



28 NOV 2017

[REDACTED]

Dear [REDACTED]

On 7 November 2017, you emailed the Ministry requesting, under the Official Information Act 1982, information regarding the decision to sub-delegate the power under section 80AA of the Social Security Act from the Chief Executive to the Deputy Chief Executive.

[REDACTED]

The initial sub-delegation of the power under section 80AA of the Social Security Act took place on 10 September 2008. The then-Chief Executive of the Ministry of Social Development, Peter Hughes, sub-delegated the power under section 80AA of the Social Security Act to Doug Craig, the former Deputy Chief Executive and Director of the Chief Executive's Office. A copy of this delegation document is attached for your reference. Please note that the name of one individual is withheld under section 9(2)(a) of the Official Information Act in order to protect the privacy of natural person. The need to protect the privacy of this individual outweighs any public interest in this information.

The Chief Executive of the Ministry of Social Development is given the power to make a multitude of decisions on individual clients' cases. Each one of these decisions requires individual in-depth consideration such that it would be impossible for the Chief Executive to personally make all of these decisions. As a result, it is necessary for the Chief Executive to delegate and sub-delegate a number of these decision-making powers to staff members at various levels.

Please note that the sub-delegation of the power provided by section 80AA of the Social Security Act extends the authority to make decisions regarding the use of this section. The power of the Chief Executive to make these decisions is not extinguished. No formal policy discussion therefore occurred regarding this delegation as the Chief Executive may exercise this power as required.

Informal discussion of the policy implications may have occurred within the Chief Executive's office at this time, however this discussion, if it exists, may be held on individual emails belonging to staff members whose emails will be archived due to the age of this information. In order to identify such correspondence, however, the Ministry would have to manually review thousands of individual emails. As such, your request is refused under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding the delegation of the power provided by section 80AA of the Social Security Act, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Yours sincerely

David Dundon-Smith

**General Manager, Ministerial and Executive Services**



MINISTRY OF  
SOCIAL DEVELOPMENT  
*Te Manatū Whakahiato Ora*

|                |                            |      |                   |
|----------------|----------------------------|------|-------------------|
| To             | Doug Craig                 | Date | 10 September 2008 |
| CC             | Nick Gale<br>s 9(2)(a) OIA |      |                   |
| From           | Peter Hughes               |      |                   |
| Security Level | UNCLASSIFIED               |      |                   |

MEMO

**DELEGATIONS**

Dear Doug

Under section 41 of the State Sector Act, I delegate to you my powers to sign off as Chief Executive for the areas set out in the Schedules from today onwards.

You may on delegate these powers to such employees of the Ministry of Social Development as you think fit.

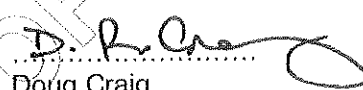
This delegation replaces my previous delegation dated 8 September 2008.

This delegation remains in place until I rescind it.

Please sign below to indicate your acceptance.

  
Peter Hughes  
Chief Executive

I accept the above-referred delegations:

  
Doug Craig  
Deputy Chief Executive and Director CE Office

Charles Fergusson Building, West Block, Ballantrae Place, Wellington, P O Box 1556

• Telephone 04 916 3753 • Facsimile

## SCHEDULE 1: FINANCIAL DELEGATIONS

- Financial Delegations to Act (level 2 positions and below) (see para 33 of Schedule 1 of the Financial Delegations)
- Engagement of a Consultant or Contractor which will exceed either \$1,000 per day (or hourly rate equivalent, i.e. \$133 per hour) or \$100,000 in total (GST exclusive) (see Note A of Schedule 2 of the Financial Delegations)
- Overseas Travel (see Note E of Schedule 2 of the Financial Delegations)
- Publicity and Advertising expenditure (per event) up to a maximum of \$100,000 including GST (see Note G of Schedule 2 of the Financial Delegations)
- Compensation or damages in settlement of claims which are endorsed by the Crown Law Office or judgments of the Court, and compromises of claims the Ministry has under a contract, up to a maximum of \$100,000 including GST (see Note I of Schedule 2 of the Financial Delegations)
- Ex gratia payments up to a maximum of \$20,000 including GST (see Note J of Schedule 2 of the Financial Delegations)
- Crown debt write-off of more than \$100,000 (see Note S of Schedule 2 of the Financial Delegations)

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## SCHEDULE 2: HUMAN RESOURCE DELEGATIONS

- Reaching settlement in mediation (except for Collective Agreements) (see Personal Grievance item in table in Schedule 2 of the Human Resource Delegations) subject to Financial Delegations limitation
- For Employment Agreements (see table in Schedule 2 of the Human Resource Delegations)
  - Approve non-standard individual employment agreements or a variation to a standard term or condition
  - Agreeing to application of collective agreement to positions that are not designated in the application clause.
  - Approve any changes to or new Collective Employment Agreement
- For Leave (see table in Schedule 2 of the Human Resource Delegations)
  - Approve compassionate payment on death (Long Service Leave)
  - Approve Trade Union Education leave (Special Leave with Pay)
- For Remuneration and Performance Management (see table in Schedule 2 of the Human Resource Delegations)
  - Approve changes to performance management system.
  - Approve remuneration ranges for new or existing positions.
  - Approve non-standard progression outside of HR delegations.

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### SCHEDULE 3: OPERATIONAL DELEGATIONS

- the power conferred on the Minister by section 80AA(1) of the Social Security Act 1964, in circumstances based on error by the Ministry, to consent, in relation to a particular applicant or applicants of a stated kind or description, to a benefit (or a benefit of a stated kind) commencing earlier than the time an application for it was made ("the correction power"), delegated by the Minister for Social Development and Employment in the Instrument of Delegation dated 25 June 2007, subject to the following conditions:
  1. the power delegated cannot be subdelegated;
  2. the conditions set out in the Minister's delegation, namely:
    - (a) the chief executive or officer or employee must be satisfied that the proposed exercise of the correction power in relation to a particular applicant or applicants of a stated kind or description will not result in the amount of funding available for the benefit or benefits concerned under the relevant appropriation or appropriations being exceeded;
    - (b) the power must not be exercised if the net fiscal cost of any one proposed use of the correction power would exceed \$500,000 in any financial year.

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