

21 March 2018

**Documents for proactive release relating to the *Inquiry report into allegations of unauthorised or unjustified expenditure, and related matters, at the Waikato District Health Board***

In the interests of transparency the State Services Commission is releasing the following record of the internal administrative documents the State Services Commission (SSC) holds directly relating to its inquiry into allegations of unauthorised and unjustified expenditure, other than evidence given or submissions made to the inquiry; and documents withheld in full in accordance with the good reasons under the Official Information Act 1982 (OIA), being:

- section 9(2)(a), to protect the privacy of natural persons, including that of deceased natural persons;
- section 9(2)(ba), to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
  - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
  - (ii) would be likely otherwise to damage the public interest;
- section 9(2)(h), to maintain legal professional privilege;

Those documents have been withheld in full under one or more of the above grounds. Trivial information and information not directly in scope has also been withheld.

Information has also been withheld within the released documents in accordance with the good reasons under the OIA. Where information has been withheld, the reasons are indicated alongside the withholding with a reference to the relevant section in the OIA.

Where withholding has occurred, the public interest in releasing the information has been considered, but has been outweighed by the reasons for the withholding.

Select relevant evidence to the inquiry have been released separately as an Appendix to the Final Report of the inquiry.

As set out at paragraph 58 of the report, Mr Murray's legal representative requested that a letter setting out Dr Murray's position be included with the report. The material contained in that letter has been appropriately addressed by Mr Ombler during the process.

In accordance with SSC's commitments to open and transparent government and in compliance with the Privacy Act 1993, the statement received has been included alongside the report and supporting material and can be read with it. In order to provide the full context, a letter to Dr Murray's legal representative in response has also been included.

19 January 2018

Jane Meares  
Barrister  
Wellington

By email only: 9(2)(a) privacy

Dear Jane

**Re: Dr Nigel Murray – Investigation by Mr Ombler QSO**

***Summary of Dr Murray's Position***

Dr Murray was scheduled to meet with and be interviewed by Mr Ombler today at 9.00 am. We spoke to you by telephone yesterday and told you he would not be attending and the purpose of this letter is to tell you why.

We have written to you on a number of occasions explaining why we considered the investigation to be unfair to our client and seriously flawed. Your responses have not allayed our concerns or fairly resolved them.

As you know we were awaiting the return from overseas of a senior criminal barrister, Mr Robert Lithgow QC. We met with him yesterday and discussed in detail our concerns. Following that meeting, a decision was taken that Dr Murray would not meet with Mr Ombler today. The cumulative effect of the concerns that we have already raised with you in detail, the meeting with Mr Lithgow QC, and the receipt of three further topics for Dr Murray to prepare to respond to questions on, together with receipt of documents that Mr Ombler must have had for some time, all contribute to that decision.

***Introduction and Background***

We write further to your recent email of 5.03 pm on Wednesday 17 January 2018. In that email you advised that Mr Ombler would like to "discuss" three further issues at the meeting with Dr Murray scheduled for 9am on Friday 19 January 2018. You also attached four travel request forms which no doubt were to form part of today's "discussion".

Mr Ombler was appointed by the State Services Commissioner (SSC) on 10 November 2017 to conduct an investigation, requested by the Minister of Health, into matters relating to Dr Murray and the Waitako District Health Board. At that time, Terms of Reference for the investigation were provided. However, by letter dated 22 December 2017 Mr Ombler formally advised that those terms of reference had been "clarified" by letter dated 20 December 2017.

**LAWYERS**

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*Any problem can be resolved*

For our part, it is difficult to understand the precise meaning of that clarification, but when it is read together with Terms of Reference (a)-(e) there is little doubt that Dr Murray is the principal focus of Mr Ombler's investigation.

### ***SFO Investigation***

We have previously written to you on a number of occasions setting out our serious concerns that Dr Murray is expected to be interviewed by Mr Ombler when there is an on-going preliminary investigation by the SFO. We have not been provided with a copy of the letter of complaint from the ex-Labour MP Sue Moroney but we are certain that the SFO's preliminary investigation will cover precisely the same issues as Mr Ombler's investigation. We have emphasised the potential prejudice to Dr Murray should he be interviewed by Mr Ombler prior to the outcome of the SFO's preliminary investigation being known and any proceedings being resolved. Mr Ombler has rejected our concerns and considers that he must proceed with the interview, presumably given the requirement to report by 31 January 2018.

We have made several inquiries of the SFO and the current advice is that it will not be in a position to advise Dr Murray of any decision even of the most preliminary kind until at least February 2018.

Even if the SFO were to decide to take no further action, that would not necessarily be the end of the matter as Waikato DHB member Dave MacPherson has indicated through the media that he would consider making a formal complaint about Dr Murray to the police.

### ***Non-disclosure of information***

As you will be aware, from the outset we have raised and continue to raise serious concerns about Mr Ombler's decision not to provide Dr Murray with copies of the information and documents that he has obtained in the course of his investigation and which are relevant to the terms of reference in so far as they relate to Dr Murray. We simply do not understand why Mr Ombler has chosen to deny Dr Murray access to this information.

It would seem that Mr Ombler has now softened his position and as per your email of 21 December 2017, some documents were provided together with links to others. However, these documents were primarily DHB policies etc. Disclosure has at best been token. Overwhelmingly documents have not been provided.

And then of course you provided four further documents late Wednesday afternoon.

We have made a formal complaint to the Privacy Commissioner about Mr Ombler's failure to provide the documents held by him relating to Dr Murray. This complaint was made on 22 December 2017 and it was marked as urgent. By letter dated 9 January 2018 the Privacy Commissioner has advised that the complaint has been received and that a response could be expected within four weeks but sooner if possible.

We are not aware of any similar investigation where the dominant subject of that investigation is denied access to all information relevant to him. We believe that the Privacy Commissioner will uphold Dr Murray's complaint and direct Mr Ombler to provide Dr Murray with copies of all relevant information.

To date Mr Ombler has only provided generalised topics for discussion. We do not consider that these are a fair or reasonable substitute for the witness statements and documents obtained by Mr Ombler but which he is refusing to provide.

### ***Details of other interviews withheld***

As part of Mr Ombler's non-disclosure, all information as to who has been interviewed in the course of the investigation to date, and details of what they have said, have been withheld from Dr Murray. To this date he has no idea who Mr Ombler has interviewed and what information has been obtained in the course of those interviews that relates to Dr Murray. Our repeated requests that this information be provided have been declined.

It is trite to say that the identity of the person making the statement can be just as important as what that person says. Denying Dr Murray that information is unfair and effectively denies him the opportunity to challenge or counter what that person says.

### **9(2)(a) privacy *Draft Report***

We understand that Mr Ombler has received a copy of 9(2)(a) privacy **draft** report. We have previously expressed the view that that report was part of an employment dispute and settlement process and is a confidential document which should not have been received by Mr Ombler.

By way of context, 9(2)(a) privacy **draft** report was to be destroyed as part of a settlement agreement signed by the mediator and the DHB which can be enforced by a compliance order in the Courts. A perusal of the savage penalties enacted by Parliament makes it clear just how important it is to comply with this law: section 140(6) Employment Relations Act 2000. In providing and receiving a draft report in these circumstances those involved are knowingly participating in a breach of obligations under the Employment Relations Act.

Further, we fail to see how a **draft** report from a third party, could assist Mr Ombler in his investigation. That **draft** report was considering employment issues and is not relevant to the Terms of Reference under which Mr Ombler is required to act. It is no more than a tentative view at best expressed by a third party in an employment context and in our view Mr Ombler is quite wrong to receive that draft report, let alone consider or rely on it in any way.

However, all the indications are that Mr Ombler has received and will rely on the draft report in his investigation. In that event we seek urgent confirmation that Mr Ombler will not further publish that report or include any reference to it or her draft findings in his report.

### ***Robert Lithgow QC***

As we have advised, Dr Murray yesterday met with respected senior criminal Barrister Robert Lithgow QC (following his return from overseas). Mr Lithgow QC has been engaged because of our serious concerns about the prejudice to Dr Murray should he be interviewed prior to the above issues being resolved. The legal advice that has been provided to Dr Murray is that he would be at very significant legal risk should he be interviewed without first knowing the outcome of the SFO investigation and being provided with all relevant information and documentation received by Mr Ombler in the course of his investigation. This characteristic, of significant non-disclosure, creates an appearance of a process of ambush rather than the orderly investigation of CEO/State Sector expense allocations and reconciliation in the event of dispute.

It is our advice to Dr Murray that the processes of the SSC investigation are not fair and are, in our view, not lawful. Dr Murray has accepted that advice, and for that reason believes that participating in this investigation at this stage will place him in an unknown jeopardy.

### ***No reason for urgency***

As above, Mr Ombler is working to an exceptionally tight time frame particularly given the Christmas/New Year holiday period. Following the interview scheduled for today, and any subsequent interviews with Dr Murray or others, Mr Ombler is then going to

provide interested parties with extracts of the draft report relevant to that party, with an opportunity for that party to comment. This process must be concluded in time for Mr Ombler to finalise and submit his final report by Wednesday 31 January 2018.

We do not understand what the urgency is, at least in so far as Dr Murray is concerned. As no doubt Mr Ombler's investigation has revealed, Dr Murray has repaid a total of \$54,831.98 to the DHB (without admission of liability). There remains in dispute the sum of \$20,493.85 and Dr Murray has paid this amount into this firm's Trust Account. The settlement reached with the DHB provides a mechanism where issues as to this disputed amount can be resolved.

### ***Where to from here?***

We wish to emphasise that Dr Murray absolutely denies any criminal wrong doing, but until the SFO has completed its processes, Dr Murray simply cannot be expected to participate in Mr Ombler's investigation.

For these reasons, we confirm our advice to you that Dr Murray will not be attending the interview with Mr Ombler. The writer and Mr McClelland QC are happy to meet with Mr Ombler to discuss any issues arising out of this development, but this will be in the absence of Dr Murray. We note your advice that Mr Ombler will only be available up to noon today. We would be happy to meet next week if that were convenient to Mr Ombler.

We do not know what impact this will have on Mr Ombler's investigation and that is a matter he will no doubt consider carefully. If any report is finalised then we require that the reasons for Dr Murray's decision not to attend be set out in detail and form part of that final report.

We should also add that our instructions are to make an urgent complaint to the Ombudsman about the various shortcomings in Mr Ombler's investigation processes as we have previously identified. We will provide you with a copy of that complaint once it is finalised, hopefully next week.

We wish to confirm that once the outstanding issues referred to above have been resolved, Dr Murray would most certainly wish to be interviewed by Mr Ombler. Dr Murray has been the subject of a most unfair and scurrilous media campaign which has included his 97 year old father being door stopped by a reporter on at least two occasions. This has caused significant distress. Much of what has been reported has been false or inaccurate, but because of the various investigations, Dr Murray has not been in a position to respond.

It is Dr Murray's position that the allegations about him (which form the basis of the Terms of Reference) are without foundation and he would welcome the opportunity to respond to these by way of an interview with Mr Ombler when the issues of unfairness have been resolved and the time is right.

### ***Conclusion***

No doubt there is pressure from media and Government for a hasty investigation and result. Dr Murray believes that the pressures we refer to are playing a dominant role in this investigation and that his rights are being trammelled. He has a deep sense of injustice which is reinforced by the legal advice he has been given.

Our concern is with Dr Murray's vulnerable position. We cannot over-emphasise the importance to him of a fair hearing within the various investigations underway but first and foremost is the need for fair treatment within the criminal investigation without it being tainted by other inquiries.

Bearing in mind the tight timeframe, if it is Mr Ombler's intention to proceed with some kind of report without Dr Murray's attendance, we seek that he include this letter in the body of any such report to the State Services Commissioner and in any subsequent publication of the report or extracts from it.

Yours sincerely

**Cullen – The Employment Law Firm**

A handwritten signature in blue ink that reads "P. J. Cullen". The signature is written in a cursive style with a large initial "P" and a distinct "J".

Peter Cullen  
**Partner**

RELEASED BY SSC UNDER OUR COMMITMENT TO OPEN GOVERNMENT

29 January 2018

By email

Peter Cullen  
Cullen Law  
Wellington

Dear Peter

**Dr Nigel Murray – investigation by Mr Ombler QSO**

1. Thank you for your letter of 19 January outlining the reasons for Dr Murray's decision to withdraw from the interview with Mr Ombler scheduled for 19 January (as advised to us on 18 January).
2. I am disappointed that the extensive information that SSC, Mr Ombler, and I have given you has not addressed or resolved your concerns. As well as permitting you to be involved at the draft terms of reference stage, this has included my email of 27 November, our telephone conversation of 1 December, my letters of 8, 14 and 20 December my email of 21 December and attachments, Mr Ombler's letter of 22 December and my email of 17 January and attachments.
3. As we have repeatedly said, we are very conscious of the need to follow fair process and for the rights of all parties (including Dr Murray) to be respected in this process. I again reiterate that I consider that we are entitled to set our own process for this inquiry<sup>1</sup> provided we follow the principles of natural justice, which we are committed to do.
4. Acknowledging that he is a central part of the inquiry (although not the sole focus, as referred to below), it is relevant to point out that Dr Murray has had more information and more assistance from us than others who are involved in this inquiry.
5. As previously advised by email, in an endeavour to address your concerns we have taken the time to prepare a comprehensive response to the points raised, which is set out below.

**Process**

6. The matters raised in your letter have, as noted above, been the subject of repeated correspondence between us since early December 2017. Mr Ombler's position on the issues you have raised remains largely unchanged, but I have endeavoured to reiterate that position, in full, below, acknowledging the potential change in process which is required as your client cannot be interviewed within a reasonable timeframe.
7. As advised to you by email of 25 January, one aspect of that change in process is that Mr Ombler anticipates the reporting date (referred to in the Terms of Reference of 10 November 2017 as expected to be "by 31<sup>st</sup> January 2018 or such date as may be agreed") is likely to be delayed for at least two weeks.

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<sup>1</sup> *Jellicoe v Haselden* (1902) 22 NZLR 343, 351 (SC) Stout CJ: "The Commissioners ... are not bound to examine witnesses on oath, they need not sit in public, and they are the sole judges of what procedures they adopt."

8. You have said that our processes are not fair and not lawful. As you would undoubtedly expect, we do not agree. I have carefully outlined the process to be followed and provided information to you in the correspondence referred to above.

#### **Terms of reference**

9. You state, in the paragraphs of your letter under “*Introduction and Background*” that the combination of the three issues referred to in my email of 17 January, the documents attached to that email<sup>2</sup> and the clarification of the Terms of Reference have led you to conclude that “there is little doubt that Dr Murray is the principal focus of Mr Ombler’s investigation”.
10. While Dr Murray’s conduct was the catalyst for the present inquiry, Mr Ombler does not consider Dr Murray to be the sole focus. Rather, the Terms of Reference raise important matters of public interest concerning the integrity of the public sector and the administration of the New Zealand health system.
11. Indeed, the second paragraph of the State Services Commission’s letter to Mr Ombler of 10 November 2017 clearly states that:
- Any unresolved matters relating to allegations of financial breaches by senior state leaders can have a damaging effect on public confidence in the public sector. It is critical that transparency in and accountability for enquiring into and appropriately resolving such matters is maintained.*
12. It is within this context that Mr Ombler is undertaking his investigation. We nonetheless acknowledge that Dr Murray’s conduct, which is clearly referred to in paragraphs a) and b) of the Terms of Reference, will be a focus of it.
13. The “clarification” to the Terms of Reference of 20 December 2017 is just that – a clarification of the Terms of Reference to require Mr Ombler to review and consider, in the context of Dr Murray’s recruitment and appointment, whether appropriate standards of integrity and conduct and related practices have been maintained by the District Health Board.

#### **SFO Investigation**

14. We do not have a copy of the letter of complaint from the ex-Labour MP Sue Moroney referred to in your letter so we are unable to comment on that aspect of your letter. However, as noted above, Mr Ombler considers that this investigation is wider than Dr Murray alone. Rather, Dr Murray’s alleged conduct is the catalyst for this inquiry.
15. As I understand the purpose of the SFO, it is to investigate and prosecute serious or complex financial crime. This is quite a different focus from the current inquiry. Accordingly, I find it hard to see how the SFO’s investigation will cover “precisely the same issues” as Mr Ombler’s investigation.
16. An inquiry such as Mr Ombler’s does not have the ability to determine the criminal liability of any person.

#### **Non-Disclosure of Information**

17. You say Mr Ombler has decided “not to provide Dr Murray with copies of the information and documents that he has obtained in the course of his investigation and which are relevant to the Terms of Reference in so far as they relate to Dr Murray”. That is not an accurate description of the process adopted by the present inquiry.

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<sup>2</sup> As to which see further at paragraph 20 below.

18. Mr Ombler has decided to conduct the inquiry by considering documentary evidence, undertaking confidential witness interviews, and preparing draft findings for comment by affected persons. As a part of the opportunity to comment on draft findings, affected persons will be provided with the evidence on which adverse findings are based. Dr Murray was advised of this process in my letter dated 8 December 2017.<sup>3</sup>
19. Your letter also suggested (in the third paragraph) that we had sent you “three further topics” on 17 January for Dr Murray to respond to. For the record, those topics were:
- “the trips referred to in the four attached travel request forms;
  - Dr Murray’s booking of a trip for 9(2)(a) privacy in May 2017; and
  - the Langham hotel booking from 30 July 2016 for 22 days.”
20. As to the four travel request forms we provided to you on 17 January, these are already public and were obtained by us from the Waikato DHB expense disclosure information, which is still on their website. A link to that information was provided to you along with other documentation by email on 21 December. It is therefore inaccurate of you to suggest that we have withheld them from you.
21. As to the other two topics, these were specifically referred to in the third paragraph of the questions attached to my letter of 20 December, under the heading “matters of alleged unauthorised and unjustified expenditure”.
22. Dr Murray had therefore been aware of these documents, and these questions, for almost a month before the proposed interview. It is inappropriate for you to suggest that that was a reasonable ground for him changing his mind about being interviewed.
23. The documents provided to you under cover of my email of 21 December included, as you rightly point out, DHB policies etc. As was made clear in the general areas for questioning attached to my letter to you of 20 December 2017, Mr Ombler wished to discuss them with Dr Murray. We endeavoured to ensure that Dr Murray had, or had access to, relevant documentation which we wish to discuss.
24. Prompted by your concerns, however, we are undertaking a review of the documents we hold and which we might rely on, which were not either attached to, or linked from that email. Aside from the contents of confidential witness statements and the 9(2)(a) privacy report, both of which are referred to below, our preliminary view is that these are not extensive (possibly only two or three). If such documents do exist, we will send them to you.
25. More importantly, however, this is an administrative inquiry. These are not civil nor criminal proceedings. Provision of all documents considered by the inquiry to Dr Murray ahead of an interview is not necessary to meet the requirements of natural justice. The process adopted by Mr Ombler is consistent with the principles of natural justice: persons against whom adverse findings may be made will have notice of those findings and an opportunity to adduce evidence that might dissuade the inquirer from making those findings.<sup>4</sup>
26. In a recent decision, the Court of Appeal determined the subject of an investigation was not entitled to access all material considered by a decision-maker. Full access was not necessary to meet the principles of natural justice: “what is required is that the appellant be told of the

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<sup>3</sup> At para 17.

<sup>4</sup> *Re Erebus Royal Commission, Air New Zealand v Mahon* [1983] NZLR 662 (PC) at 671.

evidence against him so that he can respond, not so that he can second guess the investigation.”<sup>5</sup> In the present inquiry Dr Murray has already been assured he will know the case and evidence against him and be given an opportunity to respond.

### Witness interviews

27. Your requests for information about the identities of witnesses and the contents of witness interviews have indeed been declined. Mr Ombler maintains that conducting confidential interviews is a rational and legally permissible interview technique for conducting inquiries. In my letter of 8 December 2017 I set out the basis for that view by reference to legal authority and a recent report of the Ombudsman concerning a State Sector Act inquiry.<sup>6</sup>
28. As noted above, Dr Murray will be given the opportunity to know the case against him.

### 9(2)(a) privacy Report

29. You are correct that we have received a copy of 9(2)(a) privacy draft report.
30. You say this draft report was to be destroyed as part of a settlement agreement signed by the mediator and the DHB which can be enforced by a compliance order in the courts. As I explained in my letter dated 8 December, your belief that there has been a breach of obligations by the DHB does not bear on admissibility of the draft report before the inquiry. Your subsequent correspondence has not advanced a basis for your position that the draft report is not admissible. As for your most recent point, I understand there is no compliance order.
31. I can, however, indicate that Mr Ombler does not at this stage anticipate relying on or publishing the draft report in any form, although the existence of “an independent inquiry into alleged financial breaches” is already referred to in the Terms of Reference. It is possible that the fact the independent inquiry was undertaken, albeit not finished, may be referred to in Mr Ombler’s report.

### Urgency

32. You question the need for urgency in this matter. As noted above, Mr Ombler now considers it unlikely that the 31 January reporting deadline can be met. Dr Murray’s late change of mind about being interviewed has contributed to this delay.
33. You mentioned in your letter that Dr Murray has paid \$54,831.98 to the DHB on a denial of liability basis, and a further \$20,493.85 is held in your trust account ahead of dispute with the DHB being resolved. Mr Ombler does not consider the existence of these payments to be relevant to whether the inquiry has been conducted with undue urgency. This inquiry is not concerned with determining Dr Murray’s rights or obligations at law. Rather the Terms of Reference direct Mr Ombler to consider, among other things, the circumstances and processes relating to unauthorised or unjustified expenditure by Dr Murray or any related person.
34. You suggest in your letter of 19 January that there is no doubt “pressure from media and government for a hasty investigation”. That is not the case.
35. Nor has the inquiry has been hasty. Terms of Reference were set and Mr Ombler appointed on 10 November 2017 to report by 31 January 2018, allowing nearly three months for investigation and reporting. That timeframe was realistic and proper in view of the complexity and breadth of

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<sup>5</sup> *A v Attorney-General* [2013] NZCA 289, [2013] 3 NZLR 630 at [65].

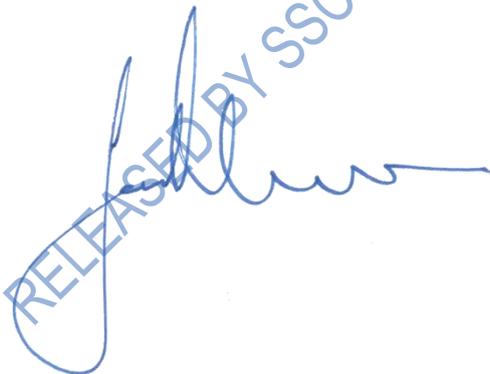
<sup>6</sup> At para 11. *Serco New Zealand Ltd v Chief Inspector of Corrections* [2016] NZHC 1859, [2016] NZAR 1280 at [81], citing *Re Pergamon Press Ltd* [1970] 3 WLR 792 (CA) at 798. See also Ron Paterson *Investigation into SSC conduct of MFAT leaks inquiry* (June 2016) at [143].

the inquiry. As indicated in my letter of 20 December 2017, various persons have an interest in or are affected by the inquiry and have legitimate expectations that it be promptly completed.

**Next steps**

36. You have indicated Dr Murray will not voluntarily meet with Mr Ombler for an interview and have emphasised your view as to the risk of prejudice to potential criminal proceedings involving Dr Murray.
37. We have carefully considered those concerns, and in light of the above, and the assumption that Dr Murray would exercise his right to silence were we to summons him for an interview, have decided against summoning Dr Murray.
38. Mr Ombler has instead decided to work toward completion of the inquiry without interviewing Dr Murray. In addition, although I mentioned in my email of 25 January that we were considering whether to provide Dr Murray with a written set of questions for his response, we have decided against this, bearing in mind the process we have followed for other involved persons.
39. The procedure to be adopted for finalisation of the inquiry is as follows, and consistent with indications in paragraph 17 of my letter of 8 December 2017 and Mr Ombler's letter of 22 December 2017:
  - (a) relevant parts of the draft report which contain findings that directly concern Dr Murray will, in due course, be provided to Dr Murray along with material on which such findings are based (except to the extent disclosure would breach witness confidentiality, in which case summaries of the evidence will be provided);
  - (b) Dr Murray will be given five days to comment, make submissions, and adduce any further evidence in relation to those extracts from the draft report; and
  - (c) Mr Ombler will consider any response from Dr Murray to those draft extracts, revise his report as appropriate, and will proceed to finalise the report and deliver it to the State Services Commissioner.
40. Whether and how the report is to be published is a matter for the State Services Commissioner and not this inquiry.

Yours sincerely



**Jane Meares**  
**Barrister**

## Amanda Rapley [SSC]

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**From:** Amanda Rapley [SSC]  
**Sent:** Wednesday, 22 November 2017 3:19 PM  
**To:** Dallas Welch [SSC]  
**Subject:** Request for evidence for Ombler investigation

[IN-CONFIDENCE]

Hi Dallas,

As you know Mr John Ombler QSO has been appointed to run the investigation into the Waikato DHB/ Dr Murray issues. John is presently gathering evidence for his investigation. John has a number of questions for the State Services Commission and has asked that I send these to you. The questions are:

1. What is the authority that the State Services Commission uses to require/invite CES in the DHB sector to disclose their expenses publically?
2. What is the purpose of the disclosure?
3. When the expenses from DHB Chief Executives are publically disclosed, what does the Commission do with them? Is there any scrutiny of the expenses by SSC?
4. If the information is not disclosed by the due date to SSC, what is the process followed by the Commission to seek disclosure? Over what time period?
5. When was the expense disclosure requirement extended to the DHB Chief Executives?
6. Do you have a copy of relevant correspondence in relation to extending the requirement to DHB chief Executives and if so could you please provide it to John.
7. Could John please have all correspondence and other relevant documentation relating to any disclosures in relation to Dr Murray.

If you either email the information to me or provide me with hard copies, I will get the information to John. John is working at pace and would be really grateful of your early attention to these questions.

Happy to discuss.

Kind regards

**Amanda Rapley**

Chief Legal Officer | State Services Commission

9(2)(a) privacy

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## Jane Paterson [SSC]

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**From:** Geoff Short [SSC]  
**Sent:** Wednesday, 22 November 2017 4:33 PM  
**To:** Amanda Rapley [SSC]  
**Subject:** FW: Information to support Waikato DHB Investigation

Fyi

### Geoff Short

Assistant Commissioner

State Services Commission | *Te Komihana O Ngā Tari Kāwanatanga*

9(2)(a) privacy

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*We lead, we serve.*

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**From:** Geoff Short [SSC]  
**Sent:** Wednesday, 22 November 2017 4:15 p.m.  
**To:** 9(2)(a) privacy  
**Subject:** Information to support Waikato DHB Investigation

Hi 9(2)(a) privacy

Further to our conversation seeking to narrow any information you might make available to Mr Ombler, I thought the following questions he has raised might provide useful guidance. This is particularly in the interest of gaining information at the earliest opportunity and reducing any extraneous information:

1. What is the scope of the Ministry of health's monitoring of the District health Boards? In particular, does it include any monitoring related to the Standards of Integrity and Conduct for the State Sector, or the Office of the Auditor-General's guidelines on Controlling Sensitive Expenditure? If so, what?
2. Has the Ministry had any involvement in the roll-out of the Standards of Integrity and Conduct to the crown entities in the health sector and/or any ongoing role in ensuring the Code is known and observed?
3. Does the Ministry have involvement in the induction programme for DHB Chief Executives? If so, does that involvement include any reference to the Standards of Integrity and Conduct and/or the Office of the Auditor-General's guidelines on Controlling Sensitive Expenditure?
4. How does the Ministry induct Board Chairs? What is included in their induction programme relevant to their governance role in approving travel and expenditure? Are they provided with copies of the Standards of Integrity and Conduct and/or the Office of the Auditor-General's guidelines on Controlling Sensitive Expenditure?

I'm not certain that you will be the person responsible for the provision of the information, so I'd be grateful if you could refer this e-mail to others that you may need to, and I'm happy to chat through any material your folks might be considering including as part of the response.

Many thanks

Geoff

### Geoff Short

Assistant Commissioner

State Services Commission | *Te Komihana O Ngā Tari Kāwanatanga*

9(2)(a) privacy

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## Jane Paterson [SSC]

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**From:** Geoff Short [SSC]  
**Sent:** Wednesday, 15 November 2017 5:42 PM  
**To:** Jane Paterson [SSC]  
**Subject:** FW: Waikato DHB Investigation  
**Attachments:** 2293984\_Letter - 10 November 2017 - Appointment and Terms of Reference John Ombler.PDF

Hi Jane  
I progressed by e-mail instead.

### Geoff Short

Assistant Commissioner

State Services Commission | *Te Komihana O Ngā Tari Kāwanatanga*

9(2)(a) privacy

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**From:** Geoff Short [SSC]

**Sent:** Wednesday, 15 November 2017 5:42 p.m.

**To:** 9(2)(a) privacy

**Subject:** Waikato DHB Investigation

Giddy 9(2)(a) privacy

On 10 November 2017 the State Services Commissioner appointed Mr John Ombler, QSO to conduct an investigation at the request of the Minister of Health into matters relating to the Waikato District Health Board and Dr Nigel Murray. I am writing to let you know that Mr Ombler has now initiated the investigation.

Mr Ombler has discussed with the Director-General and he has identified you as the contact person for the Ministry of Health. Mr Ombler has also asked me to outline the approach is taking to this investigation.

While you will already have a copy of the Terms of reference, I have enclosed these as part of Mr Ombler's appointment letter for your records.

Mr Ombler is working to complete the investigation as soon as practicable. To this end, he is working at pace and with urgency to be in a position by Christmas to be able to share his initial findings with affected parties.

Mr Ombler's approach will be to review the relevant material over the next few weeks, form an initial view and share the relevant sections with parties, where there may be adverse findings for them. It is possible that interviews will be conducted as part of this investigation, which will be undertaken pursuant to section 25 of the State Sector Act 1988. Under this section Mr Ombler has the same powers and authority to summons witnesses and receive evidence that a Commission of Inquiry has under the Commissions of Inquiries Act 1908.

Given the urgency with which Mr Ombler is working he has made early contact with Mr Bob Simcock, the Chair of the Waikato District Health Board. Mr Ombler has sought support from the Chair on three areas:

1. advice regarding the pertinent people the Chair thinks will need to be interviewed.
2. any material gathered during the Waikato District Health Board's internal investigation into the matters – Mr Ombler considers this material to be potentially relevant evidence. On that basis, he has requested, under

section 25 of the Act, a copy of this material to be provided by Monday 20 November. The information provided under section 25 is not covered under the Official Information Act.

3. agreement to provide Mr Ombler with the material which was provided to Audit New Zealand for their annual financial audit. He is also seeking the Chair's approval to talk directly with <sup>9(2)(a) privacy</sup> Audit Director, Audit NZ.

To assist Mr Ombler with this investigation I'd greatly appreciate your advice on:

1. any information the Ministry of Health holds as the monitoring agency for the Waikato District Health Board or is aware of which you consider would be pertinent to this investigation; and
2. anyone that you consider Mr Ombler needs to interview.

If there are any potential interviews needed I'd be grateful if you could provide me with their name, contact details and the reason why you consider they should be interviewed.

If you have any questions feel free to give me a call. Otherwise I'd be grateful for the chance to discuss next week when we catch up.

Cheers

Geoff

**Geoff Short**

Assistant Commissioner

State Services Commission | *Te Komihana O Ngā Tari Kāwanatanga*

<sup>9(2)(a) privacy</sup>

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29 November 2017

9(2)(a) privacy

Dear 9(2)(a) privacy

On 10 November 2017 the State Services Commissioner appointed me to conduct an investigation, requested by the Minister of Health, into matters relating to the Waikato District Health Board and Dr Nigel Murray. I wish to introduce myself and invite you to participate in an interview as part of this investigation.

I have attached for you the investigation Terms of Reference.

### **Investigation Approach**

My approach to this investigation has been to review relevant material, form a view as to who I might interview and develop lines of inquiry for those interviews.

I have now completed my initial review of the relevant material, developed lines of inquiry for interviews and identified a number people I would like to interview.

### **Interviews**

I would like to invite you to participate in an interview in the week beginning Monday 4 December 2017. The interviews will be held in Room 5, CE Suite on Level 3 of the Hockin Building on the Wairoa Waikato hospital campus. Interviews are expected to take no longer than two hours.

When conducting my investigation I have the same powers and authority to summon witnesses and receive evidence as are conferred upon Commissions of Inquiry by the Commissions of Inquiry Act 1908 (s25(1) State Sector Act 1988). In summary, these powers include:

- 1.1 The power to summon witnesses
- 1.2 The power to receive as evidence any statement, document, information or matter that I believe may assist me in dealing effectively with the Inquiry, whether or not it would be admissible in a Court of law
- 1.3 The power to receive evidence in writing and/or orally. Evidence may be given on oath.

All witnesses giving evidence before me have the same privileges and immunities as witnesses in Courts of law.

I will conduct the interview and will be supported by Wendy Venter who is assisting me with the investigation and Jane Meares, Barrister. You are welcome to bring a representative and/or a support person to the interview. If you would like to bring a representative and/or a support

person, I would appreciate being advised of this, and his or her name and role, in advance of the interview.

The interviews will be conducted under oath (which I will administer) and will be recorded. I do not expect to transcribe the interview, but if I do, I will give you a copy of the transcript. I can also make a copy of the recording available to you if you would like. I expect that you will treat the interview and the topics covered in the interview as confidential. The information and answers I receive from these interviews will be used as evidence in my investigation and will be an input into my analysis from which I will determine findings and recommendations for the State Services Commissioner.

The general areas that I wish to discuss at this interview will include:

- Your role at the Waikato District Health Board during Dr Murray's employment.
- The oversight and management of sensitive expenditure at the Waikato District Health Board.
- Processes and procedures for reporting to the Waikato District Health Board.
- Induction and training programmes at the Waikato District Health Board, including how the Code of Conduct is incorporated.
- Policies and procedures for making Protected Disclosures.
- The timing and steps taken regarding concerns raised with Dr Murray's expenditure.
- Your experience of Dr Murray's conduct.

The interview will not be restricted to the above areas. There may be other areas that arise during the course of our interview which require further exploration, and if so, I would like to discuss these areas too.

If you have any documentation that you consider relevant to this investigation you are welcome to bring this material to the interview.

### **After the interview**

Following the interview, a number of steps will be taken.

First, notes of the interview will be prepared by my team. These will be shared with you for comment and it is expected that they may be used as evidence. As evidence, the statements made in them may be tested with or shared with others involved in this investigation. However, these notes will not be shared by me with the media. It is possible that quotes from your interview may be presented in the final published report but in such a case, I will consult with you in advance of finalising my report.

Once I have completed all interviews I will formulate my findings and recommendations. I will comply with the principles of natural justice, which means that if I make findings that directly concern you, I will give you an opportunity to see and comment on a draft of relevant parts of the report. I will consider any comments you make before finalisation of my report.

### **Final Report**

I will present my final report to the State Services Commissioner. I am aiming to present my report to the State Services Commissioner at the end of January 2018 if possible. In accordance with the Terms of Reference, the report will be published and will become a public document.

We consider that information provided by you during the interview will be evidence in this investigation and, along with any submissions you make to me in the investigation, will not fall

within the definition of "Official Information" under the Official Information Act 1982. However, this may not be determinative of the position.

**Next steps**

I wish to assure you I will be working to complete the investigation as soon as practicable. To this end, I am working at pace and with urgency to be in a position by Christmas to share extracts of my report if appropriate.

If you have any questions about either the interview process or our inquiry processes, please feel free to contact me on **9(2)(a) privacy**

I would appreciate hearing from you by Friday 1 December 2017 to confirm your availability to be interviewed.

Yours sincerely



John Ombler, QSO

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16 February 2018

9(2)(a) privacy

By email: 9(2)(a) privacy

Dear 9(2)(a) privacy

Thank you for your co-operation with my investigation into certain matters at the Waikato District Health Board. I have greatly appreciated you making the time to be interviewed and your input has been valuable for my inquiry.

At the time of your interview I advised that, at the appropriate time, if I made findings that directly concerned you, I would give you an opportunity to see and comment on a draft of relevant parts of the report.

Those relevant parts are now attached. These extracts:

1. either quote or refer to you directly; or
2. contain statements which I would like you to check for accuracy or provide any comment.

In some cases, I have provided some background paragraphs for context. However, please note that the attached paragraphs are not necessarily contiguous to each other.

It is my intention to list the people with whom I had interviews or discussions, in an appendix to the inquiry report. Your name will appear in this appendix.

If you disagree with any proposed text I would appreciate being advised of your reasons for objection. And, if this is the case, I may need to be in touch with you again to discuss further.

I would appreciate receiving your comments no later than **9.00am Monday 19 February 2018**.

Once I have received your response I will look to finalise the report for presenting to the State Services Commissioner. You will be notified of the date when my report will be published.

I would like to remind you of the continued confidentiality of this process. As you will appreciate, these extracts are being sent to you solely for the purposes of your review and comment as discussed above. Please note that they are confidential to you. Please do not disseminate them to any other person other than, if applicable, your legal adviser, who will be bound by the same obligation of confidentiality.

Once again, thank you for your assistance with my investigation.

Yours sincerely



John Ombler, QSO

2314371

John Ombler, QSO  
9(2)(a) privacy

30 January 2018

9(2)(a) privacy

By email: 9(2)(a) privacy

Dear 9(2)(a) privacy

Thank you for your cooperation to date with my investigation into financial matters at the Waikato District Health Board. I am writing to update you on progress with the investigation and seek your advice on your availability during February.

My Terms of Reference state that my report was to be presented to the State Services Commissioner by 31 January 2018, or as agreed with the State Services Commissioner. I am pleased with the progress of my investigation and am in the final stages of collating information and holding discussions with people I consider pertinent to the investigation. There are still some elements that require further investigation, which has required a shift in the deadline for delivering my report.

On 20 December 2017, the State Services Commissioner wrote to me and clarified that the terms of reference provided for me to look into the recruitment and appointment processes by which Dr Murray was appointed Chief Executive at the Waikato District Health Board.

Over the past month, I have been collating information and talking with people related to the recruitment and appointment process and am aiming to finalise this element over the coming weeks. Following this, it is my expectation that I will be in a position to complete my report and present to the State Services Commissioner by the end of February.

As discussed at the time of your interview, you will be given the opportunity to review extracts from my draft report as they relate to you. I anticipate I will be in a position to provide this material to you towards the middle of February. I would appreciate being advised of your availability during February, as I will be requesting a very quick turnaround on this process.

If you have any questions regarding my investigation or concerns regarding this timeframe please contact Jane Paterson on 9(2)(a) privacy

Once again, thank you for your cooperation.

Regards



John Ombler, QSO

20 December 2017

Mr Chai Chuah  
Director-General of Health  
PO Box 5013  
WELLINGTON 6140

Dear Chai

As you know on 3 November 2017, the Minister of Health requested the State Services Commissioner to undertake an investigation into the circumstances surrounding the Chief Executive expenditure of the former Chief Executive of the Waikato District Health Board Dr Nigel Murray. The State Services Commissioner subsequently appointed me to undertake the inquiry on his behalf.

On 15 November, following a discussion we had, the State Services Commission wrote to 9(2)(a) privacy requesting a range of information that the Ministry of Health may hold in relation to the former Chief Executive of the Waikato District Health Board. A week later, that request was narrowed to focus on information related to the induction of District Health Board Chairs, Members and Chief Executives.

On 13 December, the response received from 9(2)(a) privacy indicated that the Ministry held a general induction day for new Board members, following each triennial election cycle. I would be grateful if I could see the agendas and supporting material for the two induction days that Mr Simcock will have attended in 2014 and 2017 respectively. It would be useful if I could be advised as to the changes made between the two agendas and whether there were specific issues that had given rise to the changes.

I would also appreciate receiving any other information the Ministry may hold regarding Mr Simcock's programme of induction as Chair, as I understand that the Ministry is one of the parties to induction along with the District Health Board and others.

I would also like to receive any other information that the Ministry may hold regarding any induction of Dr Murray as Chief Executive of Waikato District Health Board. I understand that Dr Murray may have attended an induction around the 9<sup>th</sup> – 11<sup>th</sup> August 2014. While I appreciate that the induction of a Chief Executive is the responsibility of the employer, in this case the District Health Board, it is in my experience not unusual for senior appointments to spend time visiting with senior officials. I would be interested to know if Dr Murray took the opportunity to meet with senior people at the Ministry or met with you and what information may have been made available during that meeting.

I would be especially grateful if you could ensure that I received this information urgently. I am hoping to form some views on this matter, where I can this month.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Ombler". The signature is fluid and cursive, with a small horizontal line under the final letter.

John Ombler QSO  
**Independent Investigator to the State Services Commissioner**

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		Type: <b>Policy</b>	Document reference: <b>2175</b>	Manual Classification: <b>Delegations of Authority</b>
Title: <b>Delegations of Authority</b>			Effective date: <b>01 October 2014</b>	
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9(2)(a) privacy				Page: <b>1 of 41</b>
				Document expiry date: <b>01 February 2018</b>

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## 1. Purpose and Scope

On 1 January 2001, Health Waikato Limited was succeeded by the Waikato District Health Board (Waikato DHB), a publicly-owned health and disability statutory corporation established by section 19 of the New Zealand Public Health and Disability Act 2000 (the Act). Under clause 39 (1) of Schedule 3 of the Act the board is required to formulate a policy for the exercise of its powers of delegation.

This policy has been formulated by the Board as its policy for the exercise of its powers of delegation under the Act and replaces any previous delegation policies of the Board. Every exercise by the Board of a power of delegation must comply with this policy.

## 2. Policy

- This policy and any subsequent variations or changes must be approved by the Waikato DHB (the Board) and the Minister of Health
- All decisions made by the Board or staff holding properly delegated authority must comply with this policy
- Every delegation of any function, duty or power of the Board must be in writing.
- All staff with delegations must accept their standing delegations in writing and by signing the delegation document (as per Appendix C).
- Any sub delegation must be confirmed in writing by a person holding the proper authority to sub delegate.
- Any person who considers that they have or will have a conflict of interest with Waikato DHB in the exercise of any delegation must immediately disclose such conflict to their manager.
- Delegation of a function, duty or power is revocable and do not prevent the Board from performing the function or duty or exercising the power.
- All managers have an obligation to ensure that staff do not make decisions beyond the scope of their delegated authority.
- Staff shall have their levels of delegation noted in their position descriptions.

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**Preface**

This Policy, contains the following parts:

- The Policy statement, processes and associated information as approved by the Minister of Health, in accordance with the Act.
- A summary of Delegation Levels 1 to 7 (Appendix B)
- Detailed standing delegations for Levels 1-7 and the notification to be given to staff on commencement (Appendix C).

**1. Objectives**

The objectives of this Policy are to:

- promote and maintain the highest service and ethical standards in the contractual relationships between the Waikato DHB and all external organisations;
- protect the Waikato DHB from loss or damage as a result of mis-management, financial failure, default, improper dealings or undue influence by other parties;
- ensure that decisions made by the Board, and directives issued in the name of the Board, are properly implemented, and that decisions made and instructions issued by the Chief Executive Officer (CEO) or Senior Management and instructions issued by them are properly actioned;
- clarify the level of delegated authority that a position has
- protect staff from becoming involved in conflicts of interest situations detrimental to the Waikato DHB, or themselves, individually or as staff members; and to
- ensure staff observe the highest levels of propriety, fairness and equity in their dealings with contractors, suppliers, customers, providers and other staff members.

**Guidance for Staff and Managers**

All staff delegations are contained in Appendix C. For delegation levels 2-7 staff should be provided with a copy of the appropriate standing delegation level notification on commencement (contained in Appendix C). The notification in Appendix C should be reviewed, any sub delegations hand written on the notification, the notification signed and a copy held by the staff member and manager. The original is retained on the employee's file. A staff member's delegation level will be outlined on their position description.

All staff, especially those who are unfamiliar with the contents of this Policy, need to read and understand the Policy itself before exercising the delegations shown in the schedules. If there is any uncertainty as to how any delegation is to be exercised, then the staff member must refer the matter to their manager for guidance before proceeding to exercise the delegation. Where there are any contradictions in the standing delegations compared to other Waikato DHB policies, the Delegations of Authority Policy will take precedence.

**Changes**

Any changes made, to this policy while in effect, shall be approved by the Waikato DHB Board and approved by the Minister of Health

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## 2. Review of Policy

This Policy must be reviewed after each triennial district health board election.

No delegation made prior to any review of this Policy is invalidated by such review and every delegation shall remain in force until such time as it is revoked

## 3. Resolution to Precede Written Notice of Delegation

Every written notice, pursuant to clause 39 of Schedule 3 of the Act, delegating a function, duty or power by the Board, shall be preceded by a resolution to that effect. To be effective, such resolution shall not require all delegates and the terms of their delegations to be recorded in the minutes of the Board. It shall be sufficient if the resolution refers to a named and dated schedule of delegations that is available for subsequent perusal in its adopted form.

## 4. Giving Written Notice of Delegation

Any written notice by the Board delegating a function, duty or power to any person or class of persons that is formally agreed by the Board, will be conveyed to the delegate on behalf of the Board by the Delegations Administrator.

## 5. Coming into Force of Delegations

A delegation comes into force on the date set out in the instrument of delegation by the Board.

## 6. Revocation of Delegations

A delegation shall be revoked in the following circumstances:

- At the expiry of the delegation instrument, or
- When the delegation is revoked by the Board before its expiry date.

## 7. Change in Membership of Committee

A delegation to a committee shall not be revoked or be deemed to have been revoked only because of a change to the membership of the committee.

## 8. Change to Position Description of Delegate

As long as the relevant function, duty or power remains the responsibility of a position, a delegation shall not be revoked or deemed to have been revoked only because the position description is in some other way modified through either formal amendment or informal agreement - in such cases, any changes to delegation levels will be noted in the position description.

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## 9. Powers, Duties and Functions Retained by the Board

Waikato DHB operates in accordance with the principles of good governance. This means that irrespective of delegations properly made there will be occasions when a matter should be referred to the Board that might otherwise be dealt with under delegated authority. The following clauses refer to the functions, duties and powers the Board wishes to retain and the situations in which a matter otherwise delegated may be referred to the Board.

The Board shall make all decisions in respect of major expenditure as follows:

- revenue and funding contracts above the financial limitation delegated to the CEO;
- capital expenditure above the financial limitation delegated to the CEO;
- expenditure for major maintenance above the financial limitation delegated to the CEO;
- financial delegations above the financial limitation delegated to the CEO and
- property matters above the financial limitation delegated to the CEO.

The Board shall make all decisions on the following:

- all new ventures and changes of policy or practice that are likely to significantly affect outputs or change access to a service.
- any proposal that might attract significant adverse publicity or can with reasonable foresight be predicted to result in legal action of material consequence being taken against Waikato DHB;
- ensure that any matter that requires Ministerial approval, including those described in section 24 (co-operative agreements and arrangements) and section 28 (shares in bodies corporate or interests in associations) and the giving of a notice under section 88 (notice of terms and conditions of payments) of the Act shall only be made in accordance to the procedures and requirements of the legislation.

The Board shall not delegate to the CEO:

- any function, duty or power of the Board which the Board has specifically indicated it wishes to exercise itself; or
- any function, duty or power delegated to a committee of the Board pursuant to clause 39(4) of Schedule 3 of the Act (Committee delegations).

## 10. Principles

Under this Policy the only persons/bodies to whom functions, duties or powers shall be delegated to shall be:

- a committee or member of the Board,
- a staff member of the Waikato DHB, or
- an individual or class of persons approved by the Minister of Health under clause 39(5) of Schedule 3 to the Act.

Individuals in a 'contract for service' relationship with Waikato DHB may be given a delegated authority level by a Level 3 manager. Such delegated level will relate to an appropriate level as per Appendix C."

A Waikato DHB staff member shall not commit Waikato DHB to any obligation or incur any liability included in this Policy unless:

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- they are one of the staff authorised to do so in accordance with the actual delegation, or
- they have the required authority properly sub-delegated to them by a person so authorised as per this policy

A person who holds a delegated authority shall not sub-delegate the authority except in accordance with the provisions of the delegation of authority policy or with the written consent of the Board (Appendix B and C - clause 40(1)(b) of Schedule 3 of the Act).

Position descriptions shall specify the delegation level applicable to the position.

All delegates shall be held accountable for their actions in exercising their delegations. If an employee is unclear of their delegation, they should check with their line manager.

All delegated authorities are exercised on the Board's behalf and shall be exercised in accordance with other relevant policies and procedures set by the Board from time to time.

Authorised delegates shall familiarise themselves with and follow any policies, standard procedures, protocol and guidelines and departmental processes.

When the function is available, delegation levels shall also be recorded in the Human Resource Management Information System (HRMIS).

No individual may approve time sheets, leave, any business expenses or benefits which relate to that individual or which result in personal gain to the approving individual.

Employees to whom the Board directly delegates authority to enter into commitments on behalf of the Waikato DHB shall operate their service within their approved annual responsibility centre (RC) budget or approved project budget.

## 11. Delegation to CEO

In accordance with section 26(3) of the Act, the Board shall delegate to the CEO the power to make decisions on management matters relating to the organisation on such terms and conditions, as the Board thinks fit. The delegation may include the following areas of responsibility subject to any conditions or financial limits outlined in delegation level 2:

- human resources;
- contracts;
- capital expenditure;
- finance;
- property and infrastructure;
- legal and audit matters;
- administration matters;
- supplies and services; and
- research;

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## 12. Conditions

Delegations shall be limited to the categories and scope shown in the notification of delegation, so that:

- any proposed action that exceeds the delegated authority upper limits specified in the notification of delegation shall require the specific approval of a higher authorised level, where such action is within their limit; and
- prior to making a commitment on behalf of the Board in areas not specified in the notification of delegation, staff members shall obtain the concurrence of a Line Manager able to make such a commitment in terms of their delegation. Should there be any doubt as to authority to make the commitment; the matter shall be referred to the CEO for action.

Other than in an emergency situation, staff shall only use their delegated authority within their own area of responsibility. In a hospital or DHB emergency situation (ie a CIMS) the incident controller is deemed to have the necessary delegations to enable cross service emergency responses.

## 13. Sub-delegations

The authority to sub delegate is noted in the standing delegations (Appendices B and C).

All sub-delegations shall be in writing, specifying any limits and special conditions or restrictions.

Copies shall be retained by the person authorising the sub-delegation and by the person receiving the sub-delegation.

The revocation of a sub-delegation shall be in writing.

No sub-delegation shall diminish the responsibility of the person holding a standing delegation for the way such authority is exercised.

Prior to any significant planned absence from the Board, the CEO shall make arrangements, approved by the Chair of the Board, for exercising the authorities delegated to the CEO. The CEO may put in place sub-delegations that may be exercised for a limited period, under special circumstances such as his/her unplanned absence.

Other staff with standing delegated authorities shall consider whether a temporary change to any delegated authority is necessary to enable a continuation of essential services when they are absent from the Waikato DHB. Such a temporary change must be approved by the next higher level Line Manager.

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In all other cases where an employee holding a sub-delegated authority is absent that authority shall revert to the officer from whom it was delegated unless that latter officer has specifically approved other arrangements in writing.

#### 14. Changes in Delegations

Authorities vested in the Board shall not be altered without the Board's approval. Only the CEO shall have the authority to approve changes to the standing delegations in Appendices B and C.

#### 15. Notices of Delegation

Notices of Delegation shall be in the form of Delegation levels and shall cover the following topics:

Human Resources	Administration
Contracts	Supplies and Services
Capital Expenditure	Research
Finance	
Property	
Legal	

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Paragraphs 15a-23 that follow provide further detail on some of the categories listed above.

### **15a Delegates Responsibilities Conflict of Interest**

Where a person (other than a member of the Board, or of a committee of the Board, given that such matters are covered directly by requirements around management of interests specifically related to the Board or Board committee) is to perform a function or duty, or exercise a power delegated by the Board, that person must, before performing the function or duty, or exercising the power consider whether or not he or she has (or, as the case requires, will have) on that day any conflicts of interest with Waikato DHB. If he or she has, then he or she must give to the Board a statement completed in good faith that discloses those conflicts of interest, together with any other such conflicts of interest that the person reasonably believes are likely to arise in future in connection with that particular delegation. The Board will consider and make such decisions as appropriate for the management of those interests or potential interests (clause 39(8) of Schedule 3 of the Act).

### **16. Human Resources**

For all Human Resources matters the principle of "Once Removed" shall be followed. This means that individuals who have delegated authorities shall not use these authorities in their own case or for their own benefit or for the benefit of a person with whom they have a close personal relationship with. For example, an employee shall not approve their own (or a family member's) expenses, salary, leave etc. An Authorised Delegate above the person to whom the decision relates shall always perform this function.

The Board Chair shall approve the CEO's budgeted expenses. When the Chair is unavailable

- 1) the Deputy Chair (in the first instance) or the
- 2) Chair of the Audit & Risk Management Committee shall be authorised to approve expenses.

### **17. Contracts**

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For the purposes of this clause contracts are agreements entered into by the Waikato DHB. The delegations referred to in this clause relate to:

1. contracts entered into by the DHB with the Ministry of Health and other funders.
2. contracts entered into with private suppliers of clinical and other related services

*\*It should be noted that such contracts are not contracts in law because the same legal entity is involved in two guises. The term is used for simplicity.*

Each contract shall have a designated contract manager who shall be responsible for the process and all communications. Prior to authorising any agreement, there shall be evidence that the following factors have been considered:

- Financial viability (short and medium term),
- How the proposed contract fits in with the strategic direction of Waikato DHB,
- Risks in relation to the contract (demand driven risk, publicity, etc),
- Ability to perform the requirements of the contract in relation to both the clinical and reporting aspects involved,
- Inter-relationships/impacts on other services; and
- Precedents contained within the contract.

The categories in any notice of delegation relating to clinical service contracts may include:

- Revenue Agreements and Variations
- Price volume schedules
- Demand Driven Risk Contracts
- Inter-regional, New Ventures, joint ventures and Regional Contracts
- Spot Purchase Arrangements
- Agreements with Other Organisations
- Arrangements with Sub-Contractors
- Non-Publicly Funded Patients and Invoices Outside Existing Contracts
- Clinical Training and Access to Waikato DHB's Facilities

## 18. Capital and Major Expenditure

All capital expenditure items are projects that create fixed assets as defined by the Financial Reporting Standards. Generally Capital Expenditure will be used to purchase fixed assets, such assets being items having an economic useful life of over one year and costing more than \$2,000 per item (excluding GST).

Capital Expenditure items are grouped as:

- Up to \$2,000
- Over \$2,000 and up to \$19,999
- Over \$20,000 and up to \$499,999
- Over \$500,000 and up to \$1million

## 19. Finance

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The Chief Financial Officer (CFO) is responsible to the CEO for all financial matters of the Waikato DHB.

The categories in any notice of delegation relating to finance may include:

- Debtors
- Treasury
- Borrowing
- Hedging
- Banking
- Indemnities and Guarantees
- Financial Records
- Insurance
- BPO Same Site Transfers
- BPO Transfers between Sites
- BPO Contingency
- BPO Letters of Intent & Engagement

## 20. Property

The categories in any notice of delegation relating to property may include:

- Acquisition and Disposal of Land and Buildings
- Internal Landlord and Tenancy Matters
- External Landlord and Tenancy Matters

All proposals for the purchase, sale, lease or other disposition of real estate shall be approved by the Board and processed through the CFO to the CEO before any external commitments are made to other parties.

## 21. Legal: Execution of Documents

In general, the CEO should be advised of all legal action prior to it being initiated by the person with delegated authority.

Where any decision of the organisation is required to be formalised by the execution of an agreement as a deed, that document shall be executed by two witnessed signatures of two staff who directly report to the CEO and have appropriate authorised delegation.

“Deed” for the purposes of this clause shall include deeds, leases and licences (and renewals, assignments and terminations thereof), land transfer documents, sale and purchase agreements for real estate, residential tenancy agreements and other documents so designated by the Waikato DHB Solicitor.

Other written agreements including funding, service, supply or variations to them will have one witnessed signature. Employment contracts and purchase orders will be signed by delegated staff only.

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## 22. Purchasing Supplies and Contracting for Non clinical Services

These delegations relate to the acquisition of all classes of supplies and services.

These delegations shall enable staff at all delegated levels to acquire the equipment, supplies and services allowed for in the approved, annual budgets of their Responsibility Centres (RCs).

Catalogue items shall be obtained using internal requisitions that require the purchasing support and inventory teams in the Purchasing and Distribution Department to obtain and deliver the required items to the requested delivery point.

Requisitions and requests for non catalogue items shall be processed in accordance with the Procurement and Contracts Policy. This may result in Requests for Proposals (RFPs), Quotes (RFQs) or Tenders (RFTs) from potential suppliers.

For critical items and those goods or services that have been the subject of a tender, providers may be contracted to supply the goods or services using the Waikato DHB's standard contracting documents facilitated by the Legal Department.

Staff shall follow the instructions in the Waikato DHB Procurement and Contracts Policy when obtaining any requirements from sources outside the Waikato DHB.

### Supply and Service Categories

The categories in any notice of delegation relating to services may include:

- Approval of Commitments for Supplies and Services
- Signing of Documents for Supplies and Services
- Obtaining Supplies or Services
- Approval of Disposal of Supplies or Equipment

## 23. Research

Delegations relating to research shall apply to all Research Projects and Surveys.

## 24. Notice of Delegation

The form of any notification of delegation drafted pursuant to this Policy shall be as noted in Appendix C.

## 25. Delegation to Committees

Schedule 4 of the Act sets out the responsibilities of the statutory committees.

Committees may, pursuant to clause 38 of Schedule 3, be established in addition to the statutory committees.

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The Board may by notice to a committee of the Board delegate any functions, duties or powers of the Board to that Committee.

## 26. Statutory Delegations

The Board holds other regulatory functions, duties and powers under other statutes and specific functions, duties and powers under the New Zealand Public Health and Disability Act 2000 not falling within the previous categories mentioned above.

Such functions, duties and powers may be delegated in accordance with this policy.

The categories in any notice of delegation shall be stated with reference to the relevant statute or regulation and may include:

- Injury Prevention, Rehabilitation and Compensation Act 2001
- Health Act 1956
- Public Records Act 2005
- Charitable Trusts Act 1957
- Children, Young Persons and Their Families Act 1989
- Civil Defence Emergency Management Act 2002
- Contraception, Sterilisation and Abortion Act 1977
- Disabled Persons Community Welfare Act 1975
- Education Act 1989
- Electoral Act 1993
- Health and Disability Services (Safety) Act 2001
- Land Transport Act 1998
- Medicines Act 1981
- Mental Health Commission Act 1998
- Misuse of Drugs Act 1975
- Local Government (rating) Act 2002
- Subordinate Legislation (Confirmation and Validation) Act 1991
- Social Security Act 1964
- Tuberculosis Act 1948
- Accident Insurance (Insurer's Liability to Pay Cost of Treatment) Regulations 1999
- Cremation Regulations 1973
- Health (Burial) Regulations 1946
- Health Entitlement Card Regulations 1993
- Health (Infectious and Notifiable Diseases) Regulation 1996
- Health (Infirm and Neglected Persons) Regulations 1958
- Health (Needles and Syringes) Regulations 1998
- Health (Retention of Health Information) Regulations 1996
- Medicines Regulations 1984
- Venereal Diseases Regulations 1982
- Water Supplies Protection Regulations 1961
- NZ Public Health and Disability Act 2000
- Health Practitioners Competency Assurance Act 2003

## 27. Success Factors

All staff have a level of delegation noted in their position descriptions.

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Appropriate delegations are used for DHB activities  
Relevant policies are referenced prior to decision making  
All staff have completed a delegation notification as per Appendix C

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## Appendix A

### 1. Definitions and levels of delegation

**CEA** Collective Employment Agreement

**CEO** Chief Executive Officer

**CFO** Chief Financial Officer

**CMA** Chief Medical Adviser

**COO** Chief Operating Officer  
**BPO** Building Programme Office

**ER Mgr** Employment Relations Manager

**ERA** Employee Relations Act

**GM** Group Managers (Usually direct reports to the COO)

**GMHR** General Manager Human Resources

**GMP & F** General Manager, Planning and Funding

**HR** Human Resources

**IEA** Individual Employment Agreement

**PDBPO** Project Director, Building Programme Office

**RC** Responsibility Centre

**RMO** Resident Medical Officer

**SMO** Senior Medical Officer

**Standing delegations** Standing delegations of authority are those (permanent) delegations specified in this notice of delegation that have been delegated by the Board to the CEO, and further permanently delegated by the CEO. Standing delegations shall be created, changed and withdrawn only in writing. Standing delegations shall be to management levels (e.g. the specified class of persons appointed to Level 2) or to specified positions, e.g. the Chief Financial Officer ('CFO').

**Sub-delegation** Sub-delegation is the ability to delegate (pass on) a standing authority, in whole or in part, to individual holders of other specified positions. Also, where permitted in accordance with the notification of delegation, a sub-delegation may be further sub-delegated. These sub-delegations may be permanent to an employee whilst holding the specified position or temporary for the duration of a specific event or period. Authority to sub-delegate is outlined in Clause 13.

**Levels of** The levels of delegation detailed in the notice of delegation shall be as follows:

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## Appendix A

### 1. Definitions and levels of delegation

**CEA** Collective Employment Agreement

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**Levels of** The levels of delegation detailed in the notice of delegation shall be as follows:

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Delegation

Level	Levels of Delegation *
1	Waikato DHB Board
2	CEO
3	CEO's Designated Direct Reports
4	Designated Direct Reports of Level 3 Delegates.
5	Staff Designated by Level 2 to 4 Delegates
6	Staff Designated by Level 2 to 5 Delegates
7	Staff Designated by Level 2 to 6 Delegates

*\*The Levels shown from 3 down are not determined by reporting lines but by nomination by the persons to whom they report. That is, a direct report to the CEO, such as the CEO's personal assistant, is not necessarily at Level 3 for the purposes of this policy.*

The Authorised Delegate when referred to in a notice of delegation is that person authorised (either by a standing delegation or sub-delegation) to exercise any delegation.

A commitment

A commitment when referred to in a notice of delegation is an obligation (usually with a financial aspect) that requires the Waikato DHB to do something or refrain from doing something. Depending on the monetary value of the commitment or the degree of risk to the Waikato DHB, the commitment shall be evidenced by varying levels of documentation ranging from a leave application form to individual employment contracts or from simple purchase orders to complex commercial contracts and deeds.

Documents

The generic term "documents" when referred to in a notice of delegation includes formal agreements, contracts, letters of intent, memoranda of understanding, and heads of agreement.

The Act

The Act refers to the New Zealand Public Health and Disability Act 2000.

A variation

A variation is a document or addendum that varies or amends an existing agreement.

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### Appendix B – summary of standing delegations

Below is a high level summary of Waikato DHB's standing delegations. Please ensure you refer to the details of your delegated authority in Appendix D before exercising your delegation.

Level 7 have no delegations. Level 1 delegations are at Governance level and are expressed in Appendix C.

# with HR input \$ with Finance input ^ with input from Legal + with input from Procurement  
Input means that you must consult and consider advice/direction from the relevant department

	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
Human Resources		Yes	Yes	Yes – if budgeted	Yes – if budgeted	No	
Approve a new role		Yes	Yes	Yes	Yes	Yes	
Approve replacement of an existing role		Yes	Yes	Yes	Yes	No	
Approve a secondment		Yes	Yes	Yes	Yes	No	
Approve a temp/locum vacancy		Yes	Yes	Yes	Yes	No	
Approve outsourced personnel		Yes	Yes	Yes	Yes	No	
Approve leave		Yes	Yes	Yes	Yes	Yes	
Approve special paid leave and SMO CME		Yes	Yes	Yes	No	No	
Make and sign an offer of employment		Yes	Yes	Yes	Yes	Yes	
Vary the Individual Employment Agreement template		Yes	Yes – GMHR only	No	No	No	
May issue first and second warnings		Yes	Yes	Yes	Yes	Yes	
May dismiss an employee		Yes	Yes#	Yes#	Yes#	Yes#	

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	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
May suspend an employee		Yes#	Yes#	Yes#	Yes#	Yes#	
Approve a redundancy		Yes#	Yes#	No	No	No	
Approve a gratuity/lump sum payment		Yes#	Yes#	No	No	No	
Approve expenses/allowances outside the applicable employment agreement		Yes#	Yes#	No	No	No	
Approve a timesheet /hours of work		Yes	Yes	Yes	Yes	Yes	
Approve a variation to hours of work or contracted FTE		Yes	Yes	Yes	Yes	Yes	
May approve an increase in salary outside auto increments		Yes#	Yes#	No	No	No	
May approve tertiary education fees		Yes	Yes	Yes	No	No	
<b>Contracts</b>							
May negotiate a clinical service contract		Yes – up to \$10m	Yes	Yes	Yes, with GM approval.	No	
May approve/sign a clinical service contract		Yes – up to \$10m	Yes	Yes	Yes, with GM approval.	No	
May terminate a clinical service contract		Yes – up to \$10m	Yes	Yes	Yes with GM approval.	No	

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	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
May negotiate a new revenue and funding contract		Yes	Yes GMP & F/COO only	Yes – P & F Mgrs and GM only	Yes, P & F Portfolio Mgrs only. Provider arm with GM approval.	No	
May approve/sign/extend a revenue and funding contract		Yes – up to \$10m	Yes – GM P & F/COO up to \$5m	Yes – Snr Funding and Snr Portfolio mgr up to \$1M and GMs up to \$200,000	No	No	
May terminate a revenue and funding contract		Yes – up to \$10m	Yes – GM P & F/COO up to \$5m	Yes – Snr Funding and Snr Portfolio mgr up to \$1M and GMs up to \$200,000	No	No	
Approve establishment of new inter-district service		Yes – services with costs up to \$10m pa	Yes, GMP & F/COO if within annual plan	No	No	No	
Capital Expenditure		Yes	Yes	Yes	Yes	Yes – only where approved budget exists	
	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7

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	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
May approve capital over \$2,000 and up to \$19,999	Yes+	Yes+	Yes+	Yes+	No	No	No
May approve capital over \$20,000 and under \$500,000	Yes+	Yes+	Yes+ – CFO and COO only. CIO up to \$200k	No	No	No	No
May approve capital over \$500,000 and under \$1 million	Yes \$+	Yes \$+	No	No	No	No	No
<b>Finance</b>							
May approve expenditure in line with budget	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Approve internal transfer of funds from one budget line to another	Yes	Yes	Yes	Yes	No	No	No
Raise credit notes	Yes	Yes	Yes	Yes	No	No	No
Initiate debt recovery	Yes	Yes	Yes	Yes	No	No	No
Alter provisions for doubtful debts	Yes	Yes	Yes – CFO only	No	No	No	No
Write off bad debts	Yes	Yes	Yes – CFO up to \$100,000	Yes - up to \$2,000 by invoice	No	No	No
Approve new banking arrangements	Yes	Yes	CFO only	No	No	No	No
Rollover existing borrowing or investing arrangements	Yes	Yes	CFO only	Treasurer role only (per Treasury Policy)	No	No	No

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	Yes	Yes - CFO only	Yes Finance only	Treasury Dealer roles only (per Treasury Policy)	No		
Borrow or invest within existing arrangements	Yes	Yes - CFO only	Yes Finance only	No	No		
Enter into a Guarantee or Indemnity	Yes	CFO only	No	No	No		
Destroy financial records	No	CFO only	No	No	No		
Acquire securities, shares or other interests	Yes, with Ministerial approval	CFO only, with Ministerial approval	No	No	No		
Arrange new/agree variations/renewals of existing insurance policies	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	No	No		
Agree to insurance settlements	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes - Legal Advisor only	No	No		
Submit a claim for insurance	Yes	Yes	Yes	Yes	Yes		
Enter into a Finance Lease	For assets up to lesser of \$10m or 20% of DHBs gross total assets	CFO only - For assets up to lesser of \$10m or 20% of DHBs gross total assets	No	No	No		
Approve transfer of funds between BPO sites (same or separate sites)	Yes - \$1m	Yes - CFO only up to \$500,000	No	No	No		
	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7



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	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
Approve BPO contingency		Yes - 5% of specific project budget	Yes - 2% of specific project budget	No	No	No	No
Approve BPO letters of intent and engagement		Yes - to \$1m	Yes - to \$250,000	No	No	No	No
<b>Property</b>							
Approve maintenance costs in own RC's		Yes	Yes	Yes	Yes <sup>^</sup>	No	No
Approve disposal of land including leases over 5 years		No	No	No	No	No	No
Approve lease of land from other parties		Yes	Yes <sup>^</sup> - CFO & COO	Yes \$ - P&I mgr only	No	No	No
Approve purchase of land		Yes	No	No	No	No	No
Approve tenancy agreements (for and from DHB)		Yes \$	Yes \$	Yes - P&I mgr only	No	No	No
Approve lease of Waikato DHB land to other parties for periods up to 5 years		Yes \$	No	No	No	No	No
<b>Legal</b>							
May initiate legal proceedings		Yes <sup>^</sup> #\$	Yes <sup>^</sup> #\$	Yes <sup>^</sup> #\$ - ER Manager, Internal Auditor and Legal Advisor only	No	No	No
	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7

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	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
May sign other legally binding documents on behalf of Waikato DHB that are not otherwise specified in this document	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	No	No	No
May approve joint ventures	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	No	No	No	No
Sign documentation for the Registrar of Companies	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes - Director of Board Governance	No	No	No	No
<b>Supplies and Services</b>							
May negotiate supplies and services	Yes+	Yes+	Yes+	Yes+	Yes+	No	No
May approve/sign a contract for supplies and services	Yes+	Yes+	Yes+	Yes+	Yes+	No	No
May terminate a contract for supplies and services	Yes+	Yes+	Yes+	Yes+	Yes+	No	No
<b>Research</b>							
May approve research proposal/funding	Yes	Yes	Yes	Yes	No	No	No
<b>Administration</b>							
Respond to an Official Information Act request	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	No	No
Respond to Ombudsman Request	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	No	No	No

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Authorising initials:				

Respond to Health and Disability Commissioner requests	Yes <sup>^</sup>	Yes <sup>^</sup>	Yes <sup>^</sup>	No	No
Respond to complaints/compliments	Yes	Yes	Yes	Yes	Yes
Initiate an CIMS emergency team	Yes	Yes	Yes	Yes	No
Seek and approve sponsorship	Yes	No	No	No	No
Release information to media	Yes	Yes – via Director of Media and Comms	Yes – via Director of Media and Comms	Yes – via Director of Media and Comms	No
Be a media spokesperson	Yes	Yes	Yes	Yes	No
Approve gifts	Yes	Yes	Yes	Yes	Yes
Approve patient travel and accommodation	Yes	Yes	Yes	Yes	Yes

RELEASED BY SSC UNDER OUR COMMITMENT TO OPEN GOVERNMENT

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## Appendix C – Standing delegations – Level 1 and Delegation Levels 2 to 6

Below are the standing delegations for Level 1 and Delegations levels 2 to 6. These standing delegations outline your delegation levels in detail. For delegation levels 2-6 staff should be provided with a copy of the appropriate standing delegation level notification on commencement (as per Appendix C). A staff member's delegation level will be outlined on their position description. The notification should be reviewed and any changes noted, then signed with a copy held by the staff member and manager. The original delegation notification should be held on the employee's file.

### Level 1- Waikato DHB Board

The Board shall make all decisions in respect of major expenditure as follows:

- revenue and funding contracts above the financial limitation delegated to the CEO;
- capital expenditure above the financial limitation delegated to the CEO;
- expenditure for major maintenance above the financial limitation delegated to the CEO;
- financial delegations above the financial limitation delegated to the CEO;
- property matters above the financial limitation delegated to the CEO.

The Board shall make all decisions on the following:

- all new ventures and changes of policy or practice that are likely to significantly affect outputs or change access to a service.
- any proposal that might attract significant adverse publicity or can with reasonable foresight be predicted to result in legal action of material consequence being taken against Waikato DHB;
- any matter that requires Ministerial approval including those described in section 24 of the Act (co-operative agreements and arrangements) and section 28 (shares in bodies corporate or interests in associations) and the giving of a notice under section 88 (notice of terms and conditions upon which services will be funded).

The Board shall not delegate, and shall not be deemed to have delegated to the CEO:

- any function, duty or power of the Board which the Board has specifically indicated it wishes to exercise itself; or
- any function, duty or power delegated to a committee of the Board pursuant to clause 39(4) of Schedule 3 of the Act (Committee delegations).

RELEASED BY SCANDIA GROUP COMMITTEE TO THE OPEN GOVERNMENT

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Delegation Level 2 – Chief Executive

# with HR input \$ with Finance input ^ with input from Legal + with input from Procurement  
Input means that you must consult and consider advice/direction from the relevant department

Human Resources	Approve a new role	Yes
	Approve replacement of an existing role	Yes
	Approve a secondment	Yes
	Approve a temp/locum vacancy	Yes
	Approve outsourced personnel	Yes
	Approve leave	Yes
	Approve special paid leave and SMO CME	Yes
	Make and sign an offer of employment	Yes
	Vary individual employment agreement template	Yes#
	May issue first and second warnings	Yes
	May dismiss an employee	Yes
	May suspend an employee	Yes#
	Approve a redundancy	Yes#
	Approve a gratuity/lump sum payment	Yes#
	Approve expenses outside the applicable employment agreement	Yes#
	Approve a timesheet/hours of work	Yes
	Approve a variation to hours of work or contracted FTE	Yes
	May approve an increase in salary: In the range Outside the range For an IEA	Yes Yes# Yes
May approve tertiary education fees	Yes	
Special Delegation: May sign a collective agreement May approve settlements	Yes Yes	
Contracts	May negotiate a clinical service contract	Up to \$10million
	May approve/sign a clinical service contract	Up to \$10million
	May terminate a clinical service contract	Up to \$10million
	May negotiate a revenue and funding contract	Yes
	May approve/sign/extend a revenue and funding contract	Yes – up to \$10million, contract
	May terminate a revenue and funding contract	Yes – up to \$10million, contract
	Approve establishment of new inter-district service	Yes – Services with costs up to \$10m
Capital Expenditure	May approve capital up to \$2,000	Yes
	May approve capital over \$2,000 and up to \$19,999	Yes+
	May approve capital over \$20,000 and up to \$499,999	Yes+
	May approve capital over \$500,000 and under \$1million	Yes \$+

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	<u>Special Delegation:</u> May reallocate capital expenditure	Yes
Finance	May approve expenditure in line with budget	Yes
	Approve internal transfer of funds from one budget line to another	Yes
	Raise credit notes	Yes
	Initiate debt recovery	Yes
	Alter provisions for doubtful debts	Yes
	Write off bad debts	Yes
	Approve new banking arrangements	Yes
	Rollover existing borrowing or investing arrangements	Yes
	Borrow or invest within existing arrangements	Yes
	Enter into a Guarantee or Indemnity	Yes
	Destroy financial records	No
	Acquire securities, shares or other interests	Yes, with Ministerial approval
	Arrange new/agree variations/renewals of existing insurance policies	Yes <sup>^</sup>
	Agree to insurance settlements	Yes
	Submit a claim for insurance	Yes
	Enter into a Finance Lease	For assets up to lesser of \$10m or 20% of DHBs gross total assets
	Approve transfer of funds between BPO sites	Yes – up to \$1 million
	Approve BPO contingency	Yes – 5% of specific project budget
	Approve BPO letters of intent and engagement	Yes – up to \$1 million
Property	Approve maintenance costs in own RC's	Yes
	Approve disposal of land including leases over 5 years	No
	Approve lease of land from other parties	Yes
	Approve purchase of land	Yes
	Approve tenancy agreements (for and from DHB)	Yes\$
	Approve lease of Waikato DHB land to other parties for periods up to 5 years	Yes\$
Legal	May initiate legal proceedings	Yes^##\$
	May sign other legally binding documents on behalf of Waikato DHB that are not otherwise specified in this document	Yes <sup>^</sup>
	May approve joint ventures	Yes <sup>^</sup>
	Sign documentation for the Registrar of Companies	Yes <sup>^</sup>



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Supplies and Services	May negotiate supplies and services	Yes+
	May approve/sign a contract for supplies and services	Yes+
	May terminate a contract for supplies and services	Yes+
Research	May approve research proposal/funding	Yes
Administration	Respond to an Official Information Act request	Yes^
	Respond to Ombudsman Request	Yes^
	Respond to Health and Disability Commissioner requests	Yes^
	Respond to complaints/compliments	Yes
	Initiate an CIMS emergency team	Yes
	Seek and approve sponsorship	Yes
	Release information to media	Yes – via Director of Media and Comms
	Be a media spokesperson	Yes
	Approve gifts	Yes
	Approve patient travel and accommodation	Yes
Special Delegation May approval changes to the standing delegations (clause 14)	Yes	

**Approved by  
Chair of the  
Waikato DHB  
Board**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Accepted by  
Chief Executive**

Signature \_\_\_\_\_ Date \_\_\_\_\_

The above delegations are effective from the date of this policy until either the delegation is withdrawn by the standing delegation holder or the recipient is no longer employed in the position.

Delegation level 2 may subdelegate all of the above standing delegations by recording this in writing.

When exercising delegations, the employee will ensure they have familiarised themselves with the Delegations of Authority Policy, understands they will be held accountable for their actions under the policy and as needed, will reference other appropriate related accountability processes/policy, committee approvals, and other relevant agreements.

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Delegation Level 3 – CEO's Designated Direct Reports

# with HR input \$ with Finance input ^ with input from Legal + with input from Procurement  
Input means that you must consult and consider advice/direction from the relevant department

Human Resources	Approve a new role	Yes
	Approve replacement of an existing role	Yes
	Approve a secondment	Yes
	Approve a temp/locum vacancy	Yes
	Approve outsourced personnel	Yes
	Approve leave	Yes
	Approve special paid leave and SMO CME	Yes
	Make and sign an offer of employment	Yes
	Vary individual employment agreement template	GMHR only
	May issue first and second warnings	Yes
	May dismiss an employee	Yes#
	May suspend an employee	Yes#
	Approve a redundancy	Yes#
	Approve a gratuity/lump sum payment	Yes#
	Approve expenses outside the applicable employment agreement	GMHR only
	Approve a timesheet/hours of work	Yes
	Approve a variation to hours of work or contracted FTE	Yes
May approve an increase in salary: In the range	Yes	
Outside the range	Yes#	
For an IEA	Yes#	
May approve tertiary education fees	Yes	
Contracts	May negotiate a clinical service contract	Between \$1million and \$500,000
	May approve/sign a clinical service contract	Between \$1million and \$500,000
	May terminate a clinical service contract	Between \$1million and \$500,000
	May negotiate a revenue and funding contract	GM P & F and COO
	May approve/sign/extend a revenue and funding contract	Yes – GM P & F/COO up to \$5m
	May terminate a revenue and funding contract	Yes – GM P & F /COO up to \$5m
	Approve establishment of new inter-district service	Yes, GMP&F/COO if within annual plan
Capital Expenditure	May approve capital up to \$2,000	Yes
	May approve capital over \$2,000 and up to \$19,000	Yes+
	May approve capital over \$20,000 and up to \$499,999	Yes+ – CFO and COO only. CIO to \$200k
	May approve capital over \$500,000 and under \$1million	No

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Finance	May approve expenditure in line with budget	Yes
	Approve internal transfer of funds from one budget line to another	Yes
	Raise credit notes	Yes
	Initiate debt recovery	Yes
	Alter provisions for doubtful debts	Yes – CFO only
	Write off bad debts	Yes - CFO up to \$100,000
	Approve new banking arrangements	CFO only
	Rollover existing borrowing or investing arrangements	CFO only
	Borrow or invest within existing arrangements	Yes - CFO only
	Enter into a Guarantee or Indemnity	CFO only
	Destroy financial records	CFO Only
	Acquire securities, shares or other interests	CFO only, with Ministerial approval
	Arrange new/agree variations/renewals of existing insurance policies	Yes <sup>^</sup>
	Agree to insurance settlements	Yes
	Submit a claim for insurance	Yes
	Enter into a Finance Lease	CFO only - for assets up to lesser of \$10m or 20% of DHBs gross total assets
	Approve transfer of funds between BPO sites	Yes – CFO only up to \$500,000
	Approve BPO contingency	Yes – 2% of specific project budget
Approve BPO letters of intent and engagement	Yes – up to \$250,000	
Property	Approve maintenance costs in own RC's	Yes
	Approve disposal of land including leases over 5 years	No
	Approve lease of land from other parties	Yes <sup>^</sup> – CFO & COO
	Approve purchase of land	No
	Approve tenancy agreements (for and from DHB)	Yes\$
Approve lease of Waikato DHB land to other parties for periods up to 5 years	No	
Legal	May initiate legal proceedings	Yes <sup>^</sup> #\$
	May sign other legally binding documents on behalf of Waikato DHB that are not otherwise specified in this document	Yes <sup>^</sup>
	May approve joint ventures	Yes <sup>^</sup>
	Sign documentation for the Registrar of Companies	Yes _ Director of Board Governance only
Supplies and Services	May negotiate supplies and services	Between \$1million and \$500,000+

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	May approve/sign a contract for supplies and services	Between \$1million and \$500,000+
	May terminate a contract for supplies and services	Between \$1million and \$500,000+
Research	May approve research proposal/funding	Yes
Administration	Respond to an Official Information Act request	Yes^
	Respond to Ombudsman Request	Yes^
	Respond to Health and Disability Commissioner requests	Yes^
	Respond to complaints/compliments	Yes
	Initiate an CIMS emergency team	Yes
	Seek and approve sponsorship	No
	Release information to media	Yes – via Director of Media and Comms
	Be a media spokesperson	Yes
	Approve gifts	Yes
	Approve patient travel and accommodation	Yes

**Approved by Chief Executive**      Signature \_\_\_\_\_ Date \_\_\_\_\_

**Accepted by**  
\_\_\_\_\_      Signature \_\_\_\_\_ Date \_\_\_\_\_

The above delegations are effective from the date of this policy until either the delegation is withdrawn by the standing delegation holder or the recipient is no longer employed in the position shown below.

Delegation level 3 may sub-delegate all of the above standing delegations by recording this in writing.

When exercising delegations, the employee will ensure they have familiarised themselves with the Delegations of Authority Policy, understands they will be held accountable for their actions under the policy and as needed, will reference other appropriate related accountability processes/policy, committee approvals, and other relevant agreements.

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#### Delegation Level 4 – Designated Direct Reports of Level 3 Delegates

# with HR input \$ with Finance input ^ with input from Legal + with input from Procurement  
Input means that you must consult and consider advice/direction from the relevant department

Human Resources	Approve a new role	Yes – if budgeted
	Approve replacement of an existing role	Yes
	Approve a secondment	Yes
	Approve a temp/locum vacancy	Yes
	Approve outsourced personnel	Yes
	Approve leave	Yes
	Approve special paid leave and SMO CME	Yes
	Make and sign an offer of employment	Yes
	Vary individual employment agreement template	No
	May issue first and second warnings	Yes
	May dismiss an employee	Yes#
	May suspend an employee	Yes#
	Approve a redundancy	No
	Approve a gratuity/lump sum payment	No
	Approve expenses outside the applicable employment agreement	No
	Approve a timesheet/hours of work	Yes
	Approve a variation to hours of work or contracted FTE	Yes
	May approve an increase in salary: In the range Outside the range For an IEA	Yes No No
May approve tertiary education fees	Yes	
Contracts	May negotiate a clinical service contract	Up to \$500,000
	May approve/sign a clinical service contract	Up to \$500,000
	May terminate a clinical service contract	Up to \$500,000
	May negotiate a revenue and funding contract	Yes P & F Mgrs .and GM only
	May approve/sign/extend a revenue and funding contract	Yes – Snr Funding and Snr Portfolio mgr up to \$1M and GMs up to \$200,000
	May terminate a revenue and funding contract	Yes – Snr Funding and Snr Portfolio mgr up to \$1M and GMs up to \$200,000
Capital Expenditure	Approve establishment of new inter-district service	No
	May approve capital up to \$2,000	Yes
	May approve capital over \$2,000 and up to \$19,999	Yes+



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	May approve capital over \$20,000 and up to \$499,999	No
	May approve capital over \$500,000 and under \$1million	No
Finance	May approve expenditure in line with budget	Yes
	Approve internal transfer of funds from one budget line to another	Yes
	Raise credit notes	Yes
	Initiate debt recovery	Yes
	Alter provisions for doubtful debts	No
	Write off bad debts	Yes - up to \$2,000 by Invoice
	Approve new banking arrangements	No
	Rollover existing borrowing or investing arrangements	Treasurer role only (per Treasury Policy)
	Borrow or invest within existing arrangements	Yes - Finance only
	Enter into a Guarantee or Indemnity	No
	Destroy financial records	No
	Acquire securities, shares or other interests	No
	Arrange new/agree variations/renewals of existing insurance policies	Yes <sup>^</sup>
	Agree to insurance settlements	Yes - Legal Advisor only
	Submit a claim for insurance	Yes
	Enter into a Finance Lease	No
	Approve transfer of funds between BPO sites	No
	Approve BPO contingency	No
	Approve BPO letters of intent and engagement	No
Property	Approve maintenance costs in own RC's	Yes
	Approve disposal of land including leases over 5 years	No
	Approve lease of land from other parties	Yes \$ - P& I mgr only
	Approve purchase of land	No
	Approve tenancy agreements (for and from DHB)	Yes \$ - P& I mgr only
	Approve lease of Waikato DHB land to other parties for periods up to 5 years	No
Legal	May initiate legal proceedings	Yes <sup>^</sup> \$ ER Manager, Internal Auditor and Legal Advisor only
	May sign other legally binding documents on behalf of Waikato DHB that are not otherwise specified in this document	No
	May approve joint ventures	No
	Sign documentation for the Registrar of Companies	No
Supplies and	May negotiate supplies and services	Up to \$500,000+



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Services	May approve/sign a contract for supplies and services	Up to \$500,000+
	May terminate a contract for supplies and services	Up to \$500,000+
Research	May approve research proposal/funding	Yes
Administration	Respond to an Official Information Act request	Yes^
	Respond to Ombudsman Request	Yes^
	Respond to Health and Disability Commissioner requests	Yes^
	Respond to complaints/compliments	Yes
	Initiate an CIMS emergency team	Yes
	Seek and approve sponsorship	No
	Release information to media	Yes – via Director of Media and Comms
	Be a media spokesperson	Yes
	Approve gifts	Yes
Approve patient travel and accommodation	Yes	

**Approved by  
Level 3  
manager**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Accepted by**

Signature \_\_\_\_\_ Date \_\_\_\_\_

The above delegations are effective from the date of this policy until either the delegation is withdrawn by the standing delegation holder or the recipient is no longer employed in the position shown below.

Delegation level 4 may sub-delegate all of the above standing delegations by recording this in writing.

When exercising delegations, the employee will ensure they have familiarised themselves with the Delegations of Authority Policy, understands they will be held accountable for their actions under the policy and as needed, will reference other appropriate related accountability processes/policy, committee approvals, and other relevant agreements.



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Delegation Level 5 – Staff Designated by Level 2 to 4 Delegates

# with HR input \$ with Finance input ^ with input from Legal + with input from Procurement  
Input means that you must consult and consider advice/direction from the relevant department

Human Resources	Approve a new role	Yes – if budgeted
	Approve replacement of an existing role	Yes
	Approve a secondment	Yes
	Approve a temp/locum vacancy	Yes
	Approve outsourced personnel	Yes
	Approve leave	Yes
	Approve special paid leave and SMO CME	No
	Make and sign an offer of employment	Yes
	Vary individual employment agreement template	No
	May issue first and second warnings	Yes
	May dismiss an employee	Yes#
	May suspend an employee	Yes#
	Approve a redundancy	No
	Approve a gratuity/lump sum payment	No
	Approve expenses outside the applicable employment agreement	No
	Approve a timesheet/hours of work	Yes
	Approve a variation to hours of work or contracted FTE	Yes
	May approve an increase in salary: In the range Outside the range For an IEA	Yes No No
May approve tertiary education fees	No	
Contracts	May negotiate a clinical service contract	Yes, P& F Portfolio Mgrs only. Provider arm only with GM approval. Up to \$500,000
	May approve/sign a clinical service contract	Yes, P& F Portfolio Mgrs only. Provider arm only with GM approval. Up to \$500,000
	May terminate a clinical service contract	Yes, P& F Portfolio Mgrs only. Provider arm only with GM approval. Up to \$500,000
	May negotiate a revenue and funding contract	Yes, P& F Portfolio Mgrs only. Provider arm with GM approval.
	May approve/sign/extend a revenue and funding contract	No
	May terminate a revenue and funding contract Approve establishment of new inter-district service	No No

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Capital Expenditure	May approve capital up to \$2,000	Yes
	May approve capital over \$2,000 and up to \$19,999	No
	May approve capital over \$20,000 and up to \$499,999	No
	May approve capital over \$500,000 and under \$1million	No
Finance	May approve expenditure in line with budget	Yes
	Approve internal transfer of funds from one budget line to another	No
	Raise credit notes	No
	Initiate debt recovery	No
	Alter provisions for doubtful debts	No
	Write off bad debts	No
	Approve new banking arrangements	No
	Rollover existing borrowing or investing arrangements	No
	Borrow or invest within existing arrangements	Treasury Dealer roles Only (per Treasury Policy)
	Enter into a Guarantee or Indemnity	No
	Destroy financial records	No
	Acquire securities, shares or other interests	No
	Arrange new/agree variations/renewals of existing insurance policies	No
	Agree to insurance settlements	No
	Submit a claim for insurance	Yes
	Enter into a Finance Lease	No
	Approve transfer of funds between BPO sites	No
Approve BPO contingency	No	
Approve BPO letters of intent and engagement	No	
Property	Approve maintenance costs in own RC's	Yes <sup>^</sup>
	Approve disposal of land including leases over 5 years	No
	Approve lease of land from other parties	No
	Approve purchase of land	No
	Approve tenancy agreements (for and from DHB)	No
	Approve lease of Waikato DHB land to other parties for periods up to 5 years	No
Legal	May initiate legal proceedings	No
	May sign other legally binding documents on behalf of Waikato DHB that are not otherwise specified in this document	No
	May approve joint ventures	No
	Sign documentation for the Registrar of Companies	No



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Supplies and Services	May negotiate supplies and services	Yes, P& F Portfolio Mgrs only. Other services with GM approval. Up to \$500,000+
	May approve/sign a contract for supplies and services	Yes, P& F Portfolio Mgrs only. Other services with GM approval. Up to \$500,000+
	May terminate a contract for supplies and services	Yes, P& F Portfolio Mgrs only. Other services with GM approval. Up to \$500,000+
Research	May approve research proposal/funding	No
Administration	Respond to an Official Information Act request	Yes <sup>^</sup>
	Respond to Ombudsman Request	No
	Respond to Health and Disability Commissioner requests	No
	Respond to complaints/compliments	Yes
	Initiate an CIMS emergency team	Yes
	Seek and approve sponsorship	No
	Release information to media	Yes – via Director of Media and Comms
	Be a media spokesperson	Yes
	Approve gifts	Yes
Approve patient travel and accommodation	Yes	

**Approved by Level 4 manager** Signature \_\_\_\_\_ Date \_\_\_\_\_

**Accepted by** Signature \_\_\_\_\_ Date \_\_\_\_\_

The above delegations are effective from the date of this policy until either the delegation is withdrawn by the standing delegation holder or the recipient is no longer employed in the position shown below.

Delegation level 5 may sub-delegate all of the above standing delegations by recording this in writing.

When exercising delegations, the employee will ensure they have familiarised themselves with the Delegations of Authority Policy, understands they will be held accountable for their actions under the policy and as needed, will reference other appropriate related accountability processes/policy, committee approvals, and other relevant agreements.

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