



MANAAKITIA Ā TĀTOU TAMARIKI

**Children's  
Commissioner**



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# **MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE MINISTER FOR SOCIAL DEVELOPMENT AND  
EMPLOYMENT AND**

**THE CHILDREN'S COMMISSIONER**

**FOR THE YEAR ENDING**

**30 JUNE 2023**

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## MEMORANDUM OF UNDERSTANDING

### PURPOSE AND SCOPE OF THE MEMORANDUM

This document is additional and complementary to the Children's Commissioner (OCC) Statement of Performance Expectations (SPE) for the financial year ending 30 June 2023. It records some of the administrative processes associated with the delivery of the outputs as specified in the SPE.

In particular, it:

- provides a mechanism for both parties to document any additional details they may agree on for the delivery of any of the outputs specified in the SPE
- specifies the way in which the Children's Commissioner will keep the Minister for Social Development and Employment informed of progress towards the delivery of these outputs specified in the SPE and any related operational matters
- specifies the way in which the Children's Commissioner will be paid through Crown funding appropriated for the outputs specified in the SPE.

### TERM OF THE MEMORANDUM

This memorandum is for a term of one year from 1 July 2022 to 30 June 2023.

### AMENDING AND UPDATING THE MEMORANDUM

The terms may be varied through the year, including the financial and non-financial measures contained in the SPE, if both parties agree to that variation in writing.

### RESPONSIBILITIES OF THE CHILDREN'S COMMISSIONER

The Children's Commissioner shall fulfil the functions and requirements of the *Children's Commissioner Act 2003*, and comply with the relevant provisions of the *Public Finance Act 1989*, the *Crown Entities Act 2004*, and all other relevant legislation.

Nothing in this Memorandum shall override the provisions of the *Children's Commissioner Act 2003* or any other enactment. In particular, the parties acknowledge that nothing in this Memorandum shall interfere with the independence of the Children's Commissioner in terms of her functions under the *Children's Commissioner Act 2003*<sup>1</sup> and the *Crown Entities Act 2004*.

### RESPONSIBILITIES OF THE RESPONSIBLE MINISTER

The role of the responsible Minister is to oversee and manage the Crown's ownership and purchase interests in, and relationship with, the Children's Commissioner.

The Minister undertakes to inform the Children's Commissioner of any proposed policies of Government, which might affect the interests, rights and well-being of children and young persons.

The Minister places a high value on having full and open communication and will maintain regular contact with the Children's Commissioner to discuss any issues impacting on the

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<sup>1</sup> It is noted that this Act may be repealed during 2022/2023. This should have no impact on the terms of the agreement.

operation of the Office and which requires the Minister's attention.

### **MINISTERIAL PRIORITIES FOR 2022/23**

To support the Minister's priorities for 2022/2023, the Children's Commissioner will:

- provide assistance that may be required by the Minister and/or the Ministry of Social Development/Te Kawa Mataaho, Public Services Commission to support the new Independent Children's Monitor, and
- collect outcome related information and data to help determine the effectiveness of the additional funding provided to the Office in Budget 2022.

### **RELATIONSHIP MANAGEMENT**

The Children's Commissioner will continue with its "no surprises" approach. This means ensuring that the Minister is kept informed, in a timely manner, about issues that may attract public attention and/or have implications for the Minister or her portfolio.

If in some cases it is not possible to give the Minister prior notice of the Children's Commissioner's need to respond to an issue, for example an urgent media issue, the Children's Commissioner will liaise with the Minister's office as soon as it is reasonably possible.

### **MINISTERIAL ADVICE AND CONSULTATION**

To facilitate this consultative process, the Minister and Children's Commissioner shall endeavour to meet at regular intervals.

### **STRATEGIC DIRECTION AND OUTCOMES**

The Children's Commissioners' Statement of Intent 2021-2024 sets out the strategic direction of the Office.

### **OUTPUTS AND PERFORMANCE MEASURES**

A summary of the outputs, functions, responsibilities, and strategic objectives to be produced by the Children's Commissioner is included in the Statement of Performance Expectations ending 30 June 2023.

### **FINANCIAL MANAGEMENT**

The Children's Commissioner's forecast financial statements is set out in the SPE. The Children's Commissioner will endeavour to ensure that total actual expenditure for the outputs produced is within the agreed budget and will notify the Minister if total actual expenditure increases over the agreed budget.

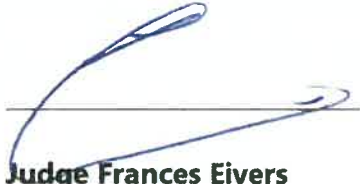
### **PAYMENT BY THE CROWN**

The Minister agrees to arrange payment to the Office of the Children's Commissioner of a total payment of \$4,797,000 (GST exclusive), to provide for the functions and outputs specified in the SPE. Payments will be made as specified in *Schedule One – Crown Payment Schedule*.

The Children's Commissioner may receive third party funding from sponsorships, donations or other sources during the year and may charge for the supply of published research papers, publications, other resources produced, and certain services provided by the Children's Commissioner where it is appropriate to do so.

## REPORTING

The Children's Commissioner will provide reports to the Minister on performance, related issues and important matters impacting on the Government's ownership and purchase interests as per *Schedule Two – Quarterly Reporting*.



**Judge Frances Eivers**  
**Children's Commissioner**  
**Date: 20 July 2022**



**Hon Carmel Sepuloni**  
**Minister for Social Development and**  
**Employment**  
**Date: 23/8/22**

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## SCHEDULE ONE – CROWN PAYMENT SCHEDULE

1. Subject to the signing of this agreement the amount to be paid to the Children's Commissioner is \$4,797,000 (GST exclusive).
2. The amounts of the instalments (GST exclusive) to be paid to the Children's Commissioner are to be as follows:

<b>For the quarter commencing:</b>	<b>Amount (GST exclusive):</b>
<b>1 July 2022 (1<sup>st</sup> Quarter)</b>	<b>\$1,900,000</b>
<b>1 October 2022 (2<sup>nd</sup> Quarter)</b>	<b>\$1,365,667</b>
<b>1 January 2023 (3<sup>rd</sup> Quarter)</b>	<b>\$765,666</b>
<b>1 April 2023 (4<sup>th</sup> Quarter)</b>	<b>\$765,667</b>
<b>TOTAL</b>	<b>\$4,797,000</b>

3. Within five working days of this agreement being signed, and 10 working days prior to the commencement of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters, the Children's Commissioner will provide the Ministry of Social Development with invoices for these amounts, specifying the rate of GST applicable at that time.
4. The Ministry of Social Development will pay the Commissioner the agreed amount within 10 working days of receiving this invoice.

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## **SCHEDULE TWO – QUARTERLY REPORTING**

The Children’s Commissioner will provide the Minister with quarterly reports as set out below.

### **CONTENT**

The 1<sup>st</sup> and 3<sup>rd</sup> quarterly reports will be provided as a 1 or 2-page A3 dashboard outlining:

1. Achievements
2. Upcoming events
3. Progress against SPE deliverables
4. Financial Performance
5. Risks

The 2<sup>nd</sup> and 4<sup>th</sup> quarterly reports will contain more detailed information and will consist of the following:

#### **SECTION A: OVERVIEW**

- Progress made against the priorities as discussed with the Minister
- Summary of financial performance
- Summary of performance against SPE deliverables
- Organisational health capability, including staff numbers
- Upcoming events
- Other significant activity

#### **SECTION B: OUTPUT DELIVERY PERFORMANCE**

Full schedule of results against SPE performance measures with variance comments explaining under and significantly over achievement

#### **SECTION C: FINANCIAL PERFORMANCE**

A comprehensive set of year-to-date reports, including:

- a statement of comprehensive revenue and expense
- a statement of financial position with comparative figures for the previous year.

Where appropriate, explanations for the variances between forecast and actual are to be included.

## **TIMING**

Quarterly reports will be provided on the following dates:

1. by 7 November 2022 relating to the period 1 July to 30 September 2022;
2. by 13 February 2023 relating to the period 1 October to 31 December 2022;
3. by 8 May 2023 relating to the period 1 January to 31 March 2023;
4. by 7 August 2023 relating to the full 2022/23 financial year.

**NB:** The final quarterly report to cover the full year to date (the twelve-month report) is distinct from the Annual Report to be presented to Parliament. The information provided in the twelve-month report may change in the Annual Report as a result of the end of year audit report.

## **REPORTING AND RISKS**

From time-to-time issues may arise outside the normal quarterly reporting and meeting cycle. When this happens, both parties will agree to inform each other of the nature of the issue as soon as possible.

If an issue poses a major risk to the operation of the Office (e.g., a major fiscal risk, or potential risk to its reputation), the Children's Commissioner will ensure that this advice to the Minister outlines: the nature of the issue; any assistance/advice it may have sought on how to manage the issue; and any action the Commissioner has taken to manage the issue including whether this action is consistent with any assistance/advice the Children's Commissioner may have received.

Where advice is provided verbally, steps will be taken to ensure that the advice is documented.

Nothing in this arrangement will impact upon the operational independence of the Children's Commissioner.