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How we delegate regulatory functions and powers

This policy's purpose

This policy covers how we set, use, and manage our regulatory delegations.

It doesn't cover:

- our corporate delegations, including financial and human resources delegations
- our functions and powers as a Crown Agent, including under the Crown Entities Act 2004, Public Finance Act 1989, and Official Information Act 1982
- the appointing of inspectors or use of inspector powers.

What a regulatory delegation is

A regulatory delegation is:

- a formal authorisation
- given to a position within WorkSafe New Zealand
- to deliver functions and powers granted by health and safety and energy safety legislation
- on behalf of the WorkSafe Board (the Board).

Why we need delegations

Our legislation grants the Board a range of functions and powers. However, as it's not practical for it to exercise all of these day-to-day, the Board can choose to delegate them to particular positions within WorkSafe.

How we manage our delegations

We understand the importance of delegations and why they're needed

- Our delegation holders are kaitiaki, who act as responsible stewards of the functions and powers they are delegated to perform. When they use their delegations, they act on behalf of, and with the authority of, the Board.
- Our staff don't exercise a function or power unless they have the relevant delegation.
- Only the Board, or a position authorised by the Board to do so, can delegate a function or power.
- We set, use, and manage our delegations in a way that meets our obligations under Te Tiriti o Waitangi.

We set delegations at a level that balances effectiveness and efficiency with risk and impact

- We delegate our functions and powers to positions not to people.
- We use a consistent process for putting delegations in place, including any temporary delegations for specific events.
- We escalate if exercising a function or power in a specific instance would:
 - be particularly risky
 - have very significant impact, or
 - mean our delegation holder is unable or uncomfortable to do so.
- We ensure our staff have the right delegations to do their jobs.

We trust delegation holders, and provide them the support they need

- We expect our delegation holders to use their judgement, make sound decisions, and action their decisions themselves.
- We trust our delegation holders to work within their delegations, use them appropriately, and escalate as needed.
- We consider people's capability and competency to exercise delegations when we recruit.
- We ensure our new starters have the right delegations in place and get the training they need to exercise them.
- We set our delegation holders up for success. This means we give them:
 - information about what they need to consider when exercising a function or power, including specialist advice
 - a copy of their instrument of delegation, so they know the scope of their delegation
 - time and support to deliver the functions and powers they are delegated.

We know what delegations we have and keep good records

- We keep a register of delegations, in a place that makes it easy for us to find what functions and powers have been delegated to what positions.
- Our people leaders know what delegations their direct reports have.
- We record each time we use a delegation, in a way that's easy to find and check.
- We keep our records of delegations current and maintain records of past delegations in case we need to check past decisions.

We keep our delegations up to date

- We periodically review our delegations to make sure they're still fit for purpose.
- When we're considering changes to our organisational structure, we also work out what changes we'll need to make to our delegations.
- Before we establish a new position, we:
 - are clear about what powers and functions are appropriate for the role
 - make sure delegations are in place before we appoint anyone.
- When we disestablish a position, we revoke all its delegations, work out if another position should have them, and put any new delegations in place.

We make sure our delegation holders are acting with integrity

- We periodically review how our delegations are used to make sure our delegation holders are using them properly and with good judgement.
- We have a robust response if someone tries to exercise a function or power without the relevant delegation, or if a delegation is exercised inappropriately.