegate) the following powers and functions under the Oranga Tamariki Act 1989 ("the Act") to –
 - 1.1. appoint a youth advocate to represent a child or young person at a family group conference in accordance with section 248A of the Act.
 - 1.2. give effect to decisions, recommendations and plans of Youth Justice Family Group Conferences in accordance with section 268 of the Act, by the provision of such services and resources, and the taking of such action and steps, as are necessary and appropriate in the circumstances of the particular case –
 - (a) unless after considering that decision, recommendation or plan, it is considered impractical, unreasonable or clearly inconsistent with the principles set out in sections 5 and 208 of the Act; in which case the delegate will notify that fact to a youth justice coordinator.
 - 1.3. provide supervision of young persons placed under intensive supervision orders in accordance with section 296H of the Act.
 - 1.4. detain a young person without warrant and return them to their curfew address, where they have failed to comply with a curfew condition by leaving, or being taken without authority, from the curfew address, or refusing or neglecting to return to the curfew address, in accordance with section 296L(1) of the Act.
 - 1.5. provide supervision of young persons placed under supervision orders in accordance with section 304 of the Act.
 - 1.6. give effect to supervision with residence orders in accordance with section 312 of the Act –
 - (a) by providing day-to-day care for young persons under the orders; and
 - (b) where a supervision with residence order authorises, to take the young person to whom the order relates to the residence or transfer them from one residence to another, as specified in the relevant court-approved plan.

Conditions on delegation

2. This delegation is subject to the following conditions:
 - 2.1. No person may be appointed to the position of Kaiarataki (Youth Justice Social Worker) without the prior written consent of the Manager – Palmerston North Youth Justice, Oranga Tamariki;
 - 2.2. the delegated powers and functions cannot be sub-delegated to any other person;
 - 2.3. the delegated powers and functions must be exercised or performed in accordance with any guidance or directions issued by the chief executive; and
 - 2.4. the delegated powers and functions must be exercised or performed in accordance with any financial limits and guidance set out in the agreed understandings between the department and Whakapai Hauora made to support this instrument of delegation.

Statutory effect of delegation

3. In accordance with the Public Service Act 2020:
 - 3.1. The delegate must not delegate a delegated function or power;
 - 3.2. 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 minimum standards of conduct and integrity set by the Public Services Commissioner under section 17 of the Public Service Act 2020.
 - 3.3. 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.
 - 3.4. 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.
 - 3.5. where a person is informed by a written document of an action taken by the delegate, the document must, –
 - (b) state that the action was taken by a delegate outside the Public Service; and
 - (c) give the delegate’s name and office; and
 - (d) state that a copy of this instrument of delegation may be inspected at the chief executive’s office.

General terms of delegation

4. This delegation takes effect on 30 July 2020 and continues in effect until 30 July 2023 unless any of the following events earlier occurs:
 - (a) It is revoked in writing;
 - (b) It is superseded;
 - (c) The Framework Agreement between Oranga Tamariki–Ministry for Children and Whakapai Hauora made to support this instrument is terminated.
5. I have satisfied myself that the potential conflicts of interest you have disclosed will be properly avoided or managed. Please ensure you disclose and manage any further conflicts or potential conflicts of interest that may arise in relation to this delegation.
6. Note that legal advice obtained relating to the exercise of any delegated power or function will be protected by the Crown’s legal professional privilege. You may not disclose any legal advice that you receive without express permission from the Attorney General.
7. In this instrument of delegation the terms otherwise defined in the Oranga Tamariki Act 1989 and the Public Service Act 2020 have the same meanings in this delegation.

At Wellington this 30th day of July 2020

Gráinne Moss
Chief Executive
Oranga Tamariki–Ministry for Children