



# Te Kawa Mataaho

Public Service Commission

8 December 2023

9(2)(a) privacy

9(2)(a) privacy

## Official Information Request

**Our Ref: OIA 2023-0271**

I refer to your official information request received on 12 November 2023 for:

*“this e-mail is NOT about the no surprises convention in respect of ministers.this e-mail request is about if psc peter hughes has a written no surprises and/or escalation internal policy, rules or guidance. if mr hughes does have such a documented policy i request a hard copy under sec 22 oi act. police commissioner coster has a very extensive no surprises policy and escalation policy. even some police job descriptions state the requirement to keep commissioner coster fully informed. a recent ombudsman report about worksafe and ministry of education recommended the chief executive make an escalation to him/her policy. it was accepted. if no such psc internal policies exist about no surprises to psc hughes ,and secondly about escalation internal policy to psc hughes , i request to be informed what actions has psc hughes taken to ensure he is fully informed of issues that could effect psc in the minds of the public, the government and parliament. for example does mr hughes direct that regular written reports from his employees and statutory deputy ps commissioners. For the avoidance of doubt i do not request copies of any such reports. I request a hard copy of this e-mail with hard copy of oi act response be post mailed to 9(2)(a) privacy*

## Our Response

Te Kawa Mataaho Public Service Commission (the Commission) does not have an internal “no surprises policy” or an internal “escalation policy” document. Therefore, I am refusing your request under section 18(e) of the Official Information Act 1982 that the information does not exist.

The Commission’s Delegation Policy sets out the Commissioner’s delegation of certain powers and functions for Commission staff. Commission staff must exercise any authority delegated to them responsibly and in compliance with any relevant internal processes. This may include informing or seeking advice from their direct manager and/or the relevant areas of the Commission as appropriate. Enclosed is a copy of the internal Delegations Policy effective from 26 October 2023.

If you wish to discuss this decision with us, please feel free to contact [Ministerial.Services@publicservice.govt.nz](mailto:Ministerial.Services@publicservice.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nicky Dirks', with a stylized, cursive script.

Nicky Dirks

**Manager – Ministerial and Executive Services**  
**Te Kawa Mataaho Public Service Commission**



## Delegations Policy

**Effective 26 October 2023**

### Introduction

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#### **Purpose of this document**

This document sets out the delegation by Te Tumu Whakarae mō Te Kawa Mataaho | Public Service Commissioner (Commissioner) of certain powers and functions to Te Kawa Mataaho Public Service Commission (Commission) staff.

Part A of this document sets out the Commission's policy on delegations and includes the reasons for delegating, the relevant authorities and responsibilities, and how delegations are made within the Commission.

Part B sets out how to use the Instrument of Delegation.

Part C is the Commissioner's Instrument of Delegation.

This document aims to ensure delegations:

- comply with legislative and Cabinet restrictions,
- are set at an appropriate level to enable employees to efficiently carry out the functions within their roles, and
- maintain adequate accountability over incurring expenditure.

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#### **Delegate's responsibilities**

On appointment to a position within the Commission, it is your responsibility to be aware of any functions and powers delegated to you under the Instrument of Delegation.

Staff must exercise any authority delegated to them responsibly and in compliance with any relevant internal processes. This may include informing or seeking advice from your direct manager and/or the relevant areas of the Commission as appropriate.

## Part A: Commission Policy on Delegations

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### **Delegation**

A delegation is the mechanism that is used to provide staff with the legal authority to exercise a function or power of the Commissioner in regard to financial expenditure, managerial matters, human resources, or other matters.

All delegations flow from the Commissioner who remains responsible and accountable for the exercise of any delegated function or power. The Commissioner has an obligation to monitor the performance of the delegate and may revoke the delegation at will. The Commissioner retains the ability to exercise the functions or powers which have been delegated.

The Commissioner's general power to delegate is provided for in the Public Service Act 2020 (clause 6, Schedule 3). Delegation can be to any person or group and must be in writing.

The power of delegation can also be exercised by Te Pou Turuki mō Te Kawa Mataaho | a Deputy Public Service Commissioner (Deputy Public Service Commissioner) (section 47(3)).

The Commissioner is the chief executive of the Commission and can delegate all or part of that role to a Deputy Public Service Commissioner or other person (section 49(3), clauses 2 to 4 of Schedule 6). References to the Commissioner in this policy include the chief executive of the Commission unless the context requires otherwise.

All delegations within the Commission are delivered through the Instrument of Delegation set out in Part C, or as one-off delegations.

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### **Delegator**

A person making a delegation or sub-delegation.

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### **Delegate**

A person receiving a delegation or sub-delegation.

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### **The reason for delegations**

Various New Zealand statutes, instructions and guidelines (see below) give certain powers and functions to the Commissioner. These powers and functions are needed to perform the Commission's work, as well as to manage the Commission and Commission staff efficiently. In practice, such functions and powers cannot be exercised solely by the Commissioner, and therefore Commission staff are given the appropriate delegated authority to assist.

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**Delegator's responsibilities**

A delegator remains responsible and accountable for the exercise of those functions or powers by the delegate and has an obligation to monitor the performance of the delegate. A delegator does not part with the function or power being delegated and may continue to exercise a delegated function or power. The delegator confers on the delegate the ability to exercise that function or power. Consequently, the delegator always retains ultimate accountability even though the delegate may have immediate responsibility.

When making a delegation, the delegator must take into account the relevant competencies of the intended delegate as well as the nature of the function or power. The delegator must ensure that the delegate is suitably qualified and able to exercise the delegated functions or powers.

A delegator may revoke or suspend the delegation in respect of future decisions. Usually a delegation cannot be revoked or suspended as a way of undoing a decision that has already been made under that delegation.

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**Delegate's responsibilities**

A delegate is accountable to the delegator and to the Commissioner for the exercise of delegated functions or powers.

A delegate must exercise the delegated functions and powers in accordance with the delegation, and must comply with any relevant Commission policies, government policies, applicable legislation and other law.

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**Sub-delegation**

A person to whom functions and powers of the Commissioner have been delegated cannot sub-delegate without the prior approval of the Commissioner in writing - see clause 6(4), Schedule 3 and clause 2(3), Schedule 6 of the Public Service Act.

For Commissioner functions and powers, sub-delegation can only be to a person working in or holding a specified office in the State services (clause 6(4), Schedule 3).

For chief executive functions and powers, sub-delegation can only be to a person inside the Public Service (clause 2(4), Schedule 6) or outside the Public Service with the approval of the appropriate Minister and where potential conflicts will be avoided or managed (clause 2(5), Schedule 6).

Approval in writing from the Commissioner will be required for any sub-delegation unless sub-delegation is specifically provided for in relation to a particular category in Part C.

When deciding whether or not to sub-delegate a function or power, a delegate must take into account the same considerations that apply in making a delegation. A delegate is responsible and accountable for the exercise of those functions or powers by the person to whom they have sub-delegated.

Please contact the Rōpū Taha Ture Legal Services Group (Legal Services Group) if you have any questions in relation to sub-delegation.

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**Acting appointments**

A person acting in a position may exercise all the functions and powers which have been delegated to that position (including all financial and personnel related delegations), subject to any relevant restrictions.

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**Scope of delegation**

If a delegate acts outside the delegation, disciplinary action may follow. Please contact the Legal Services Group if you have any questions relating to the validity of decisions made by a person acting outside the scope of their delegation.

## Relevant authorities

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**Public Finance Act 1989** As a Public Service chief executive, the Commissioner is responsible for the financial management, financial performance, and financial sustainability of the Commission and has full financial authority to incur expenses and capital expenditure within the scope of the departmental appropriation, subject to any direction given by the Minister of Finance or the Minister for the Public Service (section 34).

Public Service chief executives are also responsible for the financial management of appropriations for non-departmental expenses and non-departmental capital expenditure administered by the department and for assets, liabilities, and revenue managed by the department on behalf of the Crown (section 35).

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**Public Service Act 2020** The Commissioner's general power to delegate in clause 6 of Schedule 3 excludes the following powers: power to delegate, power to select board members or designating the chairperson of an interdepartmental executive board, power to designate the chairperson of the board of an interdepartmental venture, powers relating to the appointment and reappointment of chief executives and the powers relating to the removal of chief executives (clause 6(3), Schedule 3).

Under section 47(3), a Deputy Public Service Commissioner has and may perform or exercise any of the Commissioner's functions, duties, and powers, subject to the control of the Commissioner (including the power of delegation as noted above). This means that a Deputy Public Service Commissioner does not require authorisation from the Commissioner to perform or exercise these functions, duties and powers as they are conferred directly by the Public Service Act. However, the Commissioner retains ultimate responsibility for, and control of, the exercise and performance of these functions, duties and powers.

Under clause 1, Schedule 3 the Commissioner has all such powers that are reasonably necessary or desirable to enable the Commissioner to carry out the functions and duties imposed on them under the Public Service Act or any other Act.

Also, as a Public Service chief executive, the Commissioner has general chief executive and departmental functions, duties and powers (section 52(1)(e)). The Commissioner can delegate all or part of the chief executive role to a Deputy Public Service Commissioner or other person (section 49(2)). Clauses 2 to 4 of Schedule 6 apply to any such delegation.

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**Cabinet Office Circulars  
CO (19)6 and CO (18) 2**

Cabinet Office Circular CO (19) 6 sets out Cabinet's expectations for the approval of, and assurances relating to, major capital projects, and for the management of plant, property, equipment and software resources used in the delivery of government services by the Public Service. Relevant limitations have been reflected in Schedule 4 of Part C.

Cabinet Office Circular CO (18) 2 confirms that, generally, departmental chief executives have full authority to incur expenses or capital expenditure under departmental output expense, departmental other expense and departmental capital expenditure appropriations. It sets out policy limitations on chief executive powers in relation to incurring certain departmental expenditure. For completeness these have also been reflected in the table of delegations, to clarify the constraints under which the Commissioner is acting (see Schedule 4 of Part C).

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**Process for delegating functions and powers**

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**Delegation within the  
Commission**

A delegation of the Commissioner's functions and powers may be made through:

- the standing delegations to a position or positions within the Commission contained in the Instrument of Delegation in Part C, or
  - an ad hoc delegation in relation to a specific matter.
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**Standing delegations**

The standing delegations set out in the Instrument of Delegation confer authority on a position or positions within the Commission to exercise functions or powers of a particular kind, as and when they arise (for example the power to incur expenses up to a budget limit).

The delegations set out in the Instrument of Delegation are ongoing and relate to the relevant position or positions within the Commission, rather than a specific person.

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**Ad hoc delegations**

An ad hoc delegation may be required when there is a need to delegate powers or functions in relation to a specific matter, or between reviews of the Instrument of Delegation. An ad hoc delegation may be made for any purpose; to any position; or to any person, whether or not they hold any of the positions that are set out in the Instrument of Delegation. For example, the Commissioner may delegate their functions or powers to allow a person to conduct an inquiry on their behalf, or for the purpose of entering into a particular transaction.

Generally, it is expected that ad hoc delegations would only be in place for as long as it takes to deal with that matter. Āpiha Mātāmua ā-Ture | The Chief Legal Officer updates this document from time to time to incorporate any ad hoc delegations. Ad hoc delegations are also listed in Schedule 9.

Please contact the Legal Services Group for assistance with arranging an ad hoc delegation from the Commissioner.

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**Letter of delegation**

Where an *ad hoc* delegation is required, this may be done via a letter of delegation. The delegate must sign the delegation letter and return the signed letter to the delegator for filing. The delegate should keep a copy of the letter.

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**Term of a delegation**

The standing delegations set out in the Instrument of Delegation are ongoing. However, a person may only exercise a function or power delegated under a standing delegation for as long as they hold the position to which that function or power has been delegated. The standing delegations in the Instrument of Delegation remain in force until:

- revoked by the Commissioner in writing; or
- the position for which a delegation was given no longer exists.

An *ad hoc* delegation remains in force until:

- it expires;
  - it is revoked; or
  - if relevant, the position for which the delegation was given no longer exists.
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**Delegations in the event of a disaster, emergency or crisis**

During an emergency, the Crisis Management Team (CMT) takes charge with authority of the Commissioner to manage the crisis at hand. Please see the [Commission Business Continuity Plan](#). For example, the CMT may approve special leave on pay during the period of an emergency, or make decisions relating to assets or services.

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**Varying the Instrument of Delegation**

The Instrument of Delegation in Part C, including the delegation tables, will be maintained and updated by the Āpiha Mātāmua ā-Ture | Chief Legal Officer in consultation with Kaikōmihana Tuarua Whakatutukitanga ā-Whakahaere | Deputy Commissioner Organisational Capability and Performance (DC Organisational Capability and Performance) for approval by the Commissioner from time to time. Consultation with DC Organisational Capability and Performance is not required for updates to incorporate *ad hoc* delegations.

The Chief Legal Officer and DC Organisational Capability and Performance must be notified if any of the following occurs:

- a new position is established and requires delegations;
  - a position identified in Schedule 1 ceases to exist;
  - a position identified in Schedule 1 is renamed; or
  - a position identified in Schedule 1 is changed in any way that affects the position's delegation level, or the functions or powers which may be exercised by a person in that position.
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## Acting authority and unexpected absence notifications

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### Acting authorities

As the delegations are to positions (not specific people), if you are likely to be absent, either regularly or on a specific occasion, you can prepare an “Acting Authority” to one of your team, using the template in Word, under File, New, Legal.

(For absences of Te Mana Arataki members, refer also to Schedule 2 Note 1).

The position giving the authority to exercise delegations:

- remains accountable and responsible for the actions of the acting authority;
- retains full control over the authority;
- cannot authorise a greater level than they hold themselves; and
- may recall that authority at any time.

Correspondingly, the authorised person:

- is authorised to perform the functions and duties of the authorised position during that period (including all financial and personnel related delegations)
- is accountable to the position delegating for the satisfactory performance or exercise of the delegated function or power for the specific responsibility centres or project codes; and
- cannot sub-delegate the power unless it is expressly authorised elsewhere by this policy or otherwise authorised by the Commissioner in writing.

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### What should we do with the signed authority?

- Create a pdf of the signed authority and save it to [this folder](#)
- Email the document link to the person who the authority is being delegated to
- If access to Finance1 is required in order to approve invoices, send a copy of the signed pdf to [Systems.Accountants@cass.govt.nz](mailto:Systems.Accountants@cass.govt.nz) and copy in both [finance@publicservice.govt.nz](mailto:finance@publicservice.govt.nz) and [people@publicservice.govt.nz](mailto:people@publicservice.govt.nz)
- Please contact the Legal Services Group if you need assistance preparing an Acting Authority.

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### Unexpected absence delegations

The Legal Services Group can also help with the preparation of delegations for unexpected absences. Existing unexpected absence delegations are recorded in the Acting Manager Register.

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## Part B: How to use the Instrument of Delegation

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To determine the authority that has been delegated to you by the Commissioner, you should work through the following four steps:

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**Step 1: Identify the delegation level assigned to your position**

Refer to Schedule 1 to identify the delegation level that corresponds to the position you hold.

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**Step 2: Identify the general functions and powers delegated to your position**

Refer to Schedules 2 to 7 to determine what functions and powers you are able to exercise in your role:

- Schedule 2 contains personnel delegations including recruitment, staff management, remuneration and performance, planning and reporting, and other Commission business;
  - Schedule 3 contains Public Service Act and other legislative powers, including the statutory powers of the Commissioner as the employer of Public Service chief executives (where these can be delegated), and in the relevant parts of the public sector;
  - Schedule 4 contains departmental financial delegations including operating expenditure, special payments, travel expenses, and capital expenditure;
  - Schedule 5 contains non-departmental financial delegations, including expenditure relating to chief executives, some residual legal liabilities, and other expenditure;
  - Schedule 6 contains internal controls around the authority to approve the release of external correspondence; and
  - Schedule 7 contains delegations relating to information and technology services.
  - Schedule 8 contains other appointments and responsibilities for specific roles.
  - Schedule 9 records any ad hoc delegations and is updated by the Chief Legal Officer from time to time.
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**Step 3: Identify whether your position has any special delegations**

Identify any delegations which have been made specifically to the position you hold. Delegations under this policy are generally made to all positions that correspond to that delegation level; however, some functions and powers have only been delegated to specific positions within a delegation level.

e.g. at level 2, only the DC Organisational Capability and Performance can approve special leave of more than one week.

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**Step 4: Identify any limits on the delegation**

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Identify whether there are any limits or restrictions on exercising your delegated authority. Limits or restrictions will be noted either in the table itself or elsewhere as notes to the relevant schedule.

e.g. Level 3 staff have the authority to approve leave, but only in relation to staff in their direct reporting line.

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## Part C: Instrument of Delegation

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**Date:** 26 October 2023

**From:** Te Tumu Whakarae mō Te Kawa Mataaho | Public Service Commissioner

**To:** Te Pou Turuki mō Te Kawa Mataaho | Deputy Public Service Commissioners

Te Kawa Mataaho Public Service Commission staff

**Authority:** Clause 6, Schedule 3, Public Service Act 2020  
Section 49(2) and clause 2, Schedule 6, Public Service Act 2020  
Delegations from the Minister for the Public Service to Te Tumu Whakarae mō Te Kawa Mataaho | Public Service Commissioner  
Cabinet Office Circulars: CO (19) 6, (19) 1 and CO (18) 2

### 1 Delegation

I authorise the Deputy Public Service Commissioners to carry out any or all of my role as chief executive of Te Kawa Mataaho Public Service Commission (Commission), as directed by me from time to time.

I authorise the Deputy Commissioner, Organisational Capability and Performance to carry out any or all of my role as chief executive of the Commission, as directed by me from time to time. This authority does not include the statutory functions and powers of the Public Service Commissioner, unless specified in Schedule 3.

I authorise Commission staff holding the positions listed in Schedule 1 (and persons acting in any such positions from time to time) to exercise the functions and powers described in Schedules 1 to 7 applicable to those positions.

This delegation shall come into effect from the date of this delegation and shall continue in force until revoked in writing.

### 2 No consent to sub-delegation

I do not consent to the sub-delegation of all or any of the functions and powers delegated under this instrument, except:

- the Deputy Public Service Commissioners may sub-delegate any part (but not all) of my role as chief executive of the Commission
- sub-delegation is permitted as specified in the Schedules or otherwise authorised in writing.

**3 Limits and requirements**

The delegated functions and powers are subject to any conditions and limits specified in the Schedules and the notes to the Schedules.

**4 Revocation**

With effect from the date of this delegation I revoke all previous delegations made by Te Tumu Whakarae mō Te Kawa Mataaho | Public Service Commissioner (including delegations made by the then State Services Commissioner) to the Deputy Public Service Commissioners and staff of the Commission, unless expressly preserved by this delegation.

**5 Updates to policy**

The Chief Legal Officer may update this delegation from time to time to incorporate any ad hoc delegations made in writing by the Public Service Commissioner or Deputy Public Service Commissioners. Any such updates will be recorded in Schedule 9.

**SIGNED by TE TUMU WHAKARAE MŌ TE KAWA MATAAHO | PUBLIC SERVICE COMMISSIONER**



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Peter Hughes

## Schedule 1: Delegation Levels and Conditions

There are four delegation levels for staff.

Position	Level			
	1	2	3	4
Te Tumu Whakarae mō Te Kawa Mataaho   Public Service Commissioner (Commissioner)				
Te Pou Turuki mō Te Kawa Mataaho   Deputy Public Service Commissioners (Deputy Public Service Commissioners)				
Kaikōmihana Tuarua mō te Whakatutukitanga ā-Whakahaere   Deputy Commissioner, Organisational Capability and Performance, Chief Security Officer (CSO) (currently held by a single role)				
All Kaikōmihana Tuarua   Deputy Commissioners (DCs)				
Te Tumu Whakahaere, Tōkeke ā-Utu   Chief Executive – Pay Equity				
All Kaikōmihana Tautāwhi   Assistant Commissioners				
Āpiha Mātāmua ā-Ture   Chief Legal Officer				
Āpiha Whakapāpātanga Matua   Chief Communications Officer				
Āpiha Mātāmua Pūtea   Chief Financial Officer				
Āpiha Mātāmua ā-Tāngata   Chief People Officer				
Āpiha Mātāmua Pārongo   Chief Digital Officer				
Āpiha Matua Maru Pārongo   Chief Information Security Officer				
Pou Raraunga Matua   Chief Data Officer				
All Pou Whakahaere   Managers (including Directors) Kaitohutohu Matua   Chief Advisors				
Departmental Security Officer				
Other Commission Staff				

## Public Service Commissioner and Deputy Public Service Commissioners

The Commissioner may exercise or perform any power or function in the Schedules at any time.

Under section 47(3) of the Public Service Act 2020, a Deputy Public Service Commissioner may exercise or perform any power or function in the Schedules at any time (subject to the control of the Commissioner). A Deputy Public Service Commissioner also has a general delegation to carry out any part of the Commissioner's role as chief executive of the Commission, as directed by the Commissioner from time to time.

### Te Mana Arataki decisions

Te Mana Arataki is authorised to make any decision pursuant to the authority of the Commissioner and a Deputy Public Service Commissioner, whether or not the Commissioner or a Deputy Public Service Commissioner is present. This authority may be exercised by those members of Te Mana Arataki in attendance at any Te Mana Arataki meeting. Te Mana Arataki comprises those with Level 1 and 2 delegations (excluding the Chief Executive – Pay Equity).

This authority does not enable Te Mana Arataki to perform a function or exercise a power that the Commissioner or a Deputy Public Service Commissioner is unable to delegate (see page 5 of this Policy). Note: this means that Te Mana Arataki is not able to delegate any functions or powers. Delegation decisions can be made at Te Mana Arataki where the Commissioner or Deputy Public Service Commissioner is present to authorise the delegation in writing.

### Specific conditions and limits to roles

In Schedules 2 to 7, functions and powers are generally delegated to staff at a particular delegation level.

However:

- some delegations have conditions on the way they can be used, as described by text in the relevant shaded box;

Example: the authority of level 3 managers to carry out performance conversations and reviews is limited to staff in their direct reporting line.

- some functions and powers are limited to a specific position or positions within a delegation level. These positions will be identified in an unshaded box alongside the relevant function or power. This box may also contain a condition on the way the delegation may be used.

### Key

Description	Meaning	Example
Shaded empty box	All staff at that level may exercise the delegation (e.g. all Level 3 staff, as defined in Schedule 1)	
Shaded box with text	All staff at that level may exercise the delegation, subject to the described limitation	Authority in relation to staff in direct reporting line
Unshaded box with text	Only the named staff member(s) at that level may exercise the delegation	DC Organisational Capability and Performance
Unshaded box	No delegation	



## Schedule 2: Personnel Delegations

Commission staff are authorised to exercise the functions and powers outlined in the table below.

After any personnel decision is made, the Chief People Officer (and/or the People Team) must be provided with full documentation of all decisions, including job descriptions, to update central records.

Level 1 (the Commissioner and Deputy Public Service Commissioners) has not been included in this table, as they can exercise any power and perform any function with no limitations that need to be recorded.

If you are spending money, you also need to comply with the financial delegations (Schedule Four).

	Level		
	2	3	4
<b>1) Recruitment, appointments, and progression</b>			
Authority to recruit, second, transfer or change position for all staff, including internally - See note 8 regarding recruitment of specific roles	Can recruit, second, transfer or change staff position for: <ul style="list-style-type: none"> <li>all positions included in the budget</li> <li>all other positions where the Chief Financial Officer has been consulted and the budget can be reprioritised for this position (see note 6 of Schedule Four)</li> </ul>		
Approve staff promotion in accordance with the principles in the Commission Progression and Promotion Policy	DC Organisational Capability and Performance for ad hoc or out-of-cycle promotions to which the Progression and Promotion Policy applies		

	Level		
	2	3	4
<p>Once approval to recruit, second, transfer, change position or promote staff is obtained, all other decisions/actions to complete process</p> <p><i>Note – the People Team provides advice and guidance on remuneration including starting salaries</i></p> <p><i>See also note 8 regarding recruitment of specific roles</i></p>	In consultation with People Team	Authority in relation to staff in direct reporting line in consultation with People Team	
<b>2) Staff Management</b>			
<p>Authority to appoint a person to act in own position</p> <p>- See note 1</p>	If absence for 5 working days or less	In consultation with direct manager	
<p>Approve higher duties allowances</p> <p><i>Note – the People Team provides advice and guidance on remuneration including allowances</i></p>	In consultation with People Team	In consultation with direct manager and People Team	
<p>Approve leave (except special leave)</p> <p><i>Note – the DC Organisational Capability and Performance may approve leave for the Commissioner, the Deputy Public Service Commissioners and staff at Level 2. The Chief Legal Officer may approve leave for the DC Organisational Capability and Performance.</i></p>		Authority in relation to staff in direct reporting line	
<p>Approve special leave (with or without pay)</p> <p><i>Note – the DC Organisational Capability and Performance may approve special leave for the Commissioner, the Deputy Public Service Commissioners and staff at Level 2. The Chief Legal Officer may approve special leave for the DC Organisational Capability and Performance.</i></p>	DC Organisational Capability and Performance approval required for more than 1 week	Authority in relation to staff in direct reporting line, up to and including five days	

	Level		
	2	3	4
<p>Approve training and development (remember to check financial delegations too)</p> <p><i>Note</i> – the DC Organisational Capability and Performance (or delegated budget holder) must agree to the use of any centrally-held development funds in line with the development framework agreed by Te Mana Arataki</p>		Authority in relation to staff in direct reporting line	
<p>Day-to-day management of staff including performance conversations and reviews, conflict of interest matters, disciplinary matters, flexible working arrangements and approval of overtime and time in lieu - <i>see note 2</i></p>		Authority in relation to staff in direct reporting line	
<p>Ad-hoc and out-of-cycle remuneration increases (note – the regular remuneration round is agreed by LT)</p> <p><i>Note</i> – the People Team provides advice and guidance on remuneration</p>	DC Organisational Capability and Performance approval required		
<p>Approve changes to standard Commission terms and conditions in an employment agreement, except for standard negotiations on salary, agreement to part-time hours or purchased leave in line with the Commission Leave policy</p> <p><i>See note 7</i></p>	DC Organisational Capability and Performance		
<b>3) Other Commission business</b>			
Commission annual procurement plan	DC Organisational Capability and Performance		
<p>Undertaking collective bargaining and entering into the Commission collective agreement with Commission staff under Part 5 of the Employment Relations Act 2000, subject to the same conditions in Part A, paragraphs 3(a) to (l) of the <a href="#">delegation</a> to chief executives relating to collective agreements as may be updated by the Commissioner from time to time.</p> <p><i>Note</i> - this includes employees who perform the functions or duties or exercise the powers of a departmental agency hosted by the Commission</p>	DC Organisational Capability and Performance		

	Level		
	2	3	4
Exercising all powers and performing all functions of the Commissioner in their capacity as chief executive of the Commission in relation to pay equity claims brought by Commission staff under the Equal Pay Act 1972, subject to the same conditions in Part B, paragraphs 4(a) to (n) of the <a href="#">delegation</a> to chief executives relating to pay equity claims as may be updated by the Commissioner from time to time. <i>Note</i> - this includes employees who perform the functions or duties or exercise the powers of a departmental agency hosted by the Commission	DC Organisational Capability and Performance		
Grant Government Security Clearance for Commission staff (including extensions to existing clearances) - See <i>note 3</i>	DC Organisational Capability and Performance / Chief Security Officer but only for routine NZSIS vetting reports where the clearance is being granted without conditions		
Authority to access classified material if no security clearance held - See <i>notes 3, 4 and 5</i>	Up to and including the level of RESTRICTED.	Up to and including the level of RESTRICTED.	Up to and including the level of RESTRICTED.
Authority to grant access to classified material for Commission staff that do not hold a security clearance or have authority to access classified material - See <i>notes 3, 4 and 5</i>	Up to and including the level of RESTRICTED.	Up to and including the level of RESTRICTED.	Up to and including the level of RESTRICTED.
Authority to give emergency access to classified material above clearance - See <i>notes 3, 4, 5 and 6</i>			Departmental Security Officer

### Notes:

- When appointing a person to act in a role with delegations, complete the “acting manager” process (see page 8). In relation to Te Mana Arataki members:
  - Te Mana Arataki members must make an acting appointment if they are absent for more than one working day and must notify the Commissioner of the appointment.
  - Only the Commissioner can approve acting authorities for absences of more than five working days. Te Mana Arataki members should make recommendations to

the Commissioner as to an acting manager when they request leave. If the member has not made an acting appointment recommendation, the DC Organisational Capability and Performance may make the recommendation.

- No split appointments may be made – the acting manager chosen must be appointed as acting cover for the whole period of absence and for the whole role.
- 2 The DC Organisational Capability and Performance, Chief People Officer and the Chief Legal Officer should be kept informed throughout a disciplinary process and must be consulted before formal disciplinary action is taken. If the relevant people manager is not at level 2, they should also consult their level 2 manager before formal disciplinary action is taken.
  - 3 Any decision relating to access to classified material or granting security clearances must be consistent with the "need to know" principle and made in accordance with New Zealand Government Protective Security Requirements (or any replacement to these). The Commissioner must consider the NZSIS vetting report and all other relevant information, to form an opinion as to whether a candidate can be entrusted with access to classified material.
  - 4 The management of organisations decide which of their staff and contractors can access RESTRICTED, SENSITIVE and IN CONFIDENCE material. The granting of such access is not a "security clearance". Staff who require regular access to material classified CONFIDENTIAL or higher must be granted an appropriate security clearance from the Commissioner or a Deputy Public Service Commissioner.
  - 5 "Access to classified material" has the meaning set out in the New Zealand Government Protective Security Requirements and includes material at the following levels CONFIDENTIAL, SECRET and TOP SECRET.
  - 6 In an operational emergency, the Commissioner or senior managers with delegated authority may authorise staff to access national security material classified above their current clearance. Such access must be formally documented. Emergency access must not be used for administrative or management purposes (eg as a 'temporary clearance') to facilitate entry or appointment into a position, or on reassignment of duties, while awaiting completion of a full security clearance. 'Emergency access' means access:
    - where an urgent and critical operational need for access to particular material is established and there is insufficient time to complete vetting inquiries and grant a clearance
    - only to specified material required for the particular emergency operational situation
    - for no longer than the duration of the emergency
    - governed by very strict application of the 'need to know' rule.
  - 7 The advice of the People Team and the Legal Services Group must be sought where a proposed change to the employment agreement differs from the relevant Commission model employment agreement.
  - 8 Recruitment of roles relating to the functions: people, finance, legal, digital, information security, data, or communications, requires the approval by the relevant Chief Officer (Chief People Officer, Chief Finance Officer, Chief Legal Officer, Chief Digital Officer, Chief Information Security Officer, Chief Data Officer, or Chief Communications Officer).

## Schedule 3: Statutory Powers and Functions of the Commissioner

This section sets out the general powers and functions of the Commissioner under the Public Service Act 2020 (PSA), the Commissioner's role as the employer of Public Service chief executives, and the powers and functions of the Commissioner in the relevant parts of the wider public sector.

In practice, these statutory powers and functions cannot be exercised or performed solely by the Commissioner and therefore it is necessary to give staff the appropriate delegated authority.

Under clause 6(3), Schedule 3 PSA, the Commissioner is unable to delegate the specific powers to delegate, to select board members or designate the chairperson of an interdepartmental executive board, to designate the chairperson of the board of an interdepartmental venture or to appoint, reappoint, or remove Public Service chief executives.

This section also provides a single general authority to the Crisis Management Team in the event of an emergency, which may include decisions usually provided for elsewhere in this delegation.

Level 1 (the Commissioner and Deputy Public Service Commissioners) has not been included in this table, as they can exercise any power or perform any function included in the table without any limitations.

	Level		
	2	3	4
<b>1) Inquiries, investigations, information gathering/inspection under the Public Service Act</b>			
Conduct any investigations and inquiries, and make or receive any reports, for the purpose of carrying out the Commissioner's functions (clause 2, Schedule 3 PSA)	DC, Integrity, Ethics and Standards	Chief Legal Officer	Chief Advisor, Investigations
Obtaining information for the purpose of carrying out the Commissioner's functions (clause 3, Schedule 3 PSA)	DC, Integrity, Ethics and Standards	Chief Legal Officer	Chief Advisor, Investigations
Entering premises for the purpose of carrying out the Commissioner's functions (clause 4, Schedule 3 PSA)	DC, Integrity, Ethics and Standards	Chief Legal Officer	Chief Advisor, Investigations
<b>2) Leadership</b>			
Development, implementation and promotion of a strategy for senior leadership and management capability, including issuing guidance (ss 61 and 62 PSA)	DC, Leadership, Diversity and Inclusion		

	Level		
	2	3	4
Arranging secondments within the public service under s 64 PSA	DC, Workforce, Employment and Equity or DC, Leadership, Diversity and Inclusion		
<b>3) Public Service workforce</b>			
Drafting, consulting upon, and submitting government workforce policy (s96 PSA)	DC, Workforce, Employment and Equity		
Providing approvals required as part of the Commissioner's delegation to chief executives under s80 PSA of the Commissioner's functions and powers in s78 PSA to negotiate collective agreements (refer to specific individual delegation instruments)		Manager, Workforce and Employment Relations	
Providing approvals required as part of the Commissioner's delegation to chief executives under s84 PSA of the Commissioner's functions and powers in s81 PSA to negotiate pay equity claims (refer to specific individual delegation instruments)	DC, Workforce, Employment and Equity		
Providing approvals required as part of the Commissioner's delegation to chief executives under s58 Fair Pay Agreements Act 2022 to undertake role of employer bargaining party (refer specific individual delegation instruments)		Manager, Workforce and Employment Relations	
Approve procedure for reviewing appointments (clause 5, Schedule 8 PSA)	DC, Workforce, Employment and Equity	Manager, Workforce and Employment Relations	

	Level		
	2	3	4
<p>Applying existing minimum standards of integrity and conduct (including existing minimum standards varied under s17(3)) and guidance in or to agencies (ss 17, 19 PSA)</p> <p><i>Note, the application of minimum standards is subject to an obligation to consult with the affected agency (s17(4))</i></p>	DC, Integrity, Ethics and Standards		
<p>Providing advice to agencies on matters that affect the integrity and conduct of individuals (s 17(7) PSA)</p>	<p>DC, Integrity, Ethics and Standards</p> <p>In relation to general elections, DC IES must consult with Commissioner or Deputy Public Service Commissioners before providing advice.</p>	Managers, Chief Advisors, and Principal Advisors, IES, except in relation to general elections	
<p>Provide guidance to agencies on workforce matters related to data under s95(a) Public Service Act 2020.</p>	DC, Strategy and Policy		
<b>4) The Public Service Commissioner as the employer of Public Service chief executives</b>			
<p>Day to day management of the appointment, reappointment, development and removal of Public Service chief executives</p> <p>- This does not include the decisions to appoint, reappoint, or remove Public Service chief executives.</p>	DC, System and Agency Performance	<p>Director, Chief Executive Development Appointment and Remuneration Public Service , System and Agency Performance</p> <p>The Assistant Commissioner with the responsibility for the relevant chief executive</p>	



	Level		
	2	3	4
<p>Reviewing performance of Public Service chief executives under s44(d) PSA</p> <p>-Currently only the Commissioner and a Deputy Public Service Commissioner exercise this function.</p>			
<p>Grant Government Security Clearance for Public Service chief executives (including extensions of existing clearances)</p>	<p>DC, System and Agency Performance, but only for routine NZSIS vetting reports where the clearance is being granted without conditions</p>	<p>The Assistant Commissioner with the responsibility for the relevant chief executive, but only for routine NZSIS vetting reports where the clearance is being granted without conditions</p>	
<b>6) Powers of the Public Service Commissioner outside the Public Service</b>			
<p>Advice to Ministers on appointment of non-Public Service department chief executives</p>	<p>DC, System and Agency Performance</p>		
<p>Advice to Ministers on performance management/ removal of non-Public Service department chief executives</p>	<p>DC, System and Agency Performance</p>		
<p>Give consent/ concurrence to, determine, or be consulted on the terms and conditions for relevant public sector chief executives</p> <p>-See notes 1, 2 and 3</p>	<p>DC, System and Agency Performance</p>	<p>Director, Crown Entities Engagement, Fees and Disclosures, System and Agency Performance</p> <p>Includes authority to agree to proposed remuneration increases</p>	

	Level		
	2	3	4
Administering the Cabinet Fees Framework - Providing advice on the interpretation and application of the Framework - Providing advice to the Minister and departments on exceptional fees cases and on issues relating to the Framework. - See CO (19) 1	DC, System and Agency Performance	Director, Crown Entities Engagement, Fees and Disclosures, System and Agency Performance	
<b>7) Other</b>			
Disaster recovery - - Any decisions required in the event of an emergency, as provided for in the Commission Business Continuity Plan, including statutory, personnel and financial decisions.	Members of the Crisis Management Team	Members of the Crisis Management Team	Members of the Crisis Management Team
Decisions relating to banking on behalf of the Commission	DC, Organisational Capability and Performance	Chief Financial Officer	
Power to refer a protected disclosure under s16(2) Protected Disclosures (Protection of Whistleblowers) Act 2022. (This only covers disclosures where the Commission is not the subject of the disclosure)	DC, Integrity, Ethics and Standards		

**Notes:**

- 1 The advice of the Legal Services Group must be sought where an employment agreement varies from the relevant Commissioner's model employment agreement.
- 2 If the general conditions of employment are outside the guidance agreed by the Commissioner, this must be discussed with the Legal Services Group and any concerns outlined in the Commissioner's advice to the employer.
- 3 The DC and Directors in the System and Agency Performance Group must consult the Commissioner about any terms and conditions if they deem it necessary on the basis of risk, or other similar considerations before approving them.

## Schedule 4: Departmental Financial Delegations

### Background

The Commissioner is responsible for the financial management, financial performance, and financial sustainability of the Commission and is also responsible for incurring expenses and capital expenditure under the departmental appropriation, subject to any lawful financial actions required by the Minister of Finance or the Minister for the Public Service (see section 34 Public Finance Act).

Some Cabinet limits on certain items of expenditure (e.g. publicity expenses) are also contained in Cabinet Officer Circulars CO (18) 2 and CO (19) 6 and have been incorporated into the table below.

See also the conditions and authorities for financial delegations.

	Level			
	1	2	3	4
<b>1) Operating Expenditure</b>				
Department operating expenditure, except as otherwise set out in this table.		Authority up to \$250,000	Authority up to \$50,000	Holders of purchasing cards, up to card limit
All salary related expenses		DC Organisational Capability and Performance		
Payment of PAYE and fringe benefit taxes		DC Organisational Capability and Performance	CFO	
Staff training and development		Authority up to \$10,000	Authority up to \$5,000	
Other personnel expenses			Authority in relation to staff in direct reporting line	
Debt write-off		DC Organisational Capability and Performance in consultation with the relevant manager, within that manager's budget.	CFO in consultation with the relevant manager, within that manager's budget	

	Level			
	1	2	3	4
Approval to issue a purchasing card		DC Organisational Capability and Performance authority to approve issue of purchasing card up to \$5,000		
Office accommodation, rental of leased office space, alterations, renovations, maintenance <i>- See Cabinet Officer Circular CO(19) 6</i>	Authority for total lease value up to \$15 million	DC Organisational Capability and Performance, authority for total lease value up to \$15 million		
Consultant/contractor fees and expenses, including contract variations and extensions, and approving invoices relating to that expenditure <i>- See the Commission Procurement Policy</i> <i>- Note Te Mana Arataki can approve exceptions to the Commission Procurement Policy</i>		Authority up to \$250,000 Consultation with the Legal Services Group is required for contracts: - with a whole of life value of more than \$50,000; or - that do not use, or that amend, Commission or All-of-Government template contracts	Authority up to \$50,000 Consultation with the Legal Services Group is required for contracts: - that do not use, or that amend, Commission or All-of-Government template contracts	
Sub-delegate to the Chief Digital Officer the authority to approve invoices relating to IT contracts, where the expenditure has been authorised at Level 1 or 2		DC Organisational Capability and Performance		
Approve payment of bulk invoices attributable to multiple budget-holders <i>- See note 9 above for restrictions on authority</i>		DC Organisational Capability and Performance authority up to \$1,000, or in consultation with budget-holders for higher amounts	CFO, authority up to \$1,000 or in consultation with budget-holders for higher amounts	

	Level			
	1	2	3	4
<p>Publicity expenses - advertising and public relations</p> <p>Note:</p> <ul style="list-style-type: none"> <li>- Advertising expenses must comply with the guidelines for government advertising set out in Appendix B of the Cabinet Manual</li> <li>Ministerial approval required for amounts over \$150,000</li> <li>- See <i>Cabinet Office Circular CO (18) 2</i></li> </ul>	Authority up to \$150,000	Authority up to \$150,000 Must consult the Chief Comms Officer	Director, LDC, authority up to \$20,000 Must consult the Chief Communications Officer	
Approval of koha		Authority up to \$250		
<p>Compensation or damages in settlement of claims</p> <ul style="list-style-type: none"> <li>- Ministerial approval required for amounts between \$150,000 and \$750,000, and Cabinet approval above \$750,000</li> <li>- Claims should be endorsed by either the Crown Law Office or a court judgement. Claims under \$75,000 need not be referred to the Crown Law Office if a Department's solicitor certifies that such claims are in order.</li> <li>- See <i>Cabinet Office Circular CO (18) 2</i></li> </ul>	Authority up to \$150,000		Chief Legal Officer, authority up to \$75,000	
<p>Ex gratia payments</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>- Ex gratia expenses are those made in respect of claims that are not actionable at law, but for which there exists a moral obligation, and payment should be made.</li> <li>- Ministerial approval is required for amounts between \$30,000 and \$75,000, and Cabinet approval for amounts over \$75,000</li> <li>- All ex-gratia payments must be in consultation with the CFO and CLO</li> <li>- See <i>Cabinet Office Circular CO (18) 2</i></li> </ul>	Authority up to \$30,000	DC Organisational Capability and Performance, authority up to \$30,000	Chief Legal Officer, authority up to \$30,000	

	Level			
	1	2	3	4
<p>International travel (including Australia)</p> <p>- See the Commission Travel Policy</p> <p>- See also note 18 for specific travel approval for Level 1, DC OCP.</p>		<p>Only if in accordance with the International Travel plan.</p> <p>DC OCP, authority for all international travel (including ad hoc) (see note 18).</p> <p>DC Public Service Fale, authority for all international travel (including ad hoc) for operation of the Fale (within budget limits).</p>		
<p>Domestic travel</p> <p>- See the Commission Travel Policy</p> <p>- See also note 18 for specific travel approval for Level 1, DC OCP.</p>		<p>Authority up to \$50,000.</p> <p>DC OCP, authority for all domestic travel (see note 18).</p>	<p>Authority up to \$20,000</p>	
<p>Exercise the financial delegations held by the Chief Digital Officer in Schedule 4, subject to consultation with the Chief Digital Officer</p>				<p>Deputy Chief Digital Officer</p>

	Level			
	1	2	3	4
<p><b>2) Departmental Capital expenditure, property acquisitions, disposals, alterations and renovations</b></p> <p><b>Note:</b> Cabinet approval is required for:</p> <ul style="list-style-type: none"> <li>• all investments that require new Crown funding.</li> <li>• all PPP investment proposals, or any significant innovative or non-traditional approaches to procurement or alternative financing arrangements, even if funded from agency baselines and balance sheets</li> <li>• all investments with whole of life costs over \$25 million (and investments between \$15 million and \$25 million must be referred to the Minister);</li> <li>• all proposals to dispose of assets held on the Crown account that have significant policy implications (and all other disposals of assets held on Crown account must be approved by the Minister)</li> <li>• all proposals to dispose of assets held on the Crown account and all proposals to dispose of departmental assets with a carrying value of \$25 million or more (and proposals for assets between \$15 million and 25 million must be approved by the Minister)</li> <li>• All high risk or high value investments, irrespective of the scale and funding source.</li> </ul> <p>See Cabinet Circular CO (19) 6</p>				
All proposals for capital expenditure, lease, property, or asset acquisition or disposal, including alterations or renovations.		DC Organisational Capability and Performance authority up to \$100,000	CFO, authority up to \$100,000	
Debt write-off			CFO in consultation with the relevant manager, within their budget	

## Conditions and authorities

### General

- 1 Any expenditure, whether capital or operating, must be incurred only in accordance with the Commission's appropriations, must represent value for money, and must be justifiable and sustainable under public scrutiny.
- 2 All authorities must be exercised in accordance with the Cabinet limits on certain items of expenditure which are set out in Cabinet Office Circulars CO (18) 2 and CO (19) 6.
- 3 A budget-holder may only approve expenditure that falls within approved budget levels for which they are responsible. However, multiple budget-holders may co-ordinate and collectively approve expenditure that falls within their collective budgets.
- 4 All contracts, commitments, or approvals must be recorded in writing, and provided to the Chief Financial Officer (CFO) for audit purposes. Where consultation is required under this policy, evidence that it has occurred must be recorded in writing.
- 5 Budget holders must review transactions charged to their cost centre and advise Finance

within three business days of monthly reports being available of any issues, otherwise it will be assumed the manager has approved costs charged to their cost centre.

- 6 Approval must not be given to incur expenses in future financial years above any approved budget, unless the CFO has been consulted.
- 7 Members of Te Mana Arataki may sub-delegate some or all their approved budget to any Level 3 staff member that directly reports to them, on the basis the member remains ultimately responsible and accountable for their total approved budget. Any such sub-delegation must be undertaken in consultation with the CFO and must be recorded in writing.
- 8 A budget-holder's manager, the Commissioner, a Deputy Public Service Commissioner or the DC Organisational Capability and Performance may commit funds or authorise expenditure against a cost centre, and inform the budget holder accordingly (for example, where a budget holder is not available).
- 9 The DC Organisational Capability and Performance or the CFO may approve payment of bulk invoices attributable to multiple budget-holders for amounts up to \$1,000. For amounts in excess of \$1,000, the DC Organisational Capability and Performance or the CFO may approve bulk payments following consultation with affected budget holders. These invoices are then re-charged to individual positions' budget codes. This authority is restricted to key areas such as stationery, taxis, travel and any other consolidated or centralised invoicing arrangements that are agreed to by LT.
- 10 The limits in the table above are on a per transaction basis unless otherwise stated. All figures in the table are GST exclusive, unless otherwise specified.
- 11 Incurring expenditure by way of corporate credit card is no different to any other expenditure – i.e. possession of a corporate credit card does not provide an entitlement to spend money which does not otherwise exist.
- 12 References to contracts include memoranda of understanding with other Public Service agencies, even though such arrangements are not legally binding.

#### *Specific types of expenditure*

- 13 The Chief Communications Officer must be consulted prior to engaging any communications consultants.
- 14 The Chief Digital Officer must be consulted prior to any expenditure in relation to information technology or online services. If you are spending money relation to IT systems, you must also check the IT delegations (Schedule 7).
- 15 The Chief Legal Officer must approve any external legal engagement.
- 16 The Chief People Officer must be consulted prior to engaging a recruitment consultancy or services relating to the recruitment of Commission staff (excluding chief executives).
- 17 If you are spending money relating to an HR matter, you must also check the Personnel delegations (Schedule 2).

#### *Expenditure with potential perception of personal benefit*

- 18 No staff member shall commit funds or authorise expenditure for which they could be perceived as obtaining a personal benefit (e.g. travel, training courses and hospitality). Such expenditure must be authorised on a one-up basis or above (provided that one-up person has delegated authority to do so). For people at level 1 and level 2, a one-up basis means:
  - for expenditure benefiting a person at level 2 the DC Organisational Capability and Performance



- for expenditure benefiting the Commissioner or a Deputy Public Service Commissioner, the DC Organisational Capability and Performance
- for expenditure benefiting the DC Organisational Capability and Performance, the Chief Legal Officer

#### *Whole of Life Cost*

- 19 In calculating contract value to work out who has financial authority to sign it, use the Whole of Life Cost (WOLC) and include all additional expenses.
- WOLC means the value of a contract over its entire life and is calculated by multiplying the annual costs by the term of the contract and adding any one-off costs. Include any previous contract variations in the WOLC.
  - Each discrete contract or master contract must be executed by a person with the appropriate delegated authority to cover the WOLC of the contract or master contract.
  - However, master contracts can provide for services to be provided pursuant to a secondary contract document e.g. a statement of work (SoW), or an order (eg a Consultancy Services Order (there are many variations)). Using the term SoW as a generic term for all similar secondary contract documents, a SoW under an existing master contract may be executed by a person with delegated authority to execute a contract up to the WOLC of the new SoW. In other words, if a SoW relates to a master contract that has been properly executed, then the WOLC for the purposes of execution of the new SoW is determined by the WOLC of the new SoW only and not the maximum value of the master contract (if it has one) or the aggregate of the value of previous SoWs plus the new SoW.
  - Variations that:
    - increase the WOLC of the contract, or spread the WOLC of the contract into a new financial year, must be signed by a person with the appropriate delegation to cover the WOLC of the total contract, including the variation;
    - extend the term (but not into a new financial year) or change other non-financial terms of the contract may be signed by the cost centre manager.
- 20 Terminations of entire contracts must only be executed by the delegated authority for the WOLC.

#### *Contracts without financial commitments*

- 21 Except as specified above, contracts without financial commitments (eg master contracts without payment commitments where no SoW is being signed at the same time and Letters of Accession for All-of-Government contracts) may be signed by a person at level 2 or above.
- The Manager, Integrity, Ethics and Standards is authorised to approve sponsorship contracts under which the Commission, in exchange for providing sponsorship benefits, receives sponsorship of up to \$50,000 (plus GST if any) per contract.
  - The Director, Leadership Development Centre, is authorised to approve contracts under which the Commission, in exchange for providing services or other products, receives funds of up to \$50,000 (plus GST if any) per contract.

#### **Other information**

- 22 For further information on contracting procedures, please see the Commission's Procurement Policy and the Government Procurement Rules.

## Schedule 5: Non-departmental Financial Delegations

The Commissioner is responsible for the financial management of appropriations for non-departmental expenses and non-departmental capital expenditure administered by the department and for assets, liabilities, and revenue managed by the Commission on behalf of the Crown (section 35 Public Finance Act).

The Commissioner has delegated authority from the Minister to commit expenditure up to the amount appropriated annually under any particular non-departmental (Crown) appropriation (delegation from Hon Tony Ryall in October 2009 ([here](#))).

	Level			
	1	2	3	4
<b>1) Expenditure relating to chief executives appointed by the Commissioner</b>				
Salaries and allowances				
PAYE and fringe benefit taxes		DC Organisational Capability and Performance	CFO	
Superannuation				
ACC levy		DC Organisational Capability and Performance	CFO	
Chief executive development		DC System and Agency Performance		
Ex-gratia payments Notes: - Ex gratia expenses are those made in respect of claims that are not actionable at law, but for which there exists a moral obligation, and payment should be made. - Ministerial approval is required for amounts between \$30,000 and \$75,000, and Cabinet approval for amounts over \$75,000 - All ex-gratia payments must be in consultation with the CFO and CLO - <i>This restriction only applies if Cabinet Office Circular C0 (18) 2 applies to non-departmental appropriations spending</i>	Authority up to \$30,000			

<p>Compensation or damages in settlement of claims</p> <ul style="list-style-type: none"> <li>- Ministerial approval required for amounts between \$150,000 and \$750,000, and Cabinet approval above \$750,000</li> <li>- Claims should be endorsed by either the Crown Law Office or a court judgement. Claims under \$75,000 need not be referred to the Crown Law Office if a Department's solicitor certifies that such claims are in order.</li> <li>- <i>This restriction only applies if Cabinet Office Circular C0 (18) 2 applies to non-departmental appropriations spending</i></li> </ul>	<p>Authority up to \$150,000</p>		<p>Chief Legal Officer, authority up to \$75,000</p>	
<p><b>2) Other</b></p>				
<p>Payments to Treasury</p> <ul style="list-style-type: none"> <li>- Capital charge, capital withdrawal, repayment of surplus funds etc</li> </ul>		<p>DC Organisational Capability and Performance</p>	<p>CFO</p>	
<p>Approval for payment of consolidated vendor invoices</p> <p>Consolidated invoices reduce administrative costs by reducing several invoices into a consolidated invoice.</p>		<p>DC Organisational Capability and Performance</p>	<p>CFO</p>	
<p>Non-departmental other expenses</p> <p>Within annual appropriations on the basis approved by Cabinet or the Minister of Finance and approved budgets within limits applied to individual applications</p>		<p>Authority up to \$250,000</p>		

## Schedule 6: Signing Out Papers

All papers and correspondence in relation to the work of the Commission are written on behalf of the Commissioner. For this reason, Level 1 (the Commissioner and Deputy Public Service Commissioners) has not been included in this table. In practice, the Commissioner cannot sign out all Commission papers and correspondence and therefore it is necessary to give staff the appropriate delegated authority.

Staff are authorised to sign out papers on behalf of the Commissioner in accordance with the table below. A delegate must exercise these delegated functions and powers in accordance with the Commission's policies relevant to the particular type of correspondence or paper.

	Level		
	2	3	4
Approving responses to Parliamentary Questions	DC Governance and Public Affairs		
Approving Cabinet papers in the name of the Minister for the Public Service			
Approving advice to Minister for the Public Service			
Approving release of OIA responses, Privacy Act responses and Ministerial responses		Manager, Ministerial Services	
Approving correspondence to Ministers and MPs (and their representatives)		In consultation with Level 2 manager or Manager, Ministerial Services	
Approving Commission media releases and media comment		Chief Communications Officer	Principal Media Advisor
Approving general correspondence not covered above			

## Schedule 7: Information and Technology Services

The Commission's IT Governance Board provides an executive authority for the effective operation and security of information and technology systems in the Commission. The IT Governance Board is established under the IT Governance Board [Terms of Reference](#), which sets out the roles and responsibilities of business owners, the Chief Digital Officer (CDO) and the Chief Information Security Officer (CISO). Business owners, the CDO and the CISO have the delegated authority to undertake those roles and responsibilities.

If you are spending money, you also need to comply with the financial delegations (Schedule Four).

	Level		
	2	3	4
Accreditation authority for Commission information systems  Currently only the Chair of the IT Governance Board is the accreditation authority - See Note 1			
Certification authority for Commission information systems - See Note 2		CISO in consultation with the Privacy Officer where a system contains personal information	

### Notes:

- 1 Accreditation is the formal authority to operate a system, evidence that governance requirements have been addressed and that the chief executive has fulfilled the requirement to manage risk on behalf of the organisation and stakeholders.
- 2 Certification is a prerequisite for accreditation, and is the assertion that a given IT system complies with minimum standards relating to information security and the agreed design.

## Schedule 8: Other appointments and responsibilities

This table sets out other appointments and responsibilities for particular roles.

	Level			
	1	2	3	4
Privacy Officer (s201 Privacy Act 2020)			Chief Legal Officer	
Plain Language Officer (s11 Plain Language Act 2022)			Chief Communications Officer	
Chief Security Officer (Protective Security Requirements)		DC OCP		
Departmental Security Officer (Protective Security Requirements)				Manager, OCP
Determining fees for internal governance boards and committees, in accordance with the Revised Fees Framework		DC OCP		
State Sector Retirement Saving Scheme (SSRSS) Exercise and perform any rights and obligations of the Public Service Commissioner under the New Zealand Retirement Trust, including reviewing and amending the specification agreements with managers from time to time as required, and chairing the SSRSS Advisory Board. The Commissioner must be kept informed of major developments	Deputy Public Service Commissioner (Heather Baggott)			

## Schedule 9: Ad hoc delegations

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The Chief Legal Officer updates this document from time to time to incorporate any ad hoc delegations. Ad hoc delegations are incorporated into the relevant Schedules above and are also recorded here with links to the instrument.

### Ad hoc delegations:

- [Authority for the Deputy Commissioner, Integrity, Ethics, and Standards](#), to provide advice to agencies on matters that affect the integrity and conduct of individuals (under s17(7) Public Service Act 2020) in relation to general elections, subject to prior consultation with the Commissioner or Deputy Public Service Commissioner (**refer Schedule 3**). In effect until the post-election period ends.
- [Authority for Milica Zivanovic, Deputy Chief Digital Officer](#), to exercise the financial delegations held by the Chief Digital Officer in Schedule 4, subject to consultation with the Chief Digital Officer (**refer Schedule 4**). In effect until 26 April 2024.

## Further Information

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### Legislation

Public Service Act 2020

Public Finance Act 1989

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### Related requirements and guidance

CO (18) 2 *Proposals with Financial Implications and Financial Authorities*

CO (19) 6 *Investment Management and Asset Performance in the State Services*

CO (19) 1 *Fees framework for members appointed to bodies in which the Crown has an interest*

[Guidelines for Government Advertising](#)

[Guidance on CE delegations](#)

See the [intranet](#) for other relevant policies

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### Contacts

If you require clarification regarding this policy, contact DC Organisational Capability and Performance or the Legal Services Group.

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