

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill

Government Bill

As reported from the Social Services Committee

Commentary

Recommendation

The Social Services Committee has examined the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill and recommends by majority that it be passed with the amendments shown.

Introduction

This bill seeks to amend the Children, Young Persons, and Their Families Act 1989 and four other Acts. Proposed changes include:

- strengthening the participation of children and young people in decisions that affect them (clause 9)
- imposing duties on the chief executive about improving outcomes for Māori, and requiring regular reporting about outcomes for Māori (clause 12)
- making family group conferences available for those who need support but not formal care and protection (clause 18)
- extending the youth justice jurisdiction to include 17-year-olds, except for those charged with certain serious offences (clauses 4(2) and 92 to 109)
- enabling young adults to live with a caregiver up to age 21, and to receive transition advice and assistance up to age 25 (clauses 115 to 117)
- providing a framework for the sharing of information by agencies about children or young people (clause 38).

The changes proposed in the bill would support the operating framework for the new Ministry for Vulnerable Children, Oranga Tamariki, which started operating on 1 April 2017. The ministry has five service areas:

- prevention
- intensive intervention
- care support
- youth justice services
- transition support.

This commentary discusses the main issues that we considered and our main recommended amendments. It does not mention minor, consequential, or technical amendments.

New name for the Act

To reflect the wide-reaching scope of the proposed changes, we consider it appropriate to rename the Children, Young Persons, and Their Families Act. We recommend that the Act be renamed the Oranga Tamariki Act 1989.

The Act should also have an English title, to make sure that it remains accessible to English speakers searching for child-related legislation. The English name we propose is the Children's and Young People's Well-being Act 1989. Either the English or the Māori name could be used.

We recommend inserting new clauses 3B and 3C so that the Act could be called the Oranga Tamariki Act 1989 or the Children's and Young People's Well-being Act 1989.

Gender-neutral language

The words "boy or girl" are used both in the definition of "child" in section 2 of the Act, and in the proposed definition of "young person" in clause 4(2) of the bill.

We recommend inserting new subclause (1A) in clause 4 to replace the definition of "child" in the Act with a gender-neutral definition. We recommend a similar change to the wording of clause 4(2) of the bill.

Further, we recommend inserting clause 121A and new Schedule 1 into the bill, to replace gendered pronouns with gender-neutral language in the Act.

Purposes of the Act

Clause 6 would replace section 4 with a new purposes section intended to reflect a more child-centred approach, and to extend the scope to include provision for young people who have been in care, as they reach adulthood.

We recommend amending and re-ordering new section 4 to reflect more closely the intended purposes of the new operating model, to provide more clarity and coherence, and to better reflect the continuum of "prevention to care".

Child-centred services (our proposed section 4(1)(a))

Under clause 6, new section 4(a) of the bill as introduced, services should advance positive long-term health, educational, economic, and social outcomes for children

and young people. Under new section 4(i) in clause 6 as introduced, services should be culturally appropriate and centred on the rights, well-being, and best interests of children and young people.

We consider that the concept of “child-centred” services should be more strongly incorporated into new section 4(a).

We recommend incorporating new section 4(i) into an amended new section 4(a), which we would renumber as 4(1)(a). The resulting new purpose would set out that services should:

- affirm mana tamaiti (tamariki), be centred on the rights of children and young people, promote their best interests, advance their well-being, address their needs, and provide for their participation in decision-making that affects them
- advance positive long-term health, educational, social, economic, or other outcomes
- be culturally appropriate and competently provided.

Preventing and responding to harm (our proposed section 4(1)(b))

New section 4(b) in the bill as introduced—which would become new section 4(1)(b)—is about preventing and responding to harm. We recommend amending it to make it clearer and more succinct.

New section 4(f) in the bill as introduced is about protecting children and young people from harm. In our view, new section 4(f) is superfluous. Protection from harm is covered in new section 4(1)(b) and in our proposed new section 4(1)(c) (which we discuss below). We recommend removing new section 4(f).

Support for families, and a safe, stable, loving home (our proposed section 4(1)(c), (d), and (e))

Clause 6, new section 4(c) in the bill as introduced, sets out the purpose of ensuring that children who come to the attention of the ministry have a safe, stable, and loving home from the earliest opportunity. Some submitters commented that this could be interpreted as encouraging the early removal of children from their families.

We consider that the bill should very clearly encourage early support for families. We note that family support is mentioned in the new purpose section 4(d) in the bill as introduced. To reinforce the importance of family support, we recommend amending new section 4(d) and swapping its position with new section 4(c) so that it comes earlier.

We also recommend splitting it into two separate, new paragraphs, which we would renumber as new sections 4(1)(c) and (d). (New section 4(c) in the bill as introduced would then become new section 4(1)(e)).

Assisting families (our proposed section 4(1)(c))

Our proposed new section 4(1)(c) would focus on the ministry's role of assisting people to prevent or respond to their children and young people suffering harm or offending.

Early assistance (our proposed section 4(1)(d))

Our new section 4(1)(d) would focus on the ministry's early role of assisting people to meet the needs of their children, including their developmental needs and the need for a safe, stable, and loving home. We recommend removing the reference to "usual caregivers" from this paragraph, to better reflect the autonomy and responsibility of families, whānau, hapū, iwi, and family groups.

We consider that our proposed new section 4(1)(c) and (d) would address the intent of new section 4(1) in clause 6 as introduced (which is about supporting capability-building at the whānau level). We therefore recommend removing new section 4(1).

Defining "assisting" to aid in interpreting new sections 4(1)(c) and (d)

To ensure that the idea in new section 4(1) is retained fully, we recommend adding a new definition of "assisting" in clause 6, new section 4(2). The definition would include developing people's capability to do for themselves the things that they are being helped to do.

Safe, stable, loving home for children in care (our proposed section 4(1)(e))

We recommend amending new section 4(c) in the bill as introduced—which we would reposition and renumber as new section 4(1)(e)—to reflect the intent that it apply only to children and young people who actually require care under the Act, rather than to anyone who comes "to the attention" of the ministry.

Extending Māori concepts (our proposed section 4(1)(f) and (g))

Several submitters suggested that the opening phrase of clause 6, new section 4, should refer to the well-being of whānau, hapū, and iwi, as well as to that of families and family groups. We agree, and we recommend changing the phrase accordingly.

Clause 6, new section 4(k) in the bill as introduced, is about recognising mana tamaiti (tamariki), whakapapa, and the practice of whanaungatanga. The principles in clause 8, new section 5(d) (as introduced) and clause 13, new section 13(2), also address these concepts.

Treaty of Waitangi (Tiriti o Waitangi) (our proposed section 4(1)(f))

Clause 12 would insert new section 7A into the Act, to recognise and provide a practical commitment to the principles of the Treaty of Waitangi (te Tiriti o Waitangi). New section 7A would impose new duties on the chief executive in relation to improving Māori outcomes. We discuss, later, renumbering this as new section 7AA.

Several submitters suggested that the purposes should also refer to the principles of the Treaty of Waitangi (te Tiriti o Waitangi), to give appropriate prominence to new

section 7AA. We agree. We recommend inserting an additional new section, 4(1)(f), to reinforce the practical commitment to the principles of the Treaty.

For consistency with other legislation, we also recommend replacing references to “the Treaty of Waitangi” with references to “the Treaty of Waitangi (te Tiriti o Waitangi)”.

Extending concepts of mana tamaiti (tamariki), whakapapa, and whanaungatanga (our proposed section 4(1)(g))

The concepts in new section 4(k) (as introduced) can apply to the general population, including non-Māori. We recommend amending this paragraph—which we would move and renumber as new section 4(1)(g)—so that it would apply to all children and young people who come to the attention of the new ministry.

Definition of mana tamaiti (tamariki)

Clause 4(1) of the bill would insert in the Act a definition of “mana tamaiti (tamariki)”. The definition in the bill as introduced would only apply to Māori children and young people. In contrast, the proposed definitions of “whakapapa” and “whanaungatanga” would apply to all children and young people, not only Māori children and young people. We recommend changing the definition of “mana tamaiti (tamariki)” in clause 4 so that it would also apply to all.

Strengthening and maintaining relationships (our proposed section 4(1)(h))

Clause 6, new section 4(e)—which we propose to renumber as new section 4(1)(h)—is about relationships between children and their families, including siblings.

We believe it would be better if this paragraph provided for “maintaining” these relationships as well as the current “strengthening”. Also, for consistency, it should include reference to “family groups”. Further, it should be made clear that this provision is about children or young people who come to the attention of the ministry. We recommend amending our new section 4(1)(h) accordingly.

Responding to offending (our proposed section 4(1)(i))

New section 4(h) in clause 6 as introduced is about responses to offending by children or young people. We recommend renumbering this as new section 4(1)(i), and amending it so that it is clearer.

Information sharing

Clause 6, new section 4(j) of the bill as introduced, sets out the purpose of co-operation and information sharing among agencies. The principle in clause 13(2), new section 13(2)(j) of the bill as introduced, is also about information sharing. It states that the well-being of the child or young person should take priority over any duty of confidentiality.

We consider that it would be better for such provisions to sit alongside the information-sharing provisions in clause 38 of the bill.

We recommend removing new section 4(j) from clause 6, and new section 13(2)(j) from clause 13(2), and amending clause 38, new section 65A. Under our new section 65A(1), the purpose of the information-sharing sections would be to facilitate the gathering and sharing of information to achieve the purposes in new section 4(1)(a) to (i).

Principles of the Act

We propose numerous changes to clauses 8 and 13, which would amend the principles in sections 5 and 13 respectively. Section 5 provides general principles, and section 13 provides care and protection principles.

Among other things, our proposed changes would make the principles clearer and more cohesive.

We have recommended, above, moving the information-sharing principle out of new section 5 and into new section 65A. Our new section 65A(2) would set out the principle that, because the well-being and best interests of a child or young person are the first and paramount consideration, their well-being and best interests would, in general, take precedence over any duty of confidentiality.

We recommend changes later (see “Support for young people moving to independence”) to principles about helping young people as they move towards independence.

Emphasising and extending Māori concepts

Clause 8, new section 5(d) in the bill as introduced, and clause 13, new section 13(2)(k) and (l), refer to the concepts of mana tamaiti (tamariki), whakapapa, and whanaungatanga. These concepts are defined in clause 4.

We have recommended, above, amending the definition of mana tamaiti (tamariki). We have also recommended amending clause 6, our new section 4(1)(g), so that these concepts could apply to all children and young people who come to the ministry’s attention.

We consider that these concepts should also be integrated into principles so that they apply to all children and young people. The principles would then be more nuanced, culturally responsive, and universally applicable.

We also consider that more prominence should be given to mana tamaiti (tamariki), and the whakapapa and whanaungatanga responsibilities of whānau, hapū, and iwi. We recommend integrating these concepts into the principles and positioning them higher; for example, in our (renumbered) new sections 5(1)(b)(iv) and (vi), (c)(ii) and (iii), and 13(2)(i)(iii)(C) and (j)(iii).

Whānau, hapū, iwi, family group

Words describing families are not used consistently in the bill’s principles. This impairs clarity. We recommend amendments so that the words family, whānau, hapū, iwi, and family group are used consistently throughout clauses 8 and 13.

Limited use of “usual caregiver”

The term “usual caregiver” (for example, as used in clause 8, new section 5(b) of the bill as introduced) is not defined in the bill.

The Act’s definition of “family group” includes the concept of attachment to a significant person. This incorporates the idea of a “usual caregiver”. We believe it would be sensible to remove the phrase “usual caregiver” from most places in the bill’s principles, and replace it with “family group”, alongside family, whānau, hapū, and iwi, as appropriate.

The concept of attachment to a usual caregiver is very important for children or young people who are removed from their families. For these situations, the bill should refer to members of the family, whānau, hapū, iwi, or family group who are the usual caregivers. This emphasises the desire to return the child or young person to adults with whom they have a significant attachment.

We therefore recommend removing the term “usual caregivers” from the principles in clauses 8 and 13 except in reference to members of the child’s or young person’s family, whānau, hapū, iwi, or family group who are their usual caregivers (clause 13, our new section 13(2)(f), (g), and (h)).

Clearer language

Some of the proposed principles use qualifiers such as “where practicable” and “where possible”. We consider these qualifiers to be appropriately used in the principles. They acknowledge that in some circumstances it may not be possible or practicable to give effect to a particular principle.

However, clause 8, new section 5 in the bill as introduced, uses present tenses such as “is” and “can”. Such drafting could imply an intent to weaken the corresponding existing principles in the Act. We recommend changing such wording to “should” or “must”.

Children and young people with disabilities

Clause 8, new section 5(a)(x)—which we would renumber as new section 5(1)(b)(viii)—provides for decisions about a child or young person with disabilities.

We recommend an amendment to frame the principle more positively around the idea of the child’s or young person’s right of participation. Our amended provision would state that particular regard should be given to the child’s experience of disability and any difficulties or discrimination that they may encounter, and that decisions should support their full and effective participation in society.

Child at centre of decision-making

The principles in clause 8, new section 5(a) of the bill as introduced, would put the child or young person at the centre of decision-making.

To remove repetition, give more coherence across the principles, and reflect a holistic approach to decision-making, we propose combining several of the provisions in new

section 5. We recommend consolidating new sections 5(a)(iv), (v), and (ix) into our new section 5(1)(b)(vi).

Recognising child’s or young person’s place within family and community

In the bill as introduced, clause 8, new sections 5(b)(v) and (d)(ii), are about family involvement in decision-making. We recommend combining them into our new section 5(1)(c)(v). Together, they should convey the principle that, wherever possible, the family, whānau, hapū, iwi, or family group should take part in decisions about the child or young person, and regard should be had to their views. This is similar to the current principle in section 5(a) of the Act.

New section 5(b)(iii)—which we would renumber as new section 5(1)(c)(iv)—recognises the importance of the relationship between a child and their family, whānau, hapū, iwi, and family group. We recommend amending the wording of the subparagraph so that these relationships are “maintained” rather than “supported”. This is consistent with our recommendation, above, regarding our new purpose section 4(1)(h).

We recommend amending and moving the provision about sibling relationships from new section 5(b)(iv) to our new section 13(2)(i)(iii)(D). We believe it fits better there, with the other principles in new section 13(2) about children and young people who have been removed from home. We also recommend inserting a principle about the special importance of preserving siblings’ connections, in our proposed new section 13(2)(j)(ii).

As introduced, new section 5(c)(i) recognises the significance of the wider whānau, hapū, and iwi, and links to whakapapa, or the equivalents in the culture of the child or young person. We recommend renumbering this as new section 5(1)(c)(ii), and amending it to focus on a decision’s effect on the child’s or young person’s relationship with their family, whānau, hapū, iwi, and family group, and links to whakapapa.

Timeframe for implementing decisions

Under clause 8, new section 5(a)(viii)—which we would renumber as new section 5(1)(b)(v)—decisions about children or young people would have to be made promptly and in a time frame appropriate to the age and development of the child or young person. Decisions should also be implemented promptly. We recommend inserting the words “and implemented” in our proposed new section 5(1)(b)(v), to make this clear.

Intervention principles

Principles about early intervention are set out in clause 13, new section 13(2)(a), and clause 8, new section 5(a)(vi) of the bill as introduced. Other principles about intervention are in new section 13(2)(b) to (f) of the bill as introduced.

We consider that these principles should be clearer and more coherent.

Several provisions in clause 13 relate to strengthening, supporting, and assisting families to enable them to care for their children. We recommend locating these provisions together, and re-ordering them to show a gradation in the intensity of State interven-

tion, from early intervention decisions to decisions about children who cannot be returned home.

We believe that the principles should also recognise any subsequent children of parents who have previously had a child removed from them or a child who died in their care from abuse or neglect.

Our amended section 13(2)(a) would provide for early support and services to improve the safety and well-being of a child or young person, and to address risk of future harm.

Our new section 13(2)(b) would provide that support and services should:

- strengthen and support the family, whānau, hapū, iwi, and family group to enable them to care for the child or young person, or any subsequent child or young person, to nurture their well-being and development, and reduce the likelihood of harm or offending
- recognise and promote mana tamaiti (tamariki), whakapapa, and relevant whanaungatanga rights and responsibilities
- be consensual and collaborative wherever possible.

This third point, about consent and collaboration, is a combination of new section 13(2)(b) in the bill as introduced (which is about consent) and current section 5(e) in the Act (which is about getting support from children, young people, parents, and guardians). Our proposed new wording would clearly set out the State's obligation to, and the expectation that it will, work alongside children, young people, families, whānau, hapū, iwi, and family groups.

We recommend amending new section 13(2)(e)—which we would renumber as 13(2)(d)—to make it clearer that intervention without consent could be done only to the extent necessary to protect a child or young person from harm or likely harm.

Where there is a risk that a child or young person could be removed from their home, the State should support and assist families, whānau, hapū, iwi, and family groups. Support and assistance should extend to care and protection situations. We recommend providing for this in our proposed new section 13(2)(e).

We recommend amending new section 13(2)(d)—which we would renumber as 13(2)(f). Our new paragraph (f) would more clearly signal that planning for a child's or young person's long-term stability and continuity of living arrangements should start early, and should include steps to address any likelihood that they could move into alternative care.

In new section 13(2)(f)—which we would renumber as (g)—we recommend removing the reference to any particular type of harm. The term “harm” is wide enough to include emotional, physical, and other harm.

Placing children and young people into care

In the bill as introduced, clause 13, new section 13(2)(f), (g), (h), and (l) propose principles for the placement of children and young people into (out-of-home) care.

When it is safe to do so, children and young people should live with their families, whānau, hapū, iwi, or family groups. The bill should be clearer on this. We recommend inserting a new principle—our new section 13(2)(h)—to provide that, wherever it is possible and consistent with the child or young person’s best interests, a child or young person who has been removed should be returned to the people in their family, whānau, hapū, iwi, or family group who are their usual caregivers.

For cases when a child or young person cannot be returned to those caregivers, we recommend setting out the following guidance in our new section 13(2)(i)(iii):

- preference should be given to placing them with a member of their wider family, whānau, hapū, iwi, or family group who can meet their needs
- it is desirable to live with a family, or if that is not possible, in a family-like setting
- mana tamaiti (tamariki), whakapapa, and whanaungatanga should be recognised and promoted
- placement should be with siblings where practicable
- the child or young person should be put into a placement where they can develop a sense of belonging and attachment.

We consider that these changes improve on, and are consistent with, current principles in the Act about the removal and placement of children and young people.

High level principles for children and young people in care

As introduced, new section 13(2) touches on placement principles, but does not address support for children and young people in care, or caregivers. We consider that the bill should set out desired outcomes regarding high quality, stable, loving care. We recommend inserting new paragraphs (j) and (k) in new section 13(2), to provide new care principles.

Our new section 13(2)(j)(i) specifies that a child or young person who is in State care should receive special protection and assistance addressing:

- physical and health care
- emotional care
- identity needs, and
- material needs relating to education, recreation, and general living.

New section 13(2)(h) in the bill as introduced has the principle of preserving connections with siblings, family, whānau, hapū, iwi, family groups, and wider contacts. Our new section 13(2)(j)(ii) would incorporate this principle. We discussed earlier the inclusion of siblings in this provision.

Our new section 13(2)(j)(iii) would incorporate the principle from new section 13(2)(l)(ii) of the bill as introduced. This is about respecting and honouring whanaungatanga and whakapapa.

Our new section 13(2)(j)(iv) states that a child or young person in care should be supported to achieve their aspirations and developmental potential.

Our new section 13(2)(k) would set out a new principle that the chief executive should support caregivers in order to achieve the principles in paragraph (j).

Youth justice principles

The principles in clause 7, new section 4A, and clause 8, new section 5, would apply to youth justice. In addition, clause 92 would amend section 208 of the Act, which sets out principles for youth justice.

It would not be appropriate to use new sections 4A and 5 to keep children and young people in the youth justice system for the purpose of dealing with care, protection, or well-being issues. When their offending has been dealt with, children and young people should exit the youth justice system. To make this clear, we recommend inserting subclause (2) in clause 92 to remove the word “solely” from section 208(b) of the Act, and inserting clause 92A, new section 208A into the bill.

Clause 92, new section 208(2)—which we would amend and renumber as new section 208(3)—would set out additional principles for those working with alleged young offenders. We recommend inserting new section 208(4) to exclude certain employees of the New Zealand Police from our new section 208(3). A Police employee would only be subject to subsection (3) if they were employed as a specialist in resolving offending by children and young people.

Children’s and young people’s participation

Clause 9 of the bill would insert new section 5A into the Act, to set out principles of participation.

We recommend removing clause 9. Some of the content of new section 5A is already in section 11 of the Act, which is about children’s and young people’s participation and views. We recommend moving other provisions into our new clause 12A, which would amend section 11.

We also recommend inserting a participation principle in clause 8, as new section 5(1)(a).

Duties of chief executive

Clauses 11 and 12 would extend the chief executive’s statutory duties. Clause 11 would add to the duties in section 7 of the Act. Clause 12 would insert new section 7A (which we propose to renumber as new section 7AA), imposing duties relating to the improvement of outcomes for Māori.

Complaints mechanisms

Clause 11(3), new section 7(2)(bad) would require the chief executive to set up mechanisms for children, young people, parents, families, and caregivers to complain about actions taken under the Act.

We recommend including whānau in the list of people who could access the chief executive's complaints mechanisms. We also recommend amending new section 7(2)(bad)(i) to allow for complaints not just about actions taken under the Act, but also about omissions.

Clause 119(3), proposed new section 447(gb)—which we would renumber as new section 447(fb)—would allow regulations to be made to establish independent mechanisms for reviewing the chief executive's response to complaints.

We received advice from the Regulations Review Committee on this power. The committee recommended that we amend the regulation-making power to set out required components of the independent review mechanism.

After considering the committee's advice, we recommend amending clause 119(3), new section 447(fb), to provide that the regulations should specify that it would be the Minister who would appoint a person or organisation to review the outcomes produced by the complaints mechanism. Our amended section would also provide that the review mechanism must be accessible, timely, and equipped with the necessary capability, including cultural competence, and specify:

- the types of complaints and classes of complainants who could seek a review of the outcomes of the internal complaints mechanism
- the procedures for conducting the review
- who could conduct the review and the method of determining their remuneration
- remedies that could be granted by the reviewer
- how the costs of the review would be apportioned
- any other matter necessary or desirable to establish or operate reviews.

We are aware that the bill does not mention complaints about acts or omissions that happened before new section 7(2)(bad) came into force. We consider that these complainants should have access to complaints mechanisms. An existing process already deals with claims for events up to 31 December 2007; it is logical that events after 1 January 2008 should be covered by the bill's mechanisms.

We therefore recommend amending clause 122, to amend Schedule 1AA of the Act. Our new clause 6 of Schedule 1AA would make the complaints mechanisms available for events that occurred on or after 1 January 2008.

Under clause 118, new section 445E, complainants could not bring proceedings to court unless the issue had first gone through the complaints mechanism. We do not believe that this restriction should apply to events that occurred before the complaints provision commenced. It would be unfair to stop people from accessing a form of recourse available to them at the time the events occurred. We recommend amending clause 118, new section 445E(1)(a), to provide for this.

Strategic partnerships with Māori

Clause 12, new section 7A(2) of the bill as introduced, would impose duties on the chief executive that are intended to recognise and provide a practical commitment to the principles of the Treaty of Waitangi (te Tiriti o Waitangi). Under paragraph (c), the ministry would have to seek to develop strategic partnerships with iwi and Māori organisations, for certain purposes.

Because there is already a section 7A in the Act, we recommend renumbering new section 7A as new section 7AA. Also, its heading should refer to duties in relation to the Treaty of Waitangi (te Tiriti o Waitangi) instead of to the improvement of Māori outcomes.

We recommend changing new section 7AA(2)(c) to include iwi authorities in the reference to iwi and Māori organisations. We also recommend amending clause 4 of the bill by inserting a definition of “iwi authority” as the authority that represents an iwi and that is recognised by that iwi as having the authority to do so. This definition is consistent with other legislation.

We recommend inserting new subsections (2A) and (2B) in new section 7AA. New subsection (2A) would provide that an organisation could initiate a strategic partnership with the chief executive. New subsection (2B) would require the chief executive to consider and respond to such invitations.

We recommend removing the phrase “contribute to” in new section 7AA(2)(c)(ii). It is unnecessary. Our proposal would set the expectation for a direct relationship between strategic partnerships and expectations and targets.

We also recommend strengthening these important provisions by inserting new section 7AA(2)(c)(vi), to allow the development of strategic partnerships for any action that the parties agree is appropriate.

Accessible information about care

It is critical that children and young people and their families and caregivers have clear, accessible information about what to expect in care. We note that clause 119(3), new section 447(fa)—which we discuss below under the heading “Care Standards”—would enable regulations to be made prescribing care standards for children and young people in care. We note that regulations tend to include procedural and technical detail and may not convey the full picture for children and young people. Also, some of the expectations are in the primary legislation itself, rather than in the regulations.

We therefore recommend amending clause 11(3) to insert new section 7(2)(bag). This would require the chief executive to publish accessible information about the rights of those in care, and about the standard of care that should be expected from the ministry.

Refined definition of “in need of care or protection”

Clause 14 would replace section 14 of the Act, which defines when a child or young person is in need of care and protection. New section 14 introduces the concepts of “serious” and “cumulative” harm.

Some submitters suggested that the phrase “serious harm” could imply a higher threshold for a person to be considered as being in need of care and protection. We do not wish to raise the threshold, but to bring into greater focus the harm done. The threshold for finding a person in need of care and protection should be the same as that in existing section 14, and this should be clear in the bill. We note that the word “serious” is used in current section 14 to describe several things, including “serious concern” for well-being, “serious impairment” of well-being, “seriously deprived”, and “serious and avoidable” impairment or neglect.

We therefore recommend amending clause 14 to replace new section 14 and insert new section 14AA. Our proposed new sections 14 and 14AA would more clearly identify:

- circumstances that would always constitute serious harm: abuse, deprivation, ill-treatment, neglect, or abandonment (our new sections 14(1)(a)(i) and 14AA(1))
- circumstances that could result in serious harm: impairment or neglect of development or well-being, exposure to domestic violence, serious differences between the child or young person and their parent, or serious differences between parents (our new sections 14(1)(a)(ii) and 14AA(2))
- other circumstances that could be grounds for finding a person to be in need of care and protection (including parents being unable to provide care, being a subsequent child of parents who have previously had a child removed, harmful behaviour that is not controlled by parents, and offending by the child) (our new section 14(1)(b) to (e)).

We consider that better guidance should be provided about the meaning of “cumulative” harm in clause 14, new section 14(3) of the bill as introduced. We recommend that our new section 14AA(3) include incidents that, taken on their own, may not seem serious, but taken together, would cause serious harm.

We recommend removing the reference to psychological attachment in new section 14(1)(b) of the bill as introduced. We consider that psychological attachment is covered in the concept of developmental impairment and neglect in our new section 14AA(2)(a).

Information sharing

Clause 38 is about the flow of information from those who know to those who need to know. Clause 38 would replace section 66 of the Act with new sections 65A to 66O. These new sections would set up a new information-sharing framework. In particular, new sections 66E to 66H would provide the framework for organisations and individuals requesting, providing, and declining to give information.

We have discussed, above, our recommendation to amend new section 65A so that the appropriate purpose and principle sit with the information-sharing provisions in clause 38.

Helping a child or young person to understand disclosure

New section 66I would require the child or young person to be consulted, if it is practicable and appropriate, before information is disclosed.

New section 66I should reflect the principles in section 11 (with our proposed amendments) and our new section 5(1)(a). It should provide guidance on how to ensure that the child or young person understands the proposed disclosure and the reasons for the decision that is made.

We recommend amending clause 38, new section 66I(b), to ensure that children and young people are helped to:

- understand the proposed disclosure
- express their views, and
- understand the decision that is then made.

Range of information that could be shared

Clause 38, new section 66(4), is intended to allow the sharing of information that relates to the safety of a child or young person, but which is not directly about that child or young person. It sets out examples of information that could be shared.

It is possible that the placement of these examples in new section 66(4) could unintentionally limit the information that could be required when investigating care or protection concerns or in relation to care and protection proceedings. We recommend removing new section 66(4) and amending new section 66(1) to make it clear that the power to require information for care and protection matters would apply to any information that may relate to, or affect, the safety or well-being of the child or young person.

We also recommend inserting an interpretation section into the framework, as new section 66DB. This new section would incorporate the examples from section 66(4) of the bill as introduced, and it would limit their application to new sections 66E to 66H.

Restricting the power to amend definitions

Central to the operation of the new information-sharing framework are definitions of “child welfare and protection agency” and “independent person”. These are set out in clause 4, primarily by way of lists of bodies.

Each definition allows other organisations or persons, or classes of organisations or persons, to be included in the list by regulation made under clause 119(4), new section 447(ga).

We were advised by the Regulations Review Committee to consider removing this power from the bill if we were not satisfied that it is necessary. If we decided that

such a power is necessary, the committee advised us to consider amending it to set out clear purposes and criteria for adding organisations or persons into the definitions.

We believe that the bill does need to empower regulations to add organisations or persons, or classes of organisations or persons, to the definitions of “child welfare and protection agency” and “independent person”. The definitions in clause 4 are broad, and include a wide range of organisations and individuals who work with vulnerable children and their families, and who either hold information that others may need, or who may need information from others so that they can provide the best service possible to children and families. Allowing other organisations and persons to be added by regulation would keep the definitions up to date.

It would be beneficial to put extra protections on the power to amend the definitions. We recommend amending clause 119(4), new section 447(ga), to require the responsible Minister to consult:

- the Privacy Commissioner
- the Children’s Commissioner, and
- affected organisations

before recommending an Order in Council to change the definitions.

Sharing datasets

Clause 38, new section 66D, would set out requirements for organisations that use and combine information in datasets. It aims to introduce public transparency so that people could find out what might happen to their data.

However, the bill would not expressly authorise organisations to share and combine datasets. We recommend amending new section 66D to remedy this. Our new section 66D(1) would authorise agencies to share datasets with each other for the purposes of analysis and to produce combined datasets.

We also recommend clarifying, in our new section 66D(2), that the provision would apply to the production of combined datasets from more than one source.

New section 66C sets out the purposes for which information could be used or disclosed. We recommend amending new section 66C so that it would apply not just to information about individuals, but also to information and datasets about classes of children and young people.

Code of practice for sharing information

Clause 38, new sections 66J to 66N, would enable the Minister to issue a code of practice for the application of the information-sharing provisions.

This code of practice would be very important for ensuring that the information-sharing framework is consistent and coherent. We consider that it should be mandatory. Also, it should be developed in consultation with the Privacy Commissioner, the Children’s Commissioner, and other appropriate representative groups.

We recommend amending clause 38 to insert new section 66DA. This would provide that the information-sharing framework in new sections 66E to 66H would not take effect until a code of practice was issued and in force.

We recommend amending clause 38, new section 66J(1) to require the code of practice to provide direction as well as guidance about the information-sharing provisions. Our proposed new section 66J(2) would provide more detail about what the code could do.

We recommend inserting new subsection (1AA) into new section 66K to require the Minister to consult about the content and form of the code with the Privacy Commissioner, the Children's Commissioner, and organisations or individuals representing the interests of child welfare and protection agencies and independent persons. The code could then be published as a draft under new section 66K(1).

Relationship with Privacy Act

Clause 38, new section 66A, sets out when information obtained under new section 66 could be disclosed. New section 66B would set out restrictions on that disclosure. We think that the effect of new section 66B should be made clearer so it is not interpreted as prohibiting the sharing of information. In particular, section 6, principle 11 of the Privacy Act 1993, permits certain disclosures in addition to those that clause 38 would authorise.

We therefore recommend amending clause 38, new section 66O (which sets out how the information-sharing provisions would relate to other legislation) so that it provides for the Act's relationship with the Privacy Act. Our new subsection (3) would make it clear that information could be disclosed under any of the exceptions in section 6, principle 11 of the Privacy Act.

New section 66O(2) would require the collection, storage, and use of information to comply with principles 1, 4, 5, 6, 7, 8, and 12 of the Privacy Act.

Youth justice

Clauses 92 to 109 of the bill would amend current provisions relating to youth justice and the Youth Court. Under section 272, as proposed to be amended by clause 102, most 17-year-olds would be dealt with in the Youth Court. They would be dealt with in adult courts if charged with certain serious offences as set out in proposed new Schedule 1A of the Act.

We note our earlier recommendation, in relation to youth justice principles, to amend clause 92 and insert clause 92A.

Detaining 17-year-olds in a youth unit of a prison

Clause 93, new section 238(1)(f), would allow the Youth Court to order a 17-year-old to be detained in a youth wing of an adult prison, pending a hearing, under certain circumstances.

We note that existing section 238(1)(d) allows the Youth Court to order that a child or young person be detained in the custody of the chief executive, an iwi social service,

or a cultural social service. Under clause 96, new section 242(1A), the ministry would have to review such a detention at least once every 14 days, unless special circumstances apply.

We recommend amending clause 96(2), to extend this requirement to detentions made under new section 238(1)(f). This would mean that, every 14 days, the ministry would have to review the detention of a 17-year-old being held in the youth wing of a prison.

Transferring young people to and from the adult courts

Clause 102 would amend section 272 so that 17-year-olds charged with serious offences listed in proposed new Schedule 1A of the Act would be dealt with in an adult court.

Provisions about transferring cases to the adult court should be consistent with existing processes. We note that section 275(2) of the Act already provides for transfers to adult courts.

We recommend inserting new clause 103A to amend section 275 of the Act. Clause 103A(6) would insert new subparagraphs (aa) and (ab) into section 275(2). This would ensure that 17-year-olds charged with an offence listed in new Schedule 1A were transferred to the appropriate adult court according to whether the offence was a category 3 or 4 offence.

If the charges against a 17-year-old were reduced, and the new charges were not listed in Schedule 1A, it would be appropriate to send the case back to the Youth Court. This should also apply to other young people transferred to an adult court when the charges have been reduced.

We recommend replacing clause 104 to insert our new section 276A into the Act, requiring young people to be returned to the Youth Court when the reason for them being in the adult court no longer applied and the transfer was in the interests of justice.

Petition 2014/65 of Bhikhu Bhana and 5,278 others

Alongside this bill, we considered the petition of Bhikhu Bhana and 5,278 others. The petition requests “That the House reject any proposals that come before it to raise the youth justice age from 16 to 17 years”.

We asked for and received a submission on the bill from the petitioner, in which he stated his view that the change in the youth justice age could result in serious offenders slipping “through the net”.

It is our view that the youth justice age limit should be raised to 17 years. Our opinion is supported by New Zealand and international research showing that 17-year-olds are less likely to re-offend when dealt with in the youth justice system.

Support for young people moving to independence

Clauses 115 to 117 are about supporting young people transitioning from care, up to the age of 25, as they move toward being independent adults.

Young people over 18 years old (and their caregivers as applicable) should be able to use the complaints mechanisms in the bill. We recommend inserting clause 11(5), new section 7(6), to include them in the application of new section 7(2)(bad) (which is about complaints mechanisms).

We recommend amending clause 115 to insert new section 386AAD(1A), to make it clear that the entitlement to live with a caregiver under new section 386AAD would stop when the young person turned 21.

We also recommend amending clause 116 to insert new section 386A(2B). This would make it clear that the entitlement for advice and assistance (described in proposed new section 386B) would stop when the young person turned 25.

Principles when helping young people toward independence

Clause 115, new section 386AAC, sets out the principles that would be applied when assisting young people to transition to independence.

We consider that, in addition to the principles in new section 386AAC, the principles in proposed new section 5 should apply to young people transitioning to independence. After they turn 18, only the participation principle in new section 5(1)(a) should apply. We recommend making this clear in clause 115, new section 386AAC.

We consider that these principles should more clearly cater for all children and young people. We recommend extending the principle in new section 386AAC(b) to require that a holistic approach be taken.

We also recommend extending the principle in new section 386AAC(e) to include the establishment of the important relationships it refers to.

We note that some young people will have significant needs and challenges as a result of the issues that led to them being placed into State care. We consider that these needs should be covered in the principles in new section 386AAC. We recommend amending the principle in paragraph (f) to include support for addressing the impact of harm.

We consider it sensible to require that assistance to young people is provided promptly. We recommend amending the principle in new section 386AAC(g) to this effect.

Young adults living with a caregiver

Clause 115, new section 386AAD, sets out the circumstances under which a young person under the age of 21 may be entitled to live with a caregiver. Under subsection (3), the ministry could support a young person to live with a caregiver with whom they were living immediately before their 18th birthday.

We think this provision is too narrow. The young person may not be living with a caregiver on their 18th birthday. And in some cases, another caregiver (for example, a prior caregiver) may be more suitable or preferred by the young person. We therefore recommend removing the word “immediately” from clause 115, new section 386AAD(3).

Under new section 386AAD(4) of the bill as introduced—which we propose to incorporate into new subsection (3)—the young person would receive support to live with a particular caregiver unless:

- the caregiver did not agree to the arrangement
- the young person did not agree to the arrangement, or
- the chief executive considered it likely to be detrimental to the well-being of the young person.

If the caregiver did not agree to the arrangement, the young person should be supported to live with another caregiver. We recommend amending clause 115 to insert new section 386AAD(4), allowing the young person to live with another caregiver if one of the above circumstances applied.

We recommend replacing new section 386AAD(5) to make it clear that, if a young person cannot stay with their current caregiver, or any other caregiver proposed by the young person, the ministry would support the young person to find a new caregiver. If necessary, this could be someone with no previous relationship to the young person.

We believe that the ministry should be able to withdraw financial assistance for a young person’s care arrangement if, after monitoring it, the ministry considers it to be detrimental to the young person’s well-being, or the caregiver is not meeting expectations. Of course, this should be in line with a child-centred approach, and should only occur after the ministry has attempted to resolve concerns and offered another care arrangement. We recommend inserting new sections 386AAG(4) and (5) into clause 115 to provide for this.

Care standards

Clause 119(3), new section 447(fa), would enable regulations to be made prescribing care standards for children and young people in care. Under clause 11(3), new section 7(2)(bac), the chief executive would have to comply with such regulations.

We have discussed above (under the heading “Duties of chief executive: Accessible information about care”) our recommendation to require the chief executive to publish information about what to expect in care.

Regulations should focus on actions

Clause 119(3), new section 447(fa) could be read as suggesting that the regulations include a focus on outcomes to be achieved for children and young people in care. However, while the regulations should be designed to help achieve particular outcomes, we believe that they should focus on measureable and achievable actions.

We recommend amending clause 119(3) by replacing new section 447(fa). Our new section 447(fa) would require the regulations to specify actions or steps that must be taken to help ensure that children and young people in care and residences receive an appropriate standard of care. These should include actions relating to:

- the provision of care, services, and support to address the rights and needs of those in care

- the assessment and monitoring of care arrangements and residences, including youth justice residences
- the assessment, training, and support of caregivers and care providers
- creating and maintaining records of important matters that occur when a child or young person is in care, and allowing children and young people to access their records
- monitoring and reporting.

Monitoring and reviewing care standards

Clause 120, new section 447A, would require the Minister to appoint an agency or body to monitor compliance with standards of care, and to report to the Minister on the operation of the standards.

We recommend amending new section 447A to make it clear that the person who monitors and reports should be independent of the ministry.

Financial assistance

Clause 119(2) would insert new section 447(da) into the Act. Regulations made under new section 447(da) would set out when financial assistance could be paid, and the amounts payable to, or on behalf of, a child or young person.

It is not clear which cohort of children and young people the regulations should apply to. We recommend amending clause 119(2) to make it clear that new section 447(da) would apply to children and young people in care, and to young people transitioning to independence.

Periodic review of accountability documents

Clause 121, new section 448B, would require the Minister to report to Parliament by 1 July 2022, and at least once every three years after then, on whether the documents governing the accountability of the Minister, the ministry, and service providers ensure that the needs of children and young people with whom the ministry is concerned are met. The report would also have to state whether any legislation should be repealed or amended.

We believe that the proposed wording is too narrow. It limits the accountability to be reported on to certain persons rather than the full range of accountability settings. Also, it refers to “documents” and “legislation” rather than the adequacy of accountability arrangements.

We recommend amending clause 121 to widen new section 448B, to require the Minister’s report to address:

- the extent to which legislation, Government policies, and other arrangements that affect the accountability of the Minister, the chief executive, and others carrying out functions under the Act ensure that needs are met

- whether any amendments are necessary or desirable to meet the needs of these groups.

Vulnerable children’s plan

Clause 133 would insert section 9(2) into the Vulnerable Children Act 2014, specifying more detail about the content of the vulnerable children’s plan. New section 9(2)(e) would specifically include care-experienced children and young people in the vulnerable children plan. However, the plan would not have to set out the steps that must be taken to improve the well-being of these children and young people. We recommend inserting new paragraph (f) into clause 133, new section 9(2) of the Vulnerable Children’s Act, to require the plan to set out the steps that chief executives would take to improve the well-being of this group.

New Zealand Labour Party minority view

Labour does not support this bill. Rather than pass this deeply flawed bill, it’s our firm view that we should reinstate Children, Young Persons, and Their Families Act 1989 with amendments.

Consideration of whānau, iwi, and hapū

Labour made it very clear from the outset that we could not support a bill that removed the “whānau first” principle as set out in section 13(2)(g) of the principal Act. We agree with the Children’s Commissioner, Andrew Becroft, that not ascribing priority to whānau, iwi, and hapū in the placement of a child or young person is “a retrograde step,” and that “given the historical and cultural context, international evidence about quality kin care, and our Treaty of Waitangi obligations, it is vital that this Bill affirms the role of whānau, hapū, iwi, and family groups.” A number of submitters shared this view, with many organisations also calling for increased resources to be allocated to the task of finding appropriate placement options for tamariki.

A child’s safety has always been the paramount consideration when placing a child, and no one in the submission process argued for that to change, or for any principle to trump the importance of the immediate safety of a child. But if the needs of the child can be met within a whānau and whakapapa placement, then evidence suggests that this is what we should be striving for. For that reason, we cannot support a bill that does not place sufficient emphasis on whānau, hapū, and iwi placement and children and young people’s whakapapa rights, which would ensure Māori children have access to language and cultural practices which form part of their indigenous identity, and which they are entitled to.

Similarly we find that there has been insufficient consultation with Māori in the development of the bill. Not only has there been insufficient consultation with iwi, but also with those Māori social workers and front line groups who work directly with whānau and tamariki to help maintain important whakapapa connections. The disregard of Māori in this bill is worrying, considering that the majority of children in care are Māori and Māori will be disproportionately affected by any changes to legislation

on the subject of State care. In our view, the lack of consultation is evident in the drafting of this bill.

Complaints and review system

We strongly support the move to improve access to the various complaints mechanisms for young people associated with the care and protection system. Our concern remains however, that while there may be improved access to these platforms, problems around transparency and handling of complaints persist. The bill does not outline a need for transparency or increased independence; neither does it streamline the complaints handling process. This does not adequately address the overwhelming view of the State care system by those associated with it as uncaring and deliberately intractable.

Independent advocacy system

We wholeheartedly support the creation of an independent, child-centred advocacy service. Making the voice of the child a central part of decisions that affect them is crucial. Our major concerns are that the connection and advocacy service VOYCE, as a philanthropic organisation, may not be sustainable and may suffer budgetary restrictions in providing its service, and that while VOYCE can advocate for children in care, the bill does not provide any specific obligation for the ministry to review or adopt any proposal put forward by VOYCE.

Sharing of information

We strongly disagree with the provision for information sharing outlined in the bill. While we agree in principle that increasing collaboration between agencies is a good thing, the provisions in the current form pose too great a risk to the privacy of young people and families. We agree with the privacy commissioner that the information-sharing provisions in the bill are “disproportionate and unnecessary.”

Raising the age of youth justice

We completely agree with the raising of the youth justice age in line with United Nations (UN) recommendations. We have long advocated for this and whole heartedly support the move. However, we agree with the Children’s Commissioner that the bill creates unnecessary carve-outs and possible inconsistencies for 17-year-olds who commit certain offences. We also have concerns that youth facilities are not adequately resourced to effectively handle the increased number of young people that will be in the youth justice system.

Similarly, we wholly support the greater emphasis on early intervention of offending, although we are concerned that there has not been adequate funding of police and social services to ensure that this can be properly implemented.

We also have concerns around the extension of the potential use of Police cells for young people in the youth justice system. There are already adequate emergency provisions set out in the Act, and this extension is totally unnecessary, contrary to the UN Convention on the Rights of the Child (UNCROC), and just plain wrong.

Legal support and restorative justice

We fully support the requirement of state-funded legal representatives for young people, however we agree with the Children’s Commissioner, Social Service Providers Aotearoa, and the Public Service Association (PSA), that this should be extended to include all young people who are accused of an offence within 24 hours of their arrest or interview. We agree with the Children’s Commissioner that “extending free legal support is the most child-centred approach”. Not extending this weakens the credibility of the new ministry’s “child first” approach.

Transitioning to independence

We support the entitlement for a young person to remain living with a caregiver until their 21st birthday. We also support the extension of advice and assistance to young people until their 25th birthday. We agree with the Children’s Commissioner however, that counselling and therapeutic support should be included in this.

Green Party of Aotearoa New Zealand minority view

The Green Party wholeheartedly supports enabling young people to stay with carers if needed until the age of 21, and enabling support for those who need it until 25. We also support the direction of travel in the youth justice changes, if not the limitations on them. We support changes to remove the overt discrimination against children with disabilities, and gender-neutral language, as well as increased participation for children and young people.

The legislation introduced to Parliament was variously described as “a dog’s breakfast”, “more confusing”, “taking us back to the 1950s”, “a tractor rolling over Māori”, and “poorly drafted, poorly thought through, and consulted.” We acknowledge that there has been significant improvement in the legislation from the bill as first introduced. However, as a result of remaining unresolved issues, the poor process, and concern that the significant drafting changes may still increase legal uncertainty, we cannot support this bill.

Much of the concern regarding this bill centred around a defence of the “whānau first” principle. We would like to acknowledge Hands Off Our Tamariki, the Māori Women’s Welfare League, iwi leaders, social service providers, child advocates, and all the activists who challenged the negative history and contemporary care and protection and justice work of the Crown in relation to tamariki Māori. The Māori Council noted that “the principle of tino rangatiratanga is central to turning around the disparities in positive outcomes for Māori”. “This principle is of such importance that while there are good aspects to the bill, the whole bill should be set aside if the principle is not secured with unqualified force.”

We acknowledge that a huge amount of work has been done by many of these groups since the bill was introduced and they have helped the Crown significantly improve this bill. This includes a new section 7AA to recognise and provide a practical commitment to the principles of the Treaty of Waitangi (te Tiriti o Waitangi), including a new duty on the chief executive to improve Māori outcomes, and clarifying in new

section 4(1)(f) that a purpose of the Act is to provide “practical commitment to the principles of the Treaty of Waitangi (te Tiriti o Waitangi) in the way described in this Act.” However, the Green Party has long stood against the dilution of Te Tiriti to a set of principles only. We have taken, and will continue to take, a principled position to uphold Te Tiriti O Waitangi - the Māori language version. It is our belief that reducing Te Tiriti to principles in this legislation undermines tino rangatiratanga.

Our concerns, however, go beyond this principled position. We were deeply concerned and moved by the many stories from Māori, in particular, expressing loss and hurt and deep mistrust as a result of the Crown’s failure to protect tamariki Māori. We were told that the proposed changes and the defence of them misrepresented the long history of whānau protecting tamariki through whāngai and other tikanga processes. Furthermore, the defence of removing the “whānau first” principle from the legislation has already reinforced existing racist views about the inability of Māori to care for tamariki Māori.

The Green Party believes that this defence alone will damage even more tamariki Māori whose very well-being depends on their whānau being upheld as good carers. Many presenters raised concerns that many of Puaote-Atatu’s recommendations were never implemented and that changes to the Public Finance Act 1989 and State Sector Act 1988 had resulted in a system that was not resourced to appropriately work with families or whānau. Many Māori noted that they had not ceded sovereignty to the Crown and therefore the Crown had no right to uplift tamariki Māori.

The Green Party believes the most appropriate response to these concerns is to have an independent inquiry into the abuse of children in state care and to start this process again in partnership with hapū and iwi. The legislation as reported back may be an improvement on what was introduced, but to secure a better future for tamariki and their whānau, hapū, and iwi, the Green Party believes we all need to learn the lessons of the past and commit to transforming this system. The general public does not understand what has happened and why these issues are so important. We need to hear and learn.

Many submitters, Māori and non-Māori, pointed out that the legislation has not really been the problem. They told us the operating model, funding restrictions, an inadequate number of social workers, and a lack of connections with iwi / time to establish whakapapa lines, amongst other things, were all more of a problem than the legislation. The PSA on behalf of its members noted that the existing legislation could keep children safe, but the lack of resources led to mistakes. The Green Party is very concerned to see a continued shortage of social workers during a time of transition. We do not believe any significant transformation in support will be possible, at least in the interim, without more social workers and an absolute assurance that they will have the ability to provide families with what they need to properly care for themselves and their children. These decisions must not be bound by financial limits; guidelines and accountability sure, but not financial limits.

We are really worried that this legislation will embed the social investment approach which is tied to data sharing, more targeting, and a belief in the ability of the Crown,

provided with the right data, to predict who will cost the Crown money. This is counter to what the Green Party believes is the responsibility of the Crown: to ensure all their policy settings support all of our people, especially our children. The Government has resisted all calls to put a duty on Government to ensure all children have their basic needs met. We were told that, unless we address the inherent institutional racism within the care and protection and justice systems as well as deprivation, everything else will fail. We are concerned that the social investment approach risks over-targeting Māori because institutionalised racism means Māori show up more often in negative statistics and much of the recorded information will have been recorded through a Pākehā lens. We do not believe a social investment approach of this type, in this context, can address the positive aspirations of Māori. We think it is more likely to entrench negative outcomes.

We remain concerned that this legislation only enables, rather than establishes, an independent review of complaints.

We also remain very concerned about the information-sharing provisions in this bill. We acknowledge the desire to protect children and heard the concern that maybe children's lives could have been saved if information had been shared. However, we are very mindful of the need to protect the confidentiality that enables people to seek help before things go awfully wrong. This concern was raised by Hestia Rodney Women's Refuge Māori Caucus who noted that they are seeing whānau starting to lie to them because they are scared of losing their children. They also noted that women are given an 0800 number to call if they are concerned for their safety but they won't call it if CYF are going to be called. This is not a side issue, this is central to ensuring victims are able to protect themselves and their children, and people who may represent a danger to their children are able to seek help early.

We acknowledge that the bill, as amended, would provide more detail on the code of practice for information sharing, though not clear purposes and criteria, and would require the Minister to consult with the Privacy Commissioner, Commissioner for Children, and affected organisations. Our concerns are, however, not satisfied, especially considering the Privacy Commissioner's clear opposition to the extension of information-sharing provisions in this bill as well as the very deep concern expressed by the Royal Australian and New Zealand College of Psychiatrists. RANZCP raised concerns about the accuracy of information, the inability to verify accuracy, the potential for this to result in professionals coding information in an attempt to protect the privacy of clients to maintain the therapeutic relationship amongst other things. Recent events relating to the Minister's plans to require community agencies to share identifiable client data has further undermined trust in information sharing.

These are some of the concerns that remain for the Green Party with regards to this legislation, so as much as we support some measures, we are unable to endorse the direction of this Government.

Appendix

Committee process

The Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill was referred to the committee on 13 December 2016. The closing date for submissions was originally 15 February 2017 and we extended it to 3 March 2017. We received and considered 442 submissions from interested groups and individuals.

Oral evidence was heard from a total of 98 submitters, comprising 25 in Auckland and the rest in Wellington. We set up two subcommittees for the purpose of hearing submissions. They heard 41 of the Wellington submissions.

We received advice from the Ministry of Social Development and the Ministry of Justice, and, from 1 April 2017, the Ministry for Vulnerable Children, Oranga Tamariki. The Regulations Review Committee provided advice on the powers contained in proposed new section 447(ga) and (gb) in clause 119(4).

Petition 2014/65 of Bhikhu Bhana and 5,278 others was presented to the House on 29 June 2016, and referred to the Justice and Electoral Committee for consideration. On 8 March 2017 it was transferred to the Social Services Committee.

We invited Mr Bhana to make a submission on the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill. Mr Bhana gave us a written submission on the bill.

Committee membership

Joanne Hayes (Chairperson)

Darroch Ball

Hon Jacqui Dean

Matt Doocey

Jan Logie

Jono Naylor

Hon Hekia Parata

Dr Parmjeet Parmar

Carmel Sepuloni

Stuart Smith

Phil Twyford

Marama Fox was a non-voting member of the committee during its consideration of this bill.

**Children, Young Persons, and Their Families (Oranga
Tamariki) Legislation Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

~~text deleted unanimously~~

Hon Anne Tolley

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
- This Act is the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act **2016**.
- 2 Commencement** 5
- (1) **Sections 3A to 3C, 4(1A) and (1B), 26, 71(3), 111, 119-to, 121, 121A, 122, 122A, 127, 128, and 131 to 436138, and Schedules 1 and 3** come into force on the day after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on a date appointed by Order in Council, and 1 or more Orders in Council may be made bringing different provisions into force on different dates. 10
- (3) Any provisions of this Act that have not earlier been brought into force come into force on **1 July 2019**.

Part 1

Amendments to Children, Young Persons, and Their Families Act 1989

3 Principal Act

This Part amends the Children, Young Persons, and Their Families Act 1989 (the **principal Act**). 5

3A Long Title repealed

Repeal the Long Title.

3B Name of principal Act changed

As from the commencement of this section, the Children, Young Persons, and Their Families Act 1989 is to be called— 10

- (a) the Oranga Tamariki Act 1989; or
- (b) the Children’s and Young People’s Well-being Act 1989.

3C Section 1 amended (Short Title and commencement)

(1) In the heading to section 1, delete “Short”. 15

(2) Replace section 1(1) with:

(1) This Act may be cited as—

- (a) the Oranga Tamariki Act 1989; or
- (b) the Children’s and Young People’s Well-being Act 1989.

4 Section 2 amended (Interpretation) 20

(1) In section 2(1), insert in their appropriate alphabetical order:

care or protection order means 1 or more of the following:

(aa) an interim custody order described in section 78:

(a) ~~the an~~ order referred to described in section 83(1)(a):

(b) ~~the an~~ order described in section 83(1)(b): 25

(c) ~~the an~~ order described in section 83(1)(c):

(d) a services order under section 86:

(e) a restraining order under section 87:

(ea) an interim restraining order under section 88:

(f) a support order under section 91: 30

(g) a custody order under section 101:

(h) an order under section 110 appointing a guardian of a child or young person;

(i) an interim guardianship order under **section 110AA**

child welfare and protection agency means—	
(a) the department:	
(b) the Department of Corrections:	
(c) the Ministry of Health:	
(d) the Ministry of Social Development:	5
(e) the Ministry of Education:	
(f) the Ministry of Justice:	
(g) the New Zealand Police:	
(h) Housing New Zealand Corporation:	
(i) every registered community housing provider (as defined in section 2(1) of the Housing Restructuring and Tenancy Matters Act 1992):	10
(j) every DHB:	
(k) every school board (as defined in section 15(1) of the Vulnerable Children Act 2014):	
(l) every early childhood service (as defined in section 309 of the Education Act 1989):	15
(m) any agency <u>person, body, or organisation</u> that provides regulated services (as specified in Schedule 1 of the Vulnerable Children Act 2014):	
(n) any organisation or class of organisation designated as a child welfare and protection agency by regulations made under section 447(ga)(i)	20
delegate includes a subdelegate	
DHB means an organisation established as a DHB (that is to say, as a district health board) by or under section 19 of the New Zealand Public Health and Disability Act 2000	
held , in relation to information, includes deemed for the purposes of the Official Information Act 1982 to be held (see section 2(4) and (5) of that Act)	25
(a) <u>deemed, for the purposes of the Official Information Act 1982, to be held (see section 2(4) and (5) of that Act):</u>	
(b) <u>held by officers or employees or members of organisations or entities that are not subject to the Official Information Act 1982</u>	30
independent person means—	
(a) a practitioner registered under the Health Practitioners Competence Assurance Act 2003 who provides health or disability support services:	
(b) a children’s worker (as defined in section 23(1) of the Vulnerable Children Act 2014):	35
(c) a person or class of persons designated as an independent person by regulations made under section 447(ga)(ii)	

- iwi authority** means the authority that represents an iwi and that is recognised by the iwi as having authority to do so
- ~~**mana tamaiti (tamariki)**, in relation to a person who is Māori, means their intrinsic worth, well-being, and capacity and ability to make decisions about their own life~~ 5
- mana tamaiti (tamariki)** means the intrinsic value and inherent dignity derived from a child’s or young person’s whakapapa (genealogy) and their belonging to a whānau, hapū, iwi, or family group, in accordance with tikanga Māori or its equivalent in the culture of the child or young person
- tikanga Māori** means Māori customary law and practices 10
- UNCROC means the United Nations Convention on the Rights of the Child
- well-being**, in relation to a child or young person, includes the welfare of that person
- whakapapa**, in relation to a person, means the multi-generational kinship relationships that help to describe who the person is in terms of their mātua (parents), and tūpuna (ancestors), from whom they descend 15
- whanaungatanga**, in relation to a person, means—
- (a) the purposeful carrying out of responsibilities based on obligations to whakapapa:
- (b) the kinship that provides the foundations for reciprocal obligations and responsibilities to be met: 20
- (c) the wider kinship ties that need to be protected and maintained to ensure the maintenance and protection of their sense of belonging, identity, and connection
- youth justice residence** has the same meaning as in section 365(4). 25
- (1A) **In section 2(1), replace the definition of **child** with:**
- child** means a person under the age of 14 years
- (1B) **In section 2(1), definition of **young person**, delete paragraph (e).**
- (2) In section 2(1), replace the definition of **young person** with:
- ~~**young person** means a boy or a girl of or over the age of 14 years but under 18 years, and, for the purposes of **sections 386AAA to 386G and 447(cb), (cc), and (da)**, has the meaning given in **section 386AAA**.~~ 30
- young person** means a person of or over the age of 14 years but under 18 years and also has an extended meaning that includes some young adults for certain purposes under **section 386AAA** 35
- (3) **In section 2(1), replace the definition of **youth advocate** with:**
- youth advocate** means a barrister or solicitor appointed under **section 248A** or 323 to represent a child or young person
- (4) **In section 2(2)(c) and (d), replace “18 years” with “19 years”.**

5 Part 1 heading amended

In the Part 1 heading, replace “General objects,” with “Purposes,”.

6 Section 4 and cross-heading replaced

Replace section 4 and the cross-heading above section 4 with:

	<i>Purposes</i>	5
4	Purposes	
	The purposes of this Act are to promote the well-being of children, young persons, and their families and family groups by —	
	(a) promoting the provision of services that advance positive long-term health, educational, economic, and social outcomes for children and young persons;	10
	(b) preventing and responding to the suffering of, or risk of harm to, children and young persons (including to their well-being and development), and preventing and responding to ill treatment, abuse, neglect, and deprivation of children and young persons, and offending by them;	15
	(c) ensuring that children and young persons who come to the attention of the department have a safe, stable, and loving home from the earliest opportunity;	
	(d) supporting families, whānau, hapū, iwi, and usual caregivers to enable them to provide a safe, stable, and loving home for, and meet the needs of, their children and young persons;	20
	(e) strengthening the relationships between children and young persons and their family, whānau, hapū, and iwi (including the relationships between siblings);	
	(f) protecting children and young persons who are not safe from harm or whose needs are not being met in their usual caregiving arrangement;	25
	(g) supporting children and young persons who are or have been in care or custody under this Act or in a youth justice residence so that they have the best opportunity to successfully transition to adulthood;	
	(h) responding to offending by children and young persons in a way that prevents or reduces future offending, responding to the rights and interests of the victims of offending, promoting the rights and best interests of children and young persons, and holding children and young persons accountable for their offending and encouraging them to accept responsibility for their behaviour;	30
	(i) providing and co-ordinating services that are —	
	(i) culturally appropriate; and	35

- ~~(ii) centred on the rights, well-being, and best interests of children and young persons:~~
- ~~(j) enabling co-operation, and enabling and where necessary requiring information-sharing, among agencies to enable the purposes in **paragraphs (a) to (i)** to be achieved:~~ 5
- ~~(k) recognising mana tamaiti (tamariki), whakapapa, and the practice of whanaungatanga for Māori children and young persons who come to the attention of the department:~~
- ~~(l) promoting an approach that supports capability building at the whānau level to improve life course outcomes for Māori children and young persons and their whānau.~~ 10

4 **Purposes**

- (1) The purposes of this Act are to promote the well-being of children, young persons, and their families, whānau, hapū, iwi, and family groups by—
- (a) establishing, promoting, or co-ordinating services that— 15
 - (i) are designed to affirm mana tamaiti (tamariki), are centred on children’s and young persons’ rights, promote their best interests, advance their well-being, address their needs, and provide for their participation in decision making that affects them:
 - (ii) advance positive long-term health, educational, social, economic, or other outcomes for children and young persons: 20
 - (iii) are culturally appropriate and competently provided:
 - (b) supporting and protecting children and young persons to—
 - (i) prevent them from suffering or the risk of suffering harm (including harm to their development and well-being), abuse, neglect, ill treatment, or deprivation or by responding to those things; or 25
 - (ii) prevent offending or reoffending or respond to offending or reoffending:
 - (c) assisting families, whānau, hapū, iwi, and family groups to—
 - (i) prevent their children and young persons from suffering or the risk of suffering harm, abuse, neglect, ill treatment, or deprivation or by responding to those things; or 30
 - (ii) prevent their children or young persons from offending or reoffending or respond to offending or reoffending:
 - (d) assisting families and whānau, hapū, iwi, and family groups, at the earliest opportunity, to fulfil their responsibility to meet the needs of their children and young persons (including their developmental needs, and the need for a safe, stable, and loving home): 35

- (e) ensuring that, where children and young persons require care under the Act, they have—
- (i) a safe, stable, and loving home from the earliest opportunity; and
 - (ii) support to address their needs;
- (f) providing a practical commitment to the principles of the Treaty of Waitangi (te Tiriti o Waitangi) in the way described in this Act: 5
- (g) recognising mana tamaiti (tamariki), whakapapa, and the practice of whanaungatanga for children and young persons who come to the attention of the department:
- (h) maintaining and strengthening the relationship between children and young persons who come to the attention of the department and their— 10
- (i) family, whānau, hapū, iwi, and family group; and
 - (ii) siblings;
- (i) responding to alleged offending and offending by children and young persons in a way that— 15
- (i) promotes their rights and best interests and acknowledges their needs; and
 - (ii) prevents or reduces offending or future offending; and
 - (iii) recognises the rights and interests of victims; and
 - (iv) holds the children and young persons accountable and encourages them to accept responsibility for their behaviour: 20
- (j) assisting young persons who are or have been in care or custody under the Act to successfully transition to adulthood in the ways provided in the Act.
- (2) In **subsection (1)(c) and (d), assisting**, in relation to any person or groups of persons, includes developing the capability of those persons or groups to themselves do the things for which assistance is being provided. 25

Compare: 1974 No 72 s 3

7 New section 4A inserted (Well-being and best interests of child or young person) 30

After section 4, insert:

4A Well-being and best interests of child or young person

- (1) In all matters relating to the administration or application of this Act (other than Parts 4 and 5 and sections 351 to 360), the well-being and best interests of the child or young person are the first and paramount consideration, having regard to the principles set out in sections ~~5, 5 5A,~~ and 13. 35
- (2) ~~In all matters relating to the administration or application of Parts 4 and 5 and sections 351 to 360, the court or other persons exercising powers under those~~

~~provisions must, having regard to the principles set out in sections 5, 5A, and 13, be guided by the principle that the well being and best interests of the child or young person are a primary consideration that must be weighed with other primary considerations, including—~~

- ~~(a) the public interest (which includes public safety);~~ 5
- ~~(b) the interests of any victim of offending by a child or young person;~~
- ~~(c) the accountability of the child or young person for their behaviour.~~

(2) In all matters relating to the administration or application of Parts 4 and 5 and sections 351 to 360, the 4 primary considerations, having regard to the principles set out in sections 5 and 208, are—

- (a) the well-being and best interests of the child or young person; and 10
- (b) the public interest (which includes public safety); and
- (c) the interests of any victim; and
- (d) the accountability of the child or young person for their behaviour.

Compare: 1989 No 24 s 6

15

8 Section 5 amended (Principles to be applied in exercise of powers conferred by this Act)

Replace section 5(a) to (g) with:

- ~~(a) the child or young person is at the centre of decision making that affects them, and, in particular,—~~ 20
 - ~~(i) the child's or young person's rights (including those rights set out in UNCROC and the United Nations Convention on the Rights of Persons with Disabilities, which New Zealand has affirmed) must be respected and upheld and the child or young person must be treated with dignity and respect at all times;~~ 25
 - ~~(ii) the child or young person must be protected from harm;~~
 - ~~(iii) the child or young person has a safe, stable, and loving home;~~
 - ~~(iv) the child or young person has a sense of belonging, and their identity is respected and taken into account, including (but not limited to) their cultural identity, gender identity, sexual orientation, and any disability;~~ 30
 - ~~(v) the child or young person is supported to achieve their developmental potential;~~
 - ~~(vi) the current harm and risk of future harm to the well being and development of a child or young person (including the risk of offending) are identified, prevented, and responded to at the earliest opportunity;~~ 35
 - ~~(vii) the impact of harm to the child or young person is addressed and steps are taken to enable their recovery;~~

- ~~(viii) decisions are made promptly and in a time frame appropriate to the age and development of the child or young person:~~
- ~~(ix) a holistic approach is taken that sees the child or young person as a whole person and takes into account the elements that make them who they are as a person (including, but not limited to, their age, cultural connections, education, development, and health):~~ 5
- ~~(x) for disabled children or young persons, the impact of their disability and any disadvantage resulting from that disability is considered and any impact mitigated; and~~
- ~~(b) when making a decision about a child or young person, the child's or young person's place within their family is recognised, and, in particular,—~~ 10
- ~~(i) the primary responsibility for caring for and nurturing the well being and development of the child or young person lies with their immediate family, whānau, or usual caregiver:~~ 15
- ~~(ii) their family, whānau, and usual caregiver are strengthened and supported to enable them to care for the child or young person, nurture their well being and development, and reduce the likelihood of harm or offending:~~
- ~~(iii) whenever possible, the relationship between the child or young person and their family, whānau, and usual caregiver is respected, supported, and strengthened:~~ 20
- ~~(iv) the relationship between the child or young person and their siblings is respected, supported, and strengthened:~~
- ~~(v) their family, whānau, hapū, iwi, and usual caregiver can participate in decisions made about the child or young person; and~~ 25
- ~~(e) when making a decision about a child or young person, the child's or young person's place within their community is recognised, and, in particular,—~~
- ~~(i) consideration is given to the significance of the child's or young person's wider whānau, hapū, and iwi, and links to whakapapa or the equivalents in the culture of the child or young person:~~ 30
- ~~(ii) consideration is given to how a decision affects the stability of a child or young person (including their educational stability and connections to community and local networks), and the impact of disruption to this stability:~~ 35
- ~~(iii) informal networks and supports of the child or young person and their family are acknowledged and, where practicable, utilised; and~~
- ~~(d) when making a decision about a child or a young person who is Māori,—~~ 40

- ~~(i) the mana and well-being of the child or young person are protected by recognising the whakapapa and whanaungatanga responsibilities of their whānau, hapū, and iwi:~~
- ~~(ii) the importance of whakapapa and whanaungatanga is recognised by ensuring that wherever possible, their whānau, hapū, and iwi can participate in those decisions:~~

5

8 Section 5 replaced (Principles to be applied in exercise of powers conferred by this Act)

Replace section 5 with:

5 Principles to be applied in exercise of powers under this Act

10

(1) Any court that, or person who, exercises any power under this Act must be guided by the following principles:

(a) a child or young person must be encouraged and assisted, wherever practicable, to participate in and express their views about any proceeding, process, or decision affecting them, and their views should be taken into account:

15

(b) the well-being of a child or young person must be at the centre of decision making that affects that child or young person, and, in particular,—

(i) the child's or young person's rights (including those rights set out in UNCROC and the United Nations Convention on the Rights of Persons with Disabilities) must be respected and upheld, and the child or young person must be—

20

(A) treated with dignity and respect at all times;

(B) protected from harm:

(ii) the impact of harm on the child or young person and the steps to be taken to enable their recovery should be addressed:

25

(iii) the child's or young person's need for a safe, stable, and loving home should be addressed:

(iv) mana tamaiti (tamariki) and the child's or young person's well-being should be protected by recognising their whakapapa and the whanaungatanga responsibilities of their family, whānau, hapū, iwi, and family group:

30

(v) decisions should be made and implemented promptly and in a time frame appropriate to the age and development of the child or young person:

35

(vi) a holistic approach should be taken that sees the child or young person as a whole person which includes, but is not limited to, the child's or young person's—

(A) developmental potential; and

- (B) educational and health needs; and
- (C) whakapapa; and
- (D) cultural identity; and
- (E) gender identity; and
- (F) sexual orientation; and 5
- (G) disability (if any); and
- (H) age:
- (vii) endeavours should be made to obtain, to the extent consistent with the age and development of the child or young person, the support of that child or young person for the exercise or proposed exercise, in relation to that child or young person, of any power conferred by or under this Act: 10
- (viii) decisions about a child or young person with a disability—
- (A) should be made having particular regard to the child’s or young person’s experience of disability and any difficulties or discrimination that may be encountered by the child or young person because of that disability; and 15
- (B) should support the child’s or young person’s full and effective participation in society:
- (c) the child’s or young person’s place within their family, whānau, hapū, iwi, and family group should be recognised, and, in particular, it should be recognised that— 20
- (i) the primary responsibility for caring for and nurturing the well-being and development of the child or young person lies with their family, whānau, hapū, iwi, and family group: 25
- (ii) the effect of the decision on the child’s or young person’s relationship with their family, whānau, hapū, iwi, and family group and their links to whakapapa should be considered:
- (iii) the child’s or young person’s sense of belonging, whakapapa, and the whanaungatanga responsibilities of their family, whānau, hapū, iwi, and family group should be recognised and respected: 30
- (iv) wherever possible, the relationship between the child or young person and their family, whānau, hapū, iwi, and family group should be maintained and strengthened:
- (v) wherever possible, a child’s or young person’s family, whānau, hapū, iwi, and family group should participate in decisions, and regard should be had to their views: 35
- (vi) endeavours should be made to obtain the support of the parents, guardians, or other persons having the care of the child or young person for the exercise or proposed exercise, in relation to that 40

	<u>child or young person, of any power conferred by or under this Act:</u>	
	<u>(d) the child’s or young person’s place within their community should be recognised, and, in particular,—</u>	
	<u>(i) how a decision affects the stability of a child or young person (including the stability of their education and the stability of their connections to community and other contacts), and the impact of disruption on this stability should be considered:</u>	5
	<u>(ii) networks of, and supports for, the child or young person and their family, whānau, hapū, iwi, and family group that are in place before the power is to be exercised should be acknowledged and, where practicable, utilised.</u>	10
(2)	<u>Subsection (1) is subject to section 4A.</u>	
	<u>Compare: 1974 No 72 ss 4A–4C; 1983 No 129 s 3</u>	
9	<u>New section 5A inserted (Principles of participation)</u>	15
	<u>After section 5, insert:</u>	
5A	<u>Principles of participation</u>	
(1)	<u>The following principles apply whenever a decision is made under this Act or regulations made under this Act:</u>	
	<u>(a) so far as is practicable, when a person makes a decision affecting a child or young person, the child or young person must be encouraged and assisted to participate in the decision making process and the child’s or young person’s views must be taken into account by the decision maker:</u>	20
	<u>(b) decision makers making written decisions must set out the child’s or young person’s views in their decision and, if those views were not followed, include the reasons for not doing so:</u>	25
	<u>(c) so far as is practicable, a decision affecting a child or young person, and the reasons for that decision, must be explained to them.</u>	
(2)	<u>A person who complies with section 11 or section 661, as the case requires, must be treated as having complied with the principles set out in subsection (1).</u>	30
10	<u>Section 6 repealed (Welfare and interests of child or young person paramount)</u>	
	<u>Repeal section 6.</u>	
11	<u>Section 7 amended (Duties of chief executive)</u>	35
	<u>(1AA) In section 7(1)(a), replace “objects” with “purposes”.</u>	
	<u>(1AB) In section 7(1)(b), replace “objects” with “purposes”.</u>	

**Children, Young Persons, and Their Families (Oranga
Tamariki) Legislation Bill**

Part 1 cl 11

- (1) In section 7(1)(b), replace “sections 5 and 6” with “~~sections 4A, 5, and 5A~~**sections 4A and 5**”.
- (2) Replace section 7(2)(b)(i) with:
 - (i) the establishment of services (including social work services, family support services, and community-based services) designed to improve the well-being of and long-term outcomes for children and young persons; and 5
- (3) After section 7(2)(b), insert:
 - (bab) ensure, where practicable, that any services funded by the department to reduce the impact of early risk factors for future involvement in the care, protection, or youth justice systems under this Act are co-ordinated with other government-funded activities for improving outcomes for children, young persons, and families, or reducing the impact of those early risk factors ~~(for example, the kind set out in any vulnerable children’s plan under the Vulnerable Children Act 2014)~~ so that those services and activities— 10
 - (i) are unified under a shared strategy and set of outcomes with respect to children and young persons with those early risk factors ~~for future involvement in the care, protection, or youth justice systems under this Act~~; and 20
 - (ii) adopt a common approach to evaluating the set of outcomes sought and, where possible, determining the return on investment by the Government in those services and activities; and
 - (iii) are available to meet the needs of children and young persons of different ages and at different developmental stages, and include processes to support children and young persons to move between services and activities as they get older and develop: 25
 - (bac) comply with ~~the standards of care prescribed in~~ regulations (relating to standards of care) made under **section 447(fa)**: 30
 - (bad) establish, amend, or replace, after consulting the State Services Commissioner, complaints mechanisms to enable children and young persons, their parents, whānau, families, and caregivers—
 - (i) to complain about actions ~~taken by~~ or omissions under this Act or regulations made under this Act in relation to those children and young persons by the chief executive, the chief executive’s delegates, and employees of the department ~~under this Act or regulations made under this Act in relation to children and young persons~~; and 35
 - (ii) to receive ~~timely, fair, and child-centred~~ responses to those complaints: that are—
 - (A) timely and fair; and 40

- (B) centred on the child or young person:
- (bae) ensure that the policies and services provided by the department are informed by the outcomes of cases considered by the complaints process and the reviews of those outcomes undertaken in accordance with regulations made under **section 447(fb)**: 5
- (baf) develop and publish policies and practice standards in relation to the chief executive’s role in—
- (i) managing, and participating in, family group conferences; and
- (ii) giving effect to the conferences’ outcomes:
- (bag) publish information, in any form or medium that the chief executive considers will be accessible to children and young persons in the care or custody of the chief executive and their parents, whānau, families, and caregivers, summarising— 10
- (i) the rights of children and young persons in the care or custody of the chief executive; and 15
- (ii) the standard of care they should expect from the department under this Act or regulations made under this Act:
- (4) In section 7(4)(b), replace “section 173 or 174” with “section 173, 174, or **175(1A)(a)**”.
- (5) After section 7(4), insert: 20
- (5) To avoid doubt, a summary of rights published under **subsection (2)(bag)** cannot create new rights or detract from existing rights.
- (6) In **section 7(2)(bad)**,—
- caregiver** includes a caregiver within the meaning given in **section 386AAA**
- young person** includes a young person within the meaning given in **section 386AAA**. 25
- 12 ~~New **section 7A** **section 7AA** inserted (**Further duties of chief executive in relation to improvement of Māori outcomes**) (**Duties of chief executive in relation to Treaty of Waitangi (Tiriti o Waitangi)**)~~
- After section 7, insert: 30
- ~~7AA **Further duties of chief executive in relation to improvement of Māori outcomes**~~**Duties of chief executive in relation to Treaty of Waitangi (Tiriti o Waitangi)**
- (1) The duties of the chief executive set out in **subsection (2)** are imposed in order to recognise and provide a practical commitment to the principles of the Treaty of Waitangi (te Tiriti o Waitangi). 35
- (2) The chief executive must ensure that—

- (a) the policies and practices of the department that impact on the well-being of children have the objective of reducing disparities by setting measurable outcomes for Māori children and young persons who come to the attention of the department:
- (b) the policies, practices, and services of the department ~~must~~ have regard to ~~the mana and~~ mana tamaiti (tamariki) and the whakapapa of Māori children and young persons and the whanaungatanga responsibilities of their whānau, hapū, and iwi: 5
- (c) the department seeks to develop strategic partnerships with iwi and Māori organisations, including iwi authorities, in order to— 10
- (i) provide opportunities to, and invite innovative proposals from, ~~iwi and Māori organisations~~ those organisations to improve outcomes for Māori children, young persons, and their whānau who come to the attention of the department:
- (ii) ~~contribute to setting~~ set expectations and targets to improve outcomes for Māori children and young persons who come to the attention of the department: 15
- (iii) enable the robust, regular, and genuine exchange of information between the department and ~~iwi and Māori organisations~~ those organisations: 20
- (iv) provide opportunities for the chief executive to delegate functions under this Act or regulations made under this Act to appropriately qualified people within ~~iwi and other Māori organisations~~ those organisations:
- (v) provide, and regularly review, guidance to persons discharging functions under this Act ~~and regulations made under this Act~~ to support cultural competency as a best-practice feature of the ~~Oranga Tamariki~~ department's workforce: 25
- (vi) agree on any action both or all parties consider is appropriate.
- (2A) One or more organisations may invite the chief executive to enter into a strategic partnership. 30
- (2B) The chief executive must consider and respond to any invitation.
- (3) The chief executive must report to the public at least once a year on the measures taken by the chief executive to carry out the duties in **subsections (2) and (2B)**, including the impact of those measures in improving outcomes for Māori children and young persons ~~in care or protection~~ who come to the attention of the department under this Act and the steps to be taken in the immediate future. 35
- (4) A copy of each ~~annual~~ report under **subsection (3)** must be published on an Internet site maintained by the department. 40

12A Section 11 amended (Child’s or young person’s participation and views)

- (1) After section 11(2)(a), insert:
- (aa) except where section 10 (relating to proceedings) applies, the child or young person must be given reasonable assistance to understand the reasons for the proceedings or process, the options available to the decision-maker, and how these options could affect them: 5
- (2) Replace section 11(2)(d) with:
- (d) any views that the child or young person expresses (either directly or through a representative) must be taken into account; and
- (e) any written decision must set out the child’s or young person’s views and, if those views were not followed, include the reasons for not doing so; and 10
- (f) the decision, the reasons for it, and how it will affect them must be explained to the child or young person.
- (3) After section 11(3), insert: 15
- (3A) The persons listed in subsection (3) must perform the duty imposed by **subsection (2)(f)**.
- (4) In section 11(6), replace “section 5(d)” with “**section 5(1)(a)**”.
- (5) After section 11(7), insert:
- (8) A person who complies with **section 66I** must be treated as having complied with this section. 20

13 Section 13 amended (Principles)

- (1AA) In section 13(1), replace “welfare and interests” with “well-being and best interests”.
- (1) In section 13(1), replace “section 6” with “**section 4A(1)**”. 25
- (2) Replace section 13(2) with:
- (2) ~~In determining the well-being and best interests of the child or young person, the court or person exercising powers referred to in subsection (1) must be guided by, in addition to the principles in sections **4A(1)**, 5, and **5A**, the following principles:~~ 30
- (a) ~~intervention should occur early to improve the safety and well-being of children, young persons, and their families and to address risk of future harm (including the risk that a child or young person may offend or re-offend, or not achieve their developmental potential):~~
- (b) ~~interventions with families should, where possible, occur with the consent of the child or young person concerned and their parents, guardians, or usual caregivers, and should reflect the child’s or young person’s views and input:~~ 35

- ~~(e) where a child or young person is at risk of being removed from their immediate family, whānau, or usual caregivers, the child's or young person's usual caregivers, family, whānau, hapū, iwi, and family group should, unless it is unreasonable or impracticable in the circumstances, be assisted to enable them to provide a safe, stable, and loving home to the child or young person in accordance with whakapapa and whanaungatanga: 5~~
- ~~(d) where there is a risk that a child's or young person's needs for a safe, stable, and loving home may not be met by their usual caregivers, those needs should be considered and addressed concurrently with interventions to support the child or young person to remain with those caregivers: 10~~
- ~~(e) powers to intervene under this Part without the consent of the persons concerned should be exercised only when necessary and when there is no other reasonable way to safeguard and promote a child's or young person's well-being: 15~~
- ~~(f) a child or young person should be removed from the care of their usual caregivers only if there is a serious risk of physical or emotional harm to them: 20~~
- ~~(g) if a child or young person is removed from the care of their usual caregivers and cannot be returned to those caregivers, — 20~~
- ~~(i) decisions about placement should be guided by the child's or young person's best interests, and the court or person making the decision should seek the views and understand the needs of the child or young person: 25~~
- ~~(ii) children or young persons should be in a placement in which they will be safe and protected from harm: 25~~
- ~~(iii) stability and continuity of placement are important considerations when making placement decisions: 25~~
- ~~(iv) if practicable, a child or young person should be placed with their siblings: 30~~
- ~~(v) children or young persons should be placed where they can develop a sense of belonging and attachment, and where their personal identity and cultural identity are maintained: 30~~
- ~~(h) preserving and strengthening connections (including cultural connections) with family, whānau, hapū, iwi, and the family group is important and should occur, having regard to the views of the child or young person, even if the child lives in a different location: 35~~
- ~~(i) where a child is considered to be in need of care or protection on the ground specified in **section 14(1)(c)**, the principle set out in section 208(g): 40~~

- ~~(j) the well-being and interests of any child or young person, in general, take precedence over any duty of confidentiality owed by any person in relation to that child or young person or to any person who is a family member of that child or young person or in a domestic relationship with that child or young person (within the meaning of section 4 of the Domestic Violence Act 1995):~~ 5
- ~~(k) any intervention with the whānau of a child or young person who is Māori should recognise and promote the mana tamaiti (tamariki) and the whakapapa of that child or young person and relevant whanaungatanga rights and responsibilities:~~ 10
- ~~(l) when determining where to place a child or young person who is Māori, if the child or young person is, or is to be, removed from their immediate family, whānau, or usual caregivers, the following principles apply:~~
- ~~(i) decisions in relation to children and young persons should recognise and promote the importance of mana tamaiti (tamariki), whakapapa, and whanaungatanga:~~ 15
- ~~(ii) the whanaungatanga and the whakapapa of the child or young person are important and should continue to be honoured on an ongoing basis wherever the child or young person lives.~~
- (2) In determining the well-being and best interests of the child or young person, the court or person must be guided by, in addition to the principles in **section 5**, the following principles: 20
- (a) it is desirable to provide early support and services to—
- (i) improve the safety and well-being of a child or young person at risk of harm: 25
- (ii) reduce the risk of future harm to that child or young person, including the risk of offending or reoffending:
- (iii) reduce the risk that a parent may be unable or unwilling to care for the child or young person:
- (b) as a consequence of applying the principle in **paragraph (a)** any support or services provided under this Act in relation to the child or young person— 30
- (i) should strengthen and support the child’s or young person’s family, whānau, hapū, iwi, and family group to enable them to—
- (A) care for the child or young person or any future child or young person of that family or whānau; and 35
- (B) nurture the well-being and development of that child or young person; and
- (C) reduce the likelihood of future harm to that child or young person or offending or reoffending by them: 40

- (ii) should recognise and promote mana tamaiti (tamariki) and the whakapapa of the child or young person and relevant whanaungatanga rights and responsibilities of their family, whānau, hapū, iwi, and family group:
- (iii) should, wherever possible, be undertaken on a consensual basis and in collaboration with those involved, including the child or young person: 5
- (c) if a child or young person is considered to be in need of care or protection on the ground specified in **section 14(1)(e)**, the principle in **section 208(2)(g)**: 10
- (d) a power under this Part that can be exercised without the consent of the persons concerned is to be exercised only to the extent necessary to protect a child or young person from harm or likely harm:
- (e) assistance and support should be provided, unless it is impracticable or unreasonable to do so, to assist families, whānau, hapū, iwi, and family groups where— 15
- (i) there is a risk that a child or young person may be removed from their care; and
- (ii) in the other circumstances where the child or young person is, or is likely to be, in need of care and protection (for example, where a family group conference plan provides for assistance to be given to a child or parent to address a behavioural issue that may lead, or has led, to the child’s removal from the family): 20
- (f) if a child or young person is identified by the department as being at risk of removal from the care of the members of their family, whānau, hapū, iwi, or family group who are the child’s or young person’s usual caregivers, planning for the child’s or young person’s long-term stability and continuity of living arrangements should— 25
- (i) commence early; and
- (ii) include steps to make an alternative care arrangement for the child or young person, should it be required: 30
- (g) a child or young person should be removed from the care of the member or members of the child’s or young person’s family, whānau, hapū, iwi, or family group who are the child’s or young person’s usual caregivers only if there is a serious risk of harm to the child or young person: 35
- (h) if a child or young person is removed in circumstances described in **paragraph (g)**, the child or young person should, wherever that is possible and consistent with the child’s or young person’s best interests, be returned to those members of the child’s or young person’s family, whānau, hapū, iwi, or family group who are the child’s or young person’s usual caregivers: 40

- (i) if a child or young person is removed from their home, decisions about placement should—
- (i) be consistent with the principles set out in **sections 4A(1) and 5**:
 - (ii) address the needs of the child or young person; and 5
 - (iii) be guided by the following:
 - (A) preference should be given to placing the child or young person with a member of the child's or young person's wider family, whānau, hapū, iwi, or family group who is able to meet their needs, including for a safe, stable, and loving home: 10
 - (B) it is desirable for a child or young person to live with a family, or if that is not possible, in a family-like setting:
 - (C) the importance of mana tamaiti (tamariki), whakapapa, and whanaungatanga should be recognised and promoted: 15
 - (D) where practicable, a child or young person should be placed with the child's or young person's siblings:
 - (E) a child or young person should be placed where the child or young person can develop a sense of belonging and attachment: 20
- (j) a child or young person who is in the care of the chief executive or under the control of an approved person or organisation under section 362 should receive special protection and assistance designed to—
- (i) address their particular needs, including—
 - (A) their needs for physical and health care; and 25
 - (B) emotional care that contributes to their positive self-regard; and
 - (C) their identity needs; and
 - (D) material needs relating to education, recreation, and general living: 30
 - (ii) preserve the child's or young person's connections with the child's or young person's—
 - (A) siblings, family, whānau, hapū, iwi, and family group; and
 - (B) wider contacts:
 - (iii) respect and honour, on an ongoing basis, the importance of the child's or young person's whakapapa and the whanaungatanga responsibilities of the child's or young person's family, whānau, hapū, iwi, and family group: 35

(iv) support the child or young person to achieve their aspirations and developmental potential:

(k) if a child or young person is placed with a caregiver under section 362, the chief executive should support the caregiver in order to enable the provision of the protection and assistance described in **paragraph (j)**.

5

14 Section 14 replaced (Definition of child or young person in need of care or protection)

Replace section 14 with:

~~14 Definition of child or young person in need of care or protection~~

~~(1) A child or young person is **in need of care or protection** if the child or young person has suffered, or is likely to suffer, serious harm. Circumstances that may result in serious harm or the likelihood of serious harm include (but are not limited to) —~~

10

~~(a) the child or young person is being, or is likely to be, abused, deprived, ill treated (whether physically, emotionally, or sexually), or neglected:~~

15

~~(b) the child's or young person's development or physical or mental or emotional well being (including their ability to form a significant psychological attachment to a caregiver (other than a person referred to in **subsection (4)**)) is being, or is likely to be, impaired or neglected, and that impairment or neglect is, or is likely to be, avoidable:~~

20

~~(c) the child or young person has been exposed to domestic violence (within the meaning of section 3 of the Domestic Violence Act 1995):~~

~~(d) the child or young person has behaved, or is behaving, in a manner that —~~

~~(i) is, or is likely to be, harmful to the physical, mental, or emotional well being of the child or young person or to the well being of others; and~~

25

~~(ii) the child's or young person's parents or guardians, or the persons who have the care of the child or young person, are unable or unwilling to control them:~~

30

~~(e) in the case of a child of or over the age of 10 years and under 14 years, the child has committed an offence or offences of sufficient number, nature, or magnitude to cause serious concern for the well being of the child:~~

~~(f) the parents or guardians or other persons who have the care of the child or young person are unwilling to care for, or have abandoned, them:~~

35

~~(g) serious differences exist between the child or young person and the parents or guardians or other persons who have the care of them:~~

- ~~(h) serious differences exist between a parent, guardian, or other person who has the care of the child or young person and any other parent, guardian, or other person who has the care of them.~~
- ~~(2) A child or young person is also in need of care or protection within the meaning of this Part if—~~ 5
- ~~(a) the child is a subsequent child of a parent to whom section 18A applies and the parent has not demonstrated to the satisfaction of the chief executive (under section 18A) or the court (under section 18A(4)(a) or 18C) that they meet the requirements of section 18A(3); or~~
- ~~(b) the parents or guardians or other persons who have the care of the child or young person are unable to care for them.~~ 10
- ~~(3) For the purposes of applying **subsection (1)**, serious harm may occur (without limitation) as a result of—~~
- ~~(a) cumulative incidents; or~~
- ~~(b) the co-existence of different circumstances.~~ 15
- ~~(4) The persons referred to in **subsection (1)(b)** are as follows:~~
- ~~(a) any person who has care of the child or young person under the order of any court, whether or not that court is a court within the meaning of this Act;~~
- ~~(b) any person who has the care of a child or young person—~~ 20
- ~~(i) under an agreement under section 139 or 140; or~~
- ~~(ii) under an agreement made under section 141 or 142 (before the repeal of those provisions); or~~
- ~~(iii) for the purpose of adoption, if the requirements of section 6 of the Adoption Act 1955 are being complied with;~~ 25
- ~~(c) any person who is caring for the child or young person in—~~
- ~~(i) any residential accommodation provided for children or young persons attending a registered school within the meaning of the Education Act 1989; or~~
- ~~(ii) a hospital care institution within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001.~~ 30
- 14 Definition of child or young person in need of care or protection**
- (1) A child or young person is in need of care or protection if—**
- (a) the child or young person is suffering, or is likely to suffer, serious harm—** 35
- (i) in the circumstances described in **section 14AA(1)**; or**
- (ii) having regard to the circumstances described in **section 14AA(2)**; or**

- (b) the parents or guardians or the persons who have the care of the child or young person are unable to care for the child or young person; or
- (c) the child is a subsequent child of a parent to whom section 18A applies and the parent has not demonstrated to the satisfaction of the chief executive (under section 18A) or the court (under section 18A(4)(a) or 18C) that the parent meets the requirements of section 18A(3); or 5
- (d) the child or young person has behaved, or is behaving, in a manner that—
- (i) is or is likely to be, harmful to the physical or mental or emotional well-being of the child or young person or to others; and 10
- (ii) the child's or young person's parents, or the persons having the care of the child or young person are unable or unwilling to control; or
- (e) in the case of a child of or over the age of 10 years and under the age of 14 years, the child has committed an offence or offences of sufficient number, nature, or magnitude to cause serious concern for the well-being of the child. 15
- (2) **Subsection (1)(a)** must be applied in conjunction with **section 14AA** (which describes the circumstances in which a child or young person is suffering, or is likely to suffer, serious harm). 20
- Compare: 1974 No 72 s 27(2); 1977 No 126 s 7(1)
- 14AA Circumstances in which child or young person is suffering, or is likely to suffer, serious harm**
- (1) For the purposes of **section 14(1)(a)(i)**, a child or young person is suffering, or is likely to suffer, **serious harm** if— 25
- (a) the child or young person is being, or is likely to be, abused (whether physically, emotionally, or sexually), deprived, ill-treated, or neglected; or
- (b) the parents or guardians or other persons who have the care of the child or young person are unwilling to care for, or have abandoned, them. 30
- (2) For the purposes of **section 14(1)(a)(ii)**, other circumstances that may constitute **serious harm**, or establish the likelihood of **serious harm**, include— 35
- (a) a child's or young person's development or physical or mental or emotional well-being is being, or is likely to be, impaired or neglected, and that impairment or neglect is, or is likely to be, avoidable;
- (b) the child or young person has been exposed to domestic violence (within the meaning of section 3 of the Domestic Violence Act 1995);
- (c) serious differences exist between the child or young person and the parents or guardians or other persons who have the care of them;

(d)	<u>serious differences exist between a parent, guardian, or other person who has the care of the child or young person and any other parent, guardian, or other person who has the care of them.</u>	
(3)	For the purposes of applying section 14(1)(a) and subsections (1) and (2), serious harm may occur (without limitation) as a result of—	5
(a)	<u>an incident; or</u>	
(b)	<u>2 or more incidents that taken on their own would not be serious enough to constitute serious harm, but the cumulative effect of which is serious enough to cause serious harm; or</u>	
(c)	<u>the co-existence of different circumstances.</u>	10
15	Section 15 replaced (Reporting of ill-treatment or neglect of child or young person)	
	Replace section 15 with:	
15	Reporting of concerns to constable or social worker	
	Any person who believes that a child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually) , ill-treated, abused, <u>(whether physically, emotionally, or sexually)</u> , neglected, or deprived, or who has concerns about the well-being of a child or young person, may report the matter to a constable or social worker.	15
16	Section 16 amended (Protection of person reporting ill-treatment or neglect of child or young person)	20
(1AA)	<u>Replace the section 16 heading with “Providing information about safety or well-being of child or young person”.</u>	
(1)	In section 16, replace “pursuant to section 15” with “under this Part,”.	
17	Section 17 amended (Investigation of report of ill-treatment or neglect of child or young person)	25
	After section 17(2), insert:	
(2A)	If, after an investigation under subsection (1), a care and protection co-ordinator is not notified under subsection (2), the chief executive may, nevertheless,—	30
(a)	undertake a further assessment or provide services to the child or young person, their family, or usual caregivers <u>other persons having the care of the child or young person</u> ; or	
(b)	refer the child or young person, their family, or usual caregivers <u>other persons having the care of the child or young person</u> to other services provided by agencies or in the community; or	35

- (c) take no further action, if the investigation under subsection (1) discloses no identifiable risk of harm that could be dealt with under this Act or if appropriate action has already been taken.

18 New section 18AAA inserted (Chief executive may make family group conference available in certain circumstances) 5

After section 17, insert:

18AAA Chief executive may make family group conference available in certain circumstances

If the chief executive is not satisfied that a child or young person is in need of care or protection but believes that holding a family group conference would best assist in formulating a plan to help the child or young person, the chief executive may refer the case to a care and protection co-ordinator, who must convene a family group conference under section 20. 10

19 Section 18 amended (Referral of care or protection cases to care and protection co-ordinator or youth justice co-ordinator by social workers or constables) 15

- (1) In section 18(1), replace “section 14(1)(ba) or (e)” with “**section 14(1)(c) or (e)**”.

- (2) In section 18(3), replace “declaration under section 67” with “care or protection order”. 20

20 Section 18A amended (Assessment of parent of subsequent child)

- (1) In section 18A(4)(a), replace “declaration under section 67 that the subsequent child is in need of care or protection on the grounds in section 14(1)(ba)” with “care or protection order because the subsequent child is in need of care or protection on the ground in **section 14(1)(c)**”. 25

- (2) In section 18A(4)(b), replace “under section 67” with “for a care or protection order”.

- (3) In section 18A(6), after “section 70 applies”, insert “, but a family group conference must be held before a care or protection order is made”.

- (4) In section 18A(7)(a)(ii), replace “declaration under section 67 that the child was in need of care or protection on the ground in section 14(1)(ba)” with “care or protection order because the child was in need of care or protection on the ground in **section 14(1)(c)**”. 30

- (6) Replace section 18A(7)(b) with:

- (b) the parent was, before this section came into force, subject to an investigation carried out by a social worker under section 17 in relation to a child who would, at that time, have fallen within the definition of a subsequent child, and— 35

- (i) the social worker did not at that time form the belief that the child was in need of care or protection on a ground in section 14(1)(a) or (b) (as in force at that time); or
- (ii) a family group conference was held, the parent addressed the concerns raised to the satisfaction of the chief executive, and the parent subsequently maintained care of the child. 5
- 21 Section 18B amended (Person described in this section)**
In section 18B(2)(a), replace “declared under section 67” with “decided”.
- 22 Section 18C amended (Confirmation of decision not to apply for declaration under section 67)** 10
- (1) In the heading to section 18C, replace “**declaration under section 67**” with “**care or protection order**”.
- (2) In section 18C(2), replace “declaration under section 67” with “care or protection order”.
- (3) In section 18C(4)(a), replace “declaration under section 67” with “care or protection order”. 15
- 23 Section 18D amended (Court declining to confirm decision)**
In section 18D(a), replace “declaration under section 67 made by the chief executive on the ground in section 14(1)(ba)” with “care or protection order made by the chief executive on the ground in ~~section 14(2)(a)~~**section 14(1)(c)**”. 20
- 24 Section 19 amended (Referral of care or protection cases to care and protection co-ordinator by other persons or by court)**
- (1) In section 19(1)(a), replace “welfare” with “well-being”.
- (2) In section 19(1), replace “section 14(1)(ba)” with “~~section 14(2)(a)~~**section 14(1)(c)**”. 25
- 25 Section 21 amended (Care and protection co-ordinator to consult family, whanau, or family group on convening of family group conference)**
In section 21, insert as subsection (2):
- (2) **Subsection (1)(a)** does not apply if the family group conference is convened under **section 18AAA**. 30
- 26 Sections 22 amended (Persons entitled to attend family group conference)**
After section 22(1)(d), insert:
- (da) if the conference is convened under any other provision of this Part (or under section 207D(3), 207K(2), or 207Q(2)), the chief executive or the chief executive’s delegate: 35

- 27 Section 26 amended (Procedure of family group conference)**
In section 26(2), replace “Subject to section 5(f),~~a~~” with “~~A~~Subject to **section 5(1)(b)(v)**”.
- 28 Section 28 amended (Functions of family group conference)**
- (1) In section 28(a), after “care or protection”, insert “or well-being”. 5
 - (2) In section 28(b), after “care or protection,”, insert “or is in need of assistance”.
 - (3) In section 28(b), replace “necessary or desirable, having regard to the principles set out in sections 5, 6, and 13” with “necessary or desirable ~~to meet the need~~ for the child’s or young person’s care, protection, needs, or well-being, having regard to the principles set out in sections **4A(1), ~~5, 5A,~~** and 13”. 10
- 29 Section 29 amended (Family group conference may make decisions and recommendations and formulate plans)**
- (1) In section 29(1), after “care or protection”, insert “or well-being”.
 - (2) In section 29(2), replace “sections 5, 6, and 13” with “sections **4A(1), ~~5, 5A,~~** and 13”. 15
- 30 Section 30 amended (Care and protection co-ordinator to seek agreement to decisions, recommendations, and plans of family group conference)**
Before section 30(1)(a), insert:
- (aaa) if the conference was convened under **section 18AAA**,—
- (i) communicate that decision, recommendation, or plan to the chief executive and to every person who will be directly involved in its implementation; and 20
 - (ii) seek the agreement of the chief executive, and every other person, organisation, or body to whom that decision, recommendation, or plan is communicated under **subparagraph (i)**, to that decision, recommendation, or plan. 25
- 31 Section 34 amended (Chief executive to give effect to decisions, recommendations, and plans of family group conference)**
In section 34(1), replace “sections 5, 6, and 13” with “sections **4A(1), ~~5, 5A,~~** and 13”. 30
- 32 Section 35 amended (Police to comply with decisions, recommendations, and plans of family group conference)**
In section 35, replace “sections 5, 6, and 13” with “sections **4A(1), ~~5, 5A,~~** and 13”.

- 33 Section 40 amended (Warrant to remove child or young person)**
In section 40(1), replace “declaration under section 67” with “care or protection order”.
- 34 Section 46 amended (Powers of court where application made under section 44 or child or young person brought before court under section 45)** 5
In section 46(b), replace “declaration under section 67” with “care or protection order”.
- 35 Section 48 amended (Unaccompanied children and young persons)**
In section 48(2)(b), replace “declaration under section 67” with “care or protection order”. 10
- 36 Section 59 amended (Application for production of documents relevant to investigation of whether child or young person in need of care or protection)**
- (1) In the heading to section 59, after “**protection**”, insert “**or assistance under ~~section 17(2A)~~section 17(2A)**”. 15
- (2) In section 59(1)(a), after “section 14(1)(e)”, insert “or is in need of assistance under **section 17(2A)**”.
- 37 Section 61 amended (Court may order document to be produced)**
In section 61(1), after “section 14(1)(e)”, insert “or is in need of assistance under **section 17(2A)**”. 20
- 38 Section 66 replaced (Government departments may be required to supply information)**
Replace section 66 with:
- Information sharing*

65A ~~Principle to be applied to~~ Purpose of information sharing and principle for information sharing decisions 25

(1) The purpose of **sections 66 to 660** is to facilitate the gathering and sharing of information to achieve the purposes in **section 4(1)(a) to (i)**.

(2) Persons ~~exercising powers~~ carrying out functions under **sections 66 to 660** must have regard to the principle in ~~**section 13(2)(j)**~~, to the extent relevant. **the principle that (because the well-being and best interests of a child or young person are the first and paramount consideration) the well-being and best interests of any child or young person, in general, take precedence over any duty of confidentiality owed by any person in relation to—** 30

(a) **the child or young person; or** 35

(b) any person who is a family member of that child or young person or in a domestic relationship with that child or young person (within the meaning of section 4 of the Domestic Violence Act 1995).

66 Agencies ~~may be required~~ to supply information

- (1) Every agency (within the meaning of section 2(1) of the Privacy Act 1993, which includes a person) must, on request, supply to the chief executive, a care and protection co-ordinator, or a constable any information held by the agency relating to that may relate to or affect the safety or well-being of a child or young person, if the information is—
- (a) required to determine whether a child or young person is in need of care or protection or assistance under section 17(2) and **(2A)**; or
- (b) required for the purposes of any proceedings under this Part (including a family group conference).
- (2) Despite **subsection (1)**, an agency may refuse to disclose any information that may be withheld on the grounds of legal professional privilege.
- (3) Information obtained under **subsection (1)**—
- (a) must not be used for the purposes of investigating any offence; and
- (b) is not admissible in any proceedings other than proceedings under this Part.
- ~~(4) In this section and **sections 66A to 66O**, information relating to a child or young person includes information—~~
- ~~(a) about a member of the family of that child or young person; or~~
- ~~(b) about any other person in a domestic relationship (as defined in section 2 of the Domestic Violence Act 1995) with that child or young person; or~~
- ~~(c) about any person who is likely to reside with the child or young person.~~

66A Disclosure of information obtained under section 66

- (1) The chief executive or a constable may disclose any information relating to a child or young person obtained under **section 66** to a child welfare and protection agency or an independent person if the chief executive or constable reasonably believes that providing the information will fulfil any of the following purposes:
- (a) preventing or ~~lessening~~ reducing the risk of a child or young person being subject to harm, ill-treatment, abuse, neglect, or deprivation;
- (b) making or contributing to an assessment of risk or need in relation to a child or young person, or a class of children or young persons;
- (c) making, contributing to, or monitoring any support plan for a child or young person where the plan relates to the activities and functions of the department:

- (d) preparing, implementing, or reviewing any prevention plan or strategy issued by the department:
- (e) arranging, providing, or reviewing services facilitated by the department for a child or young person, or their family or whānau:
- (f) ~~exercising any power or performing~~ carrying out any function in relation to family group conferences, children or young persons in care, or other functions relating to care or protection under this Part. 5
- (2) **Section 66(3)** applies in respect of any information disclosed under this section as if it were disclosed under **section 66(1)**.
- (3) In this section, **in care** has the same meaning as in section 7(4)(b). 10
- 66B Restrictions on disclosure of information under section 66A**
- The chief executive or a constable may not disclose information to a child welfare and protection agency or an independent person under **section 66A** if—
- (a) the information was disclosed to the chief executive or constable in circumstances that would otherwise have put the person who disclosed the information in breach of the person’s duty of confidence under the rules of the profession in which they practise; and 15
- (b) the chief executive or constable is aware, after making reasonable inquiries, that the disclosure would otherwise involve a breach of a duty of confidence of the kind referred to in **paragraph (a)** (whether as a result of being advised by the person disclosing the information or otherwise); and 20
- (c) the person to whom the information relates or their representative has not consented to the disclosure.
- 66C Use and disclosure of personal information relating to child or young person or classes of children or young persons** 25
- A child welfare and protection agency or an independent person that holds information relating to a child or young person or any class of children or young persons (including information contained in a dataset) may, irrespective of the purpose for which that information was collected,— 30
- (a) use that information for the purposes of—
- (i) preventing or ~~lessening~~ reducing the risk of a child or young person being subject to harm, ill-treatment, abuse, neglect, or deprivation; or
- (ii) making or contributing to an assessment of risk or need in relation to a child or young person, or any class of children or young persons; or 35

(iii)	making, contributing to, or monitoring any support plan for a child or young person, where the plan relates to the activities and functions of the department; or	
(iv)	preparing, implementing, or reviewing any prevention plan or strategy issued by the department; or	5
(v)	arranging, providing, or reviewing services facilitated by the department for a child or young person and their family or whānau; or	
(vi)	exercising any power or performing <u>carrying out</u> any function in relation to family group conferences, children or young persons in care, or other functions relating to care or protection under this Part; or	10
(b)	disclose (whether on request or on the agency's or independent person's own initiative) that information to another child welfare and protection agency or an independent person if the agency or independent person disclosing the information reasonably believes that disclosing the information will assist the agency or independent person receiving the information to carry out any of the purposes described in paragraph (a) .	15
66D Public notification of information about combined datasets		
(1)	If a <u>To avoid doubt, a child welfare and protection agency</u> uses <u>may use</u> information relating to a child or young person to <u>produce, link, or analyse</u> datasets of information and produce combined datasets, it must notify, at least once a year, on an Internet site maintained by the agency, —	20
(a)	the types of information used in the combined datasets:	
(b)	the sources of those types of information:	25
(c)	the purpose or purposes served by creating or analysing the combined datasets:	
(d)	the privacy safeguards relating to the use of the combined datasets.	
(2)	<u>If a child welfare and protection agency links or analyses datasets or produces combined datasets from more than 1 source, it must notify, at least once a year, on an Internet site maintained by the agency, an independent person, or a class of independent persons,—</u>	30
(a)	<u>the types of information used in the combined datasets:</u>	
(b)	<u>the sources of those types of information:</u>	
(c)	<u>the purpose or purposes served by creating or analysing the combined datasets:</u>	35
(d)	<u>the privacy safeguards relating to the use of the combined datasets.</u>	

66DA Application of sections 66E to 66H

Sections 66DB to 66H do not apply until a Code for information sharing approved by the Minister under **section 66L(1)(a)** comes into force.

66DB Definitions

In **sections 66E to 66H**,—

authorised child welfare and protection agency, in relation to any of those provisions, means a child welfare and protection agency or a class of child welfare and protection agencies, authorised by the Code of information sharing to exercise powers or perform functions under the particular provision

authorised independent person means, in relation to any of those provisions, an independent person or a class of independent persons, authorised by the Code of information sharing to exercise powers or perform functions under the particular provision

information relevant to the safety or well-being of a child or young person includes information about—

- (a) a member of the family of that child or young person; or
- (b) any other person in a domestic relationship (as defined in section 2 of the Domestic Violence Act 1995) with that child or young person; or
- (c) any person who is likely to reside with the child or young person.

66E Requests for information by authorised child welfare and protection agencies or authorised independent persons from other authorised child welfare and protection agencies or authorised independent persons

~~A~~An authorised child welfare and protection agency or an authorised independent person (the **requestor**) may request another authorised child welfare and protection agency or an authorised independent person (the **provider**) to disclose to the requestor any information that the provider holds relating to the safety, ~~welfare~~, or well-being of—

- (a) a particular child or young person and their family; or
- (b) a class of children or young persons and their families.

66F Duty of child welfare and protection agency or independent person receiving request under section 66E

~~A~~An authorised child welfare and protection agency or an authorised independent person—

- (a) must comply with a request under **section 66E** if, after receiving sufficient information from the requestor to make a decision, the provider reasonably believes that the information will assist the requestor to fulfil any of the purposes set out in **section 66A(1)**; but
- (b) may decline the request if **section 66G** applies.

66G When request under section 66E may be declined

~~A~~ An authorised child welfare and protection agency or an authorised independent person may decline a request under **section 66E** if that agency or person—

- (a) is not satisfied that disclosure of the information will help to fulfil any of the purposes in **section 66A(1)**; or 5
- (b) reasonably believes that—
 - (i) disclosure is likely to increase the risk of the child or young person being subject to harm, ill-treatment, abuse, neglect, or deprivation, and that risk outweighs the benefits of disclosure; or 10
 - (ii) disclosure will prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial, and that prejudice is likely to outweigh the benefits of disclosure; or
 - (iii) disclosure will prejudice the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or 15
 - (iv) disclosure will breach legal professional privilege; or
 - (v) disclosure will be contrary to the express wishes of the child or young person (expressed either directly or through their representative) and disclosure is not in the best interests of the child or young person. 20

66H Reasons for declining request

~~A~~ An authorised child welfare and protection agency or an authorised independent person who declines a request under **section 66E** must give the requestor notice of the decision to decline the request and the reasons for the decision. 25

66I Consultation to be undertaken when information is requested or proposed to be disclosed under section 66C or sections 66A-E to 66F-H

If ~~a~~ an authorised child welfare and protection agency or an authorised independent person proposes to disclose information under **section 66C** or any of **sections 66A-E to 66F-H**, the agency or person must, ~~unless it is impracticable for any reason (including the difficulty of consulting with large numbers of persons) or inappropriate~~ if it is practicable and appropriate to do so,— 30

- (a) inform the child or young person concerned, or their representative, about the proposed disclosure, including— ~~of the purposes and likely recipients of any disclosure:~~ 35
- (b) ~~give~~ provide the child or young person or their representative ~~a reasonable opportunity to express their views about the proposed disclosure:~~ any reasonable assistance necessary to— 40

- (i) understand the nature of the proposed disclosure:
 - (ii) express their views about the proposed disclosure:
 - (iii) understand the consequences of the decision that is taken in relation to the disclosure:
- (c) take into account any view expressed about the proposed disclosure before deciding whether to disclose the information. 5

Code of practice for information sharing

66J Purpose of Code for information sharing

- (1) The purpose of a Code of Practice for Information Sharing (a **Code**) is to provide both guidance and direction to child welfare and protection agencies and independent persons about the application of the information sharing provisions in **sections 66 to 66I** and how disputes about the interpretation and application of those provisions should be resolved. 10
- (2) Without limiting subsection (1), a Code may—
- (a) authorise a child welfare and protection agency or a class of child welfare and protection agencies or an independent person or a class of independent persons to exercise 1 or more of the powers or carry out 1 or more of the functions set out in sections 66E to 66H: 15
 - (b) contain binding rules about the circumstances in which—
 - (i) the powers conferred by 1 or more those sections can be exercised; and 20
 - (ii) the duties imposed by 1 or more of those sections must or may be carried out; and
 - (c) specify the conditions to which the exercise of those powers and carrying out of those functions is subject; and 25
 - (d) specify how disputes about the interpretation and application of those provisions are to be resolved.

66K Consultation on draft Code by Minister

- (1AA) As soon as practicable after the commencement of this section but before the Minister issues a draft Code, the Minister must consult the following persons about the content and form of the Code: 30
- (a) the Privacy Commissioner:
 - (b) the Children’s Commissioner:
 - (c) any organisations or individuals who the Minister is satisfied represent the interests of— 35
 - (i) child welfare and protection agencies; and
 - (ii) independent persons; and

	<u>(iii) different classes of child welfare and protection agencies and independent persons.</u>	
(1)	If the Minister decides to issue a Code, the <u>The Minister must, as soon as practicable after undertaking the consultation required by subsection (1AA), make decisions on the form and content of the draft Code and arrange for the</u> draft Code it to be notified —	5
	(a) <u>notified</u> in the <i>Gazette</i> ; and	
	(b) <u>published</u> on an Internet site maintained by the Government.	
(2)	<u>The notification of the draft Code must state—</u>	
	(a) that written submissions on the draft Code are invited from members of the public and interested organisations; and	10
	(b) where copies of the draft Code may be obtained; and	
	(c) the closing date for submissions; and	
	(d) the address to which submissions are to be sent.	
66L	Approval of draft Code by Minister	15
(1)	After considering a summary of issues and concerns raised by submitters and making any amendments to the draft Code, the Minister must, — <u>approve the Code.</u>	
	(a) by notice in the <i>Gazette</i>, approve the Code; and	
	(b) arrange for the Code to be published on an Internet site maintained by the Government; and	20
	(c) arrange for a notice stating where copies of the Code may be obtained to be published on an Internet site maintained by the Government.	
(2)	The Code comes into force—	
	(a) on the date specified for that purpose in the Code, being a date after the date on which the Code is approved; or	25
	(b) if no such date is specified, the day after the date on which the Code is approved.	
66M	Application of Legislation Act 2012 to Code	
	The Code is a disallowable instrument, but not <u>a legislative instrument and a disallowable instrument</u> ; for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.	30
66N	Amendments to Code	
(1)	The Code may be amended by the Minister approving, by notice in the <i>Gazette</i>, 1 or more amendments to the Code.	35

- (2) **Sections 66K to 66M** apply, with all necessary modifications, in relation to an amendment to the Code as if the amendment were ~~the preparation of a draft Code.~~
- (3) However, ~~these provisions do~~ **section 66K** ~~does~~ not apply to an amendment and it is unnecessary for the Minister to consider a summary of issues and concerns if— 5
- (a) the amendment is a minor or technical amendment; and
 - (b) the Minister considers that compliance with ~~those provisions~~ **section 66K** is unnecessary.
- 66O Relationship with other enactments** 10
- (1) **Sections 66 to 66N** do not—
- (a) ~~override section 344(2) of the Education Act 1989 (which relates to the use of national student numbers);~~
 - (b) ~~do not affect the Official Information Act 1982.~~
 - (a) affect the Official Information Act 1982; or 15
 - (b) limit or prevent the collection, use, or disclosure of information that is—
 - (i) authorised or required under any other enactment; or
 - (ii) permitted under any other enactment.
- (2) The collection, storage, and use of information under **sections 66 to 66H** of this Act must comply with principles 1, 4, 5, 6, 7, 8, 9, and 12 of section 6 of the Privacy Act 1993. 20
- (3) **Sections 66 to 66N** do not limit principle 11 in section 6 of the Privacy Act 1993 (which permits certain disclosures in addition to those authorised under those sections).
- (24) ~~If~~ However, if there is any inconsistency between **sections 66 to 66N** of this Act and ~~sections 6 to 10~~ any provisions of the Privacy Act 1993, **sections 66 to 66N** prevail. 25
- (35) ~~To avoid doubt,~~ Despite section 344(2) of the Education Act 1989, the chief executive of the Ministry of Education may use national student numbers, and a child welfare and protection agency may use information so gathered, in accordance with **sections 66 to 66I** to gather information for any of the purposes set out in **section 66A(1)**, and the information so gathered may be used for any of those purposes. 30
- 39 Section 67 repealed (Grounds for declaration that child or young person is in need of care or protection)** 35
- Repeal section 67.

- 40 Section 68 amended (Application for declaration that child or young person is in need of care or protection)**
- (1) In the heading to section 68, replace “**declaration that child or young person is in need of care or protection**” with “**care or protection order**”.
- (2) In section 68, replace “declaration that a child or young person is in need of care or protection” with “care or protection order (as defined in section 2)”. 5
- 41 Section 69 amended (Joint applications)**
- In section 69, replace “declaration that a child or young person is in need of care or protection” with “care or protection order”.
- 42 Section 70 amended (No application to be made unless family group conference has been held)** 10
- (1) In the heading to section 70, after “**application**”, insert “**for care or protection order**”.
- (2) In section 70(1), replace “declaration that a child or young person is in need of care or protection” with “care or protection order”. 15
- (3) In section 70(2)(c), replace “section 14(1)(g)” with “~~section 14(2)(b)~~**section 14(1)(a)(i)** (in the circumstances referred to in **section 14AA(1)(b)**)”.
- (4) In section 70(3), replace “declaration under section 67” with “care or protection order”.
- 43 Section 71 amended (Court may make declaration in absence of proof of responsibility for neglect or ill-treatment of child or young person)** 20
- (1) In the heading to section 71, replace “**declaration**” with “**care or protection order**”.
- (2) In section 71(a), replace “declaration that a child or young person is in need of care or protection” with “care or protection order”. 25
- (3) In section 71(b), replace “for making the declaration” with “specified in ~~section 14(1)(a) or (b)~~**section 14(1)(a)(i) or (ii)** (in the circumstances referred to in **section 14AA(1)(a) or (2)(a)**)”.
- 44 Section 72 amended (Court not to make declaration unless family group conference held)** 30
- (1) In the heading to section 72, replace “**declaration**” with “**care or protection order**”.
- (2) In section 72(1), replace “declaration under section 67 that a child or young person is in need of care or protection” with “care or protection order”.
- (3) In section 72(3), replace “declaration under section 67” with “care or protection order”. 35

- 45 Section 73 amended (Court not to make declaration unless satisfied that child’s or young person’s need for care or protection cannot be met by other means)**
- (1) In the heading to section 73, replace “**declaration**” with “**care or protection order**”. 5
- (2) In section 73(1), replace “declaration under section 67 that a child or young person is in need of care or protection” with “care or protection order”.
- (3) In section 73(2), replace “declaration under section 67 that a child or young person is in need of care or protection on” with “care or protection order on the basis of”. 10
- (4) In section 73(2), replace “paragraph (a) or paragraph (b) of section 14(1)” with “**section 14(1)(a)(i) or (ii)** (in the circumstances referred to in **section 14AA(1)(a) or (2)(a)**)”.
- 46 Section 74 amended (Court may require parties to undergo counselling)**
- In section 74(1), replace “declaration under section 67” with “care or protection order”. 15
- 47 Section 78 amended (Custody of child or young person pending determination of proceedings)**
- (1) In the heading to section 78, after “**proceedings**”, insert “**or in urgent cases**”.
- (2) After section 78(1), insert: 20
- (1A) Even if there are no other proceedings under this Part in relation to a child or a young person, the court may, on application by a person entitled to make an application under section 68 (the applicant) or a lawyer representing the child or young person, or on its own motion, if it is satisfied that **subsection (1B)** applies, make an interim custody order in relation to the child or young person. 25
- ~~(1B) This subsection applies if it is in the interests of the child or young person or in the public interest that an interim custody order be made as a matter of urgency.~~
- (1B) This subsection applies if—
- (a) it is in the best interests of the child or young person that an interim custody order be made as a matter of urgency; or 30
- (b) it is in the public interest that an interim custody order be made in respect of a child or young person and the grounds on which the order is sought relate to offending or alleged offending by the child or young person.
- (3) In section 78(2)(c), replace “declaration under section 67” with “care or protection order”. 35
- (4) Replace section 78(2)(d) with:
- (d) if an application has been made for a care or protection order and the court has adjourned the proceedings pending their disposition:

- (5) After section 78(3), insert:
- (4) An order under **subsection (1A)** ~~may be made~~ remains in force—
- (a) ~~for a period of 28 days; for the period specified in the order (not exceeding 28 days) unless it is earlier cancelled by the court on application by the applicant or a lawyer representing the child or young person or on its own motion under **subsection (1A)**; or~~ 5
- (b) ~~if the matter is to be referred to a family group conference, until a later date (specified by the court in the order) that the court considers allows sufficient time for a family group conference to be held and, if necessary, an application for a another care or protection order to be made.~~ 10

48 Cross-heading above section 83 replaced

Replace the cross-heading above section 83 with:

Care or protection orders

49 Section 83 amended (Orders of court on making of declaration)

- (1) Replace the heading to section 83 with “**Care or protection orders**”. 15
- (2) In section 83(1), replace “Where the court makes a declaration under section 67 relating to a child or young person, it may do 1 or more of the following things:” with “If the court, on application made under section 68, is satisfied that a child or young person is in need of care or protection, the court may do 1 or more of the following things (irrespective of whether the thing or things were sought in the application):”. 20
- (3) After section 83(1), insert:
- (1A) However, on an application under section 18A(4)(a) or 18D in relation to a person to whom section 18A applies, if the court is satisfied that the subsequent child is in need of care or protection on the ground in ~~section 14(2)(a)~~ **14(1)(c)**, the court must make a care or protection order referred to in subsection (1), unless it is satisfied that the person has demonstrated that they meet the requirements of section 18A(3). 25

50 Section 84 amended (Power to make other orders where declaration made on ground of child’s offending)

- (1) In the heading to section 84, replace “**where declaration made on ground of child’s offending**” with “**on ground of child’s offending**”. 30
- (2) In section 84(1), replace “Where the court makes a declaration under section 67 in relation to a child, and the declaration is made” with “If, on an application under section 68, a court is satisfied that a child is in need of care or protection”. 35

51 Section 86 amended (Services orders)

(1) In section 86(1), replace “Where the court makes a declaration under section 67 in relation to a child or young person” with “If, on an application under section 68, the court is satisfied that a child or young person is in need of care or protection”.

5

(2) In section 86(3)(b), replace “sections 5, 6, and 13” with “sections **4A(1), 5, and 13**”.

52 Section 86A amended (Interim services orders)

In section 86A, replace “declaration under section 67 in relation to” with “care or protection order in respect of”.

10

53 Section 87 amended (Restraining orders)

In section 87(1), replace “Where the court makes a declaration under section 67 in relation to a child or young person” with “If, on an application under section 68, the court is satisfied that a child or young person is in need of care or protection”.

15

54 Section 88 amended (Interim restraining orders)

(1) In section 88, replace “declaration under section 67 in relation to” with “care or protection order in respect of”.

(2) In section 88, insert as subsections (2) to (4):

(2) Even if ~~an application has not been made for a care or protection order~~ there are no other proceedings under this Part in relation to a child or young person, the court may, on application by a person entitled to make an application under section 68 (the applicant) or a lawyer representing the child or young person, or on its own motion, if it is satisfied that **subsection (3)** applies, make any order that it is empowered to make under section 87.

20

25

(3) This subsection applies if it is in the best interests of the child or young person ~~or in the public interest~~ that an interim restraining order be granted as a matter of urgency.

(4) An order under **subsection (2)** ~~may be made~~ remains in force—

(a) ~~for a maximum period of 28 days; for the period specified in the order (not exceeding 28 days), unless it is earlier cancelled by the court, on application by the applicant or a lawyer representing the child or young person or on its own motion under **subsection (2)**;~~ or

30

(b) ~~if the matter is to be referred to a family group conference, until a later date (specified by the court in the order) that the court considers allows sufficient time for a family group conference to be held and, if necessary, an application for ~~a~~ another care or protection order to be made.~~

35

- 55 Section 91 amended (Support orders)**
- (1) In section 91(1), replace “Where the court makes a declaration under section 67 in relation to a child or young person” with “If, on an application under section 68, the court is satisfied that a child or young person is in need of care or protection”. 5
- (2) In section 91(3)(b), replace “sections 5, 6, and 13” with “sections **4A(1), 5, ~~5A~~**, and 13”. 5
- 56 Section 92 amended (Interim support orders)**
- In section 92, replace “declaration under section 67” with “care or protection order”. 10
- 57 Section 95 amended (Conditions of support order or interim support order)**
- In section 95(1)(d), replace “in respect of whom a declaration is made” with “who the court is satisfied is in need of care or protection”.
- 58 Section 96 amended (Power of court to impose additional conditions)** 15
- (1) In section 96(1)(a), replace “in respect of whom a declaration is made” with “who the court is satisfied, on an application made under section 68, is in need of care or protection”.
- (2) In section 96(1)(a)(iii), replace “in respect of whom a declaration is made” with “who the court is satisfied, on an application made under section 68, is in need of care or protection”. 20
- 59 Section 101 amended (Custody orders)**
- In section 101(1), replace “Where the court makes a declaration under section 67 in relation to a child or young person” with “If a court, on application under section 68, is satisfied that a child or young person is in need of care or protection”. 25
- 60 Section 102 amended (Interim custody orders)**
- In section 102(1), replace “makes a declaration under section 67” with “is satisfied that a child or young person is in need of care or protection”.
- 61 Section 110 amended (Guardianship orders)** 30
- In section 110(1), replace “makes a declaration under section 67 in relation to any child or young person” with “is satisfied that a child or young person is in need of care or protection”.
- 62 New section 110AA inserted (Interim guardianship orders)**
- After section 110, insert: 35

110AA Interim guardianship orders

- (1) In any proceedings in a court under this Part in relation to a child or young person, the court may, on the application of any party to the proceedings, or on its own motion, make an order ~~relating to the guardianship of the child or young person~~ that it is empowered to make under section 110 on an interim basis pending the determination of the proceedings. 5
- (2) An ~~order for~~ interim guardianship order may be made ~~under subsection (1)~~ only if the immediate needs of the child or young person cannot be ~~dealt with~~ met without making the order.
- (3) An interim guardianship order ~~made under subsection (1)~~ must not continue in force for more than 6 months after the date on which it is made. 10
- (4) If an interim guardianship order is made ~~under subsection (1)~~, the court may, on application by any person who was the applicant in the proceedings in which the order was made, or any person on whom the application in those proceedings was served in accordance with section 152, or the person in whose custody the child or young person was placed,— 15
- (a) make 1, but only 1, further interim guardianship order under this section; or
- (b) make a final order under section 110; or
- (c) make any other order referred to in section 83(1) or 84(1) that the court considers appropriate; or 20
- (d) dismiss the application.
- (5) Even if there are no other proceedings under this Part in relation to a child or young person, the court may, on application by a person entitled to make an application under section 68 (the applicant) or a lawyer representing the child or young person, or on its own motion, if it is satisfied that **subsection (6)** applies, make an interim guardianship order. 25
- (6) This subsection applies if it is in the best interests of the child or young person ~~or in the public interest~~ that an interim guardianship order be ~~granted~~ made as a matter of urgency. 30
- (7) An order under **subsection (5)** ~~may be made for a maximum period of~~ remains in force—
- (a) ~~28 days; for the period specified in the order (not exceeding 28 days) unless it is earlier cancelled by the court, on application by the applicant or a lawyer representing the child or young person or on its own motion~~ under subsection (5); or 35
- (b) ~~if the matter is to be referred to a family group conference, until a later date (specified by the court in the order) that the court considers allows sufficient time for a family group conference to be held and, if necessary, an application for a another care or protection order to be made.~~ 40

62A Section 110A amended (Application for change of guardianship order)

In section 110A(4)(a)(iii), replace “welfare” with “well-being”.

63 Section 121 amended (Court may make orders for access and exercise of other rights by parents and other persons)

(1AA) In section 121(2)(a), delete “pending the determination of the proceedings”. 5

(1) In section 121(2)(c), replace “person,—” with “person; or”.

(2) After section 121(2)(c), insert:

(ca) makes an interim guardianship order under **section 110AA**~~relating to the guardianship of a child or young person, pending the determination of the proceedings,—~~

10

64 Section 125 amended (Application for variation or discharge of orders made under this Part)

(1) In section 125(1)(a), delete “pending the determination of the proceedings”.

(2) In section 125(1)(g), after “section 110”, insert “or an interim guardianship order made under **section 110AA**”.

15

64A Section 127 amended (Court may vary or discharge order)

After section 127(2), insert:

(2A) Despite subsections (1) and (2), the court may not, under either of those subsections, vary an interim order (other than an interim custody order referred to in sections 101 and 102 or an interim guardianship order under **section 110AA(1)**) to make it a final order.

20

64B Section 128 amended (Court to obtain and consider plan for child or young person before making certain orders)

(1) After section 128(2), insert:

(2A) An applicant for an order may prepare a plan, that the court is required to obtain to make the order, and file it in accordance with **subsection (3A)** without a direction from the court.

25

(2) After section 128(3), insert:

(3A) A plan prepared under subsection (1) or **(2A)** must be filed with the court not later than 10 working days before the date set for the hearing to determine whether an order specified in subsection (2) should be made.

30

64C Section 129 amended (Court to direct who is to prepare plan)

(1) In section 129(1), replace “the plan shall be prepared by such person as the court directs” with “the plan must be prepared by the applicant for the order, or any other person that the court directs”.

35

(2) Replace section 129(1A)(a) with:

(a) a person prepares a plan; and

64D Section 130 amended (Content of plans)

In section 130(1)(f), replace “welfare” with “well-being”.

65 Section 131 amended (Adjournment for purposes of obtaining plan)

Replace section 131(2) with:

(2) If any proceedings are adjourned for the purposes of obtaining any plan under section 128, the person responsible for preparing the plan must make all reasonable endeavours to ensure that the plan is filed with the court at least 7 10 working days before the date set for the hearing, ~~—~~.

~~(a) filed with the court;~~

~~(b) sent to all the parties to the proceedings.~~

66 Section 132 amended (Access to plans)

In section 132(2), replace “1 working day” with “5 working days”.

~~67 Section 137 amended (Court to consider report and make directions)~~

~~In section 137(1), after “the court shall”, insert “, after giving the parties an opportunity to make submissions on the revised plan,”.~~

68 Sections 141 and 142 repealed

Repeal sections 141 and 142.

69 Section 143 amended (All parents or guardians not required to be party to agreement)

In section 143, delete “or section 141 or section 142”.

70 Section 144 amended (Agreement not to be made without consent of child or young person)

(1) In section 144(1), delete “or section 142”.

(2) Repeal section 144(2).

(3) In section 144(3), delete “or section 141 or section 142”.

71 Section 145 amended (Agreement not to be made without approval of family group conference)

(1) In section 145(1), delete “or section 141 or section 142”.

(2) Repeal section 145(1)(b) and (d)(ii).

(3) In section 145(1)(d), after “a care and protection co-ordinator”, insert “(or if section 261 applies, a youth justice co-ordinator)”.

(3A) In section 145(1)(d)(iii), replace “objects” with “purposes”.

- (3B) In section 145(1)(d)(iii), replace “sections 4, 5, 6, and 13” with “sections 4, 4A(1), 5, and 13”.
- (4) In section 145(2)(a), delete “or section 141 or section 142”.
- (5) Repeal section 145(2)(b).
- 72 Section 146 amended (Form and terms of agreements) 5**
- (1) In section 146(1), delete “or section 141 or section 142”.
- (2) In section 146(2), delete “or section 141 or section 142”.
- 73 Section 147 amended (Further restrictions on making of agreements)**
- In section 147(2), delete “or section 141 or section 142”.
- 74 Section 148 amended (Effect of agreements) 10**
- In section 148, delete “or section 141 or section 142”.
- 75 Section 149 amended (Agreement may provide for consent to medical treatment)**
- In section 149, delete “or section 141 or section 142”.
- 76 Section 152 amended (Service of application for declaration) 15**
- (1AA) In the heading to section 152, replace “declaration” with “care or protection order”.
- (1) In section 152(1), replace “declaration under section 67 that a child or young person is in need of care or protection” with “care or protection order”.
- 77 Section 153 amended (Notice of application for declaration to be given to child or young person) 20**
- (1AA) In the heading to section 153, replace “declaration” with “care or protection order”.
- (1) In section 153, replace “declaration under section 67” with “care or protection order”. 25
- 78 Section 154 amended (Service of application for variation or discharge of order)**
- Replace section 154(1)(b) with:
- (b) the applicant for a care or protection order in respect of which the order was made: 30
- 79 Section 158 amended (Applications may be heard together)**
- In section 158, replace “declaration under section 67” with “care or protection order”.

- 80 Section 170 amended (Calling of mediation conference)**
In section 170(1), replace “declaration under section 67” with “care or protection order”.
- 81 Section 185 amended (Sections to have effect in place of sections 38 to 44 of Criminal Procedure (Mentally Impaired Persons) Act 2003)** 5
In section 185, replace “declaration under section 67” with “care or protection order”.
- 82 Section 186 amended (Report by social worker)**
- (1) In section 186(1), replace “Where the court makes a declaration under section 67” with “If the court makes a care or protection order”. 10
- (2) In section 186(2), replace “the declaration under section 67” with “the care or protection order”.
- (3) In section 186(2A), replace “declaration under section 67” with “care or protection order”.
- (4) Replace section 186(2A)(a)(i) with: 15
- (i) set out the steps that the parent, guardian, or the other person must take, or the behavioural changes that the parent, guardian, or the other person must make, before the child or young person can be returned to the care of the parent, guardian, or the other person; and 20
- 83 Section 187 amended (Cultural and community reports)**
In section 187(1), replace “declaration under section 67” with “care or protection order”.
- 84 Section 198 amended (Special provisions applying to applications for declaration on ground of child’s offending)** 25
- (1) In the heading to section 198, replace “**declaration**” with “**care or protection order**”.
- (2) In section 198(1), replace “declaration under section 67” with “care or protection order”.
- 85 Section 199 amended (Power of court to call witnesses)** 30
In section 199(1), replace “declaration under section 67” with “care or protection order”.
- 86 Section 200 amended (Court to ensure that application for declaration that child or young person in need of care or protection dealt with promptly)**
- (1) Replace the heading to section 200 with “**Court to ensure that application for care or protection order dealt with promptly**”. 35

- (2) In section 200, replace “declaration under section 67” with “care or protection order”.
- 87 Section 205 amended (Preventing removal of child or young person from New Zealand)**
In section 205(1)(a), replace “declaration under section 67” with “care or protection order”. 5
- 88 Section 206 amended (Offence to take child or young person out of New Zealand where proceedings pending)**
In section 206(1), replace “declaration under section 67” with “care or protection order”. 10
- 88A Section 206B amended (Power to dismiss proceedings)**
In section 206B(a), replace “welfare” with “well-being”.
- 89 Section 207E amended (Chief executive to have regard to certain matters)**
In section 207E(a), replace “sections 5, 6, and 13” with “sections **4A(1)**, ~~5~~, ~~5A~~, and 13”. 15
- 90 Section 207M amended (Court to have regard to certain matters)**
In section 207M(a), replace “sections 5, 6, and 13” with “sections **4A(1)**, ~~5~~, ~~5A~~, and 13”.
- 91 Section 207S amended (Court to have regard to certain matters)**
In section 207S(d), replace “sections 5, 6, and 13” with “sections **4A(1)**, ~~5~~, ~~5A~~, and 13”. 20
- 92 Section 208 amended (Principles)**
- (1AA) In section 208, insert as subsection (1):**
- (1) A court or person exercising powers under this Part, Part 5, or sections 351 to 360 must weigh the 4 primary considerations described in **section 4A(2)**.** 25
- ~~(1) In section 208(d), after “offence”, insert “or is alleged to have committed an offence”.~~
- ~~(2) In section 208, insert as subsection (2):~~
- ~~(2) If a person is performing a function or exercising a power under this Part in relation to a child or young person who commits an offence or is alleged to have committed an offence, they must, when doing so, consider—~~ 30
- ~~(a) what reasonable and practical measures or assistance could be taken or provided to support the child or young person to prevent or reduce reoffending; and~~
- ~~(b) whether the child or young person would benefit from being referred to care, protection, or well-being services under this Act.~~ 35

- (1) In section 208, replace “Subject to section 5, any court which, or person who, exercises any powers conferred by or under this Part or Part 5 or sections 351 to 360 shall be guided by the following principles:” with “When weighing those 4 primary considerations, the court or person must be guided by, in addition to the principles in **section 5**, the following principles:”. 5
- (1A) In section 208(a) to (h), delete “the principle”.
- (2) In section 208(b), delete “solely”.
- (3) In section 208(b), replace “welfare” with “well-being”.
- (4) In section 208(b), replace “whanau,” with “whānau, hapū,”.
- (5) In section 208(d), after “commits an offence”, insert “or is alleged to have committed an offence”. 10
- (6) After section 208(h), insert:
- (3) If a court or person is exercising a power for the purpose of resolving alleged offending or offending by a child or young person, the court or person must be guided by, in addition to the principles listed in **subsection (2)** and **section 5**, the following principles: 15
- (a) the principle that reasonable and practical measures or assistance should be taken or provided to support the child or young person to prevent or reduce offending or reoffending; and
- (b) the principle that the child or young person should be referred to care, protection, or well-being services under this Act, if those services would be of benefit to them. 20
- (4) **Subsection (3)** does not apply to a Police employee unless the employee is employed as a specialist in resolving offending by children and young persons.
- 92A** **New section 208A inserted (Child or young person subject to youth justice jurisdiction only until allegations of offending dealt with)** 25
- After section 208, insert:
- 208A** **Child or young person subject to youth justice jurisdiction only until allegations of offending dealt with**
- Nothing in section **4A(2)**, **5**, or 208 requires or allows a court or person to make or keep a child or young person subject to any process under this Part, Part 5, or sections 351 to 360, unless the court or person is considering how allegations of offending are to be dealt with or is disposing of criminal proceedings. 30
- 93** **Section 238 amended (Custody of child or young person pending hearing)** 35
- (1) In section 238(1), after “young person”, insert “(who for the purpose of **paragraph (f)** is limited to a young person who is aged 17 years)”.
- (2) Replace section 238(1)(e) with:

- (e) subject to section 239(2), order that the young person (but cannot under this paragraph order that the child) be detained in Police custody; or
- (f) subject to **section 239(2A)**, order that the young person (aged 17 years) be detained in a youth unit of a prison.

94 Section 239 amended (Restrictions on power of court to order child or young person to be detained in custody) 5

After section 239(2), insert:

- (2A) The court ~~must not~~ may make an order under **section 238(1)(f)** for the detention of a young person (aged 17 years) in a prison ~~unless~~ only if—
 - (a) a joint application has been made by the chief executive and the chief executive of the Department of Corrections for the order; and 10
 - (b) the court is satisfied that the order is necessary to ensure the safety of any young person (as defined in section 2(1)) who is in the custody of the chief executive; and
 - (c) the court is satisfied that a youth unit within a prison is available for the young person to stay in. 15

95 Section 241 amended (Review of orders made under section 238)

In section 241, insert as subsection (2):

- (2) Despite **subsection (1)**, unless clearly impracticable, an order made under section 238(1)(e) must be reviewed by the Youth Court at least once every 24 hours. 20

96 Section 242 amended (Order under section 238 sufficient authority for detention of child or young person)

- (1) After section 242(1), insert:
 - (1A) The detention of a child or young person in a residence under subsection (1)(a) must be reviewed by the chief executive at least once every 14 days, unless special circumstances apply. 25
- (2) After section 242(2), insert:
 - (2A) The making of an order under **section 238(1)(f)** for the detention of a young person (aged 17 years) in a youth unit of a prison is sufficient authority for the detention of that young person in a youth unit of a prison. 30
 - (2B) The detention of a young person in a youth unit of a prison under **subsection (2A)** must be reviewed by the chief executive at least once every 14 days, unless special circumstances apply.

96A Section 246 amended (Procedure where young person arrested and brought before court)

In section 246, replace “not punishable by imprisonment” with “that is an infringement offence or, in the case of a person aged 17 years, an offence specified in **Schedule 1A**”.

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97 New section 248A inserted (Chief executive to appoint youth advocate to represent child or young person if offence punishable by imprisonment of 10 years or more)

After section 248, insert:

248A Chief executive to appoint youth advocate to represent child or young person if offence punishable by imprisonment of 10 years or more

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(1) This section applies if an offence referred to in section 245(1) is an offence punishable by imprisonment of 10 years or more and a youth justice co-ordinator ~~has~~ is required to convene a family group conference because they have received a notification under section 247(b) relating to that offence ~~that requires a family group conference to be convened.~~

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(2) Before the family group conference is convened, the chief executive must appoint a youth advocate to represent the child or young person at the family group conference.

(3) The appointment of (including any eligibility criteria that will apply) and payment of a youth advocate must be made in accordance with any regulations made under **section 447(db)**.

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(4) Section 324(1) and (3)(b) apply to a youth advocate appointed under this section with any necessary modifications.

98 Section 250 amended (Consultation on convening of family group conference)

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In section 250(2)(b)(i), replace “declaration under section 67” with “care or protection order”.

99 Section 256 amended (Procedure at family group conference)

In section 256(2), replace “sections 5(f) and 249(6)” with “sections **5(1)(b)(v)** and 249(6)”.

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100 Section 258 amended (Functions of family group conference)

(1) In section 258(a)(ii), replace “sections 5, 6, and 13” with “sections **4A(2)**, ~~5~~ **5A**, and 13”.

(2) In section 258(ba)(ii), replace “declaration under section 67” with “care or protection order”.

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(3) In section 258, insert as subsections (2) and (3):

- (2) If a family group conference is convened under section 247(a), (b), (d), or (e), it must, when considering whether the matter can be dealt with in some other way under **subsection (1)(b) or (d)**, consider what restorative justice actions could be undertaken.
- (3) The family group conference must, when ~~performing~~ carrying out its functions, consider what reasonable and practical measures or assistance could be taken or provided to support the child or young person—
- (a) with the implementation of a plan; or
 - (b) in complying with an order made or that may be made by the Youth Court.

101 Section 260 amended (Family group conference may make decisions and recommendations and formulate plans)

- (1) After section 260(3)(b), insert:
- (ba) recommend that a restorative justice action or actions be undertaken:
- (2) In section 260(3)(c), replace “declaration under section 67” with “care or protection order”.

102 Section 272 amended (Jurisdiction of Youth Courts and children’s liability to be prosecuted for criminal offences)

- (1) In section 272(1A)(a), replace “under section 67 for a declaration that the child is in need of care or protection” with “care or protection order”.
- (1A) In section 272(1A)(a), replace “wellbeing” with “well-being”.
- (2) In section 272(1A)(b)(ii), replace “declaration that the child is in need of care or protection” with “care or protection order”.
- (3) After section 272(3)(b), insert:
- (baa) if the young person is aged 17 years, an offence specified in **Schedule 1A**; or
- (4) Replace section 272(3)(c) with:
- (c) a traffic offence that is an infringement offence; or
- (5) After section 272(4), insert:
- (4A) If a young person aged 17 years is charged with an offence specified in **Schedule 1A**,—
- (a) sections 275 and ~~section 276A~~ applies apply; and
 - (b) sections 274 ~~to~~ and 276 do not apply.
- (6) In section 272(5), replace “not punishable by imprisonment” with “that is an infringement offence referred to in subsection (3)(c)”.

103 Section 273 amended (Manner of dealing with offences (other than murder or manslaughter))

Replace section 273(2)(c) with:

- (e) ~~the charge is removed out of the Youth Court under section 277; or~~
(d) ~~the charge is transferred out of the Youth Court under **section 276A**.~~

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In section 273(1), after “manslaughter”, insert “, or is aged 17 years and is charged with an offence specified in **Schedule 1A**”.

103A Section 275 amended (Manner of dealing with offence of murder or manslaughter, or where jury trial to be held)

(1) In the heading to section 275, after “manslaughter”, insert “or **Schedule 1A offence**.”

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(2) After section 275(1)(b), insert:

(ba) is aged 17 years and is charged with an offence specified in **Schedule 1A**; or

(3) In section 275(2), replace “including” with “including.”

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(4) In section 275(2)(a), before “in the case”, insert “subject to **paragraphs (aa) and (ab)**.”

(5) In section 275(2)(a), after “transferring”, insert “the proceeding”.

(6) After section 275(2)(a), insert:

(aa) in the case of a young person aged 17 years charged with a category 3 offence specified in **Schedule 1A**, on adjournment of the proceeding after the young person’s first appearance, transferring the proceeding to the District Court to be dealt with in accordance with the Criminal Procedure Act 2011; and

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(ab) in the case of a young person aged 17 years charged with a category 4 offence specified in **Schedule 1A**, transferring the proceeding to the High Court in accordance with section 36(2) of the Criminal Procedure Act 2011; and

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104 ~~New section 276A inserted (Transfer of young persons aged 17 years to District Court or High Court for specified offences)~~

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~~After section 276, insert:~~

~~276A Transfer of young persons aged 17 years to District Court or High Court for specified offences~~

(1) ~~This section applies if a young person aged 17 years is charged with an offence specified in **Schedule 1A**.~~

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(2) ~~The Youth Court must transfer the proceeding to the District Court at the time that the young person first appears before the Youth Court.~~

~~(3) The District Court must transfer the proceeding to the High Court if the offence is an offence that must be transferred to the High Court under the Criminal Procedure Act 2011, after complying with any requirements under that Act relevant to the particular offence.~~

104 New section 276A inserted (Transfer of proceeding back to Youth Court) 5

After section 276, insert:

276A Transfer of proceeding back to Youth Court

- (1) This section applies if a proceeding has been transferred from the Youth Court to the District Court or the High Court under section 275 and—
- (a) the circumstances or reasons for the transfer of the proceeding no longer apply; and 10
 - (b) the charge or charges are within the jurisdiction of the Youth Court; and
 - (c) the transfer of the proceeding back to the Youth Court is in the interests of justice.
- (2) The District Court or the High Court must transfer the proceeding back to the Youth Court to be dealt with in that court. 15

105 Section 280 amended (Court may refer case to care and protection coordinator to determine whether matter should be dealt with under Part 2)

In section 280(1)(b), replace “declaration under section 67” with “care or protection order”. 20

106 Section 280A amended (Court may refer case to person who commenced proceeding to be dealt with as child offending care or protection proceeding under Part 2)

- (1) In section 280A(1)(b), replace “declaration under section 67” with “care or protection order”. 25
- (2) In section 280A(2)(a), replace “declaration under section 67” with “care or protection order”.
- (3) In section 280A(3)(b), replace “declaration under section 67” with “care or protection order”.
- (4) In section 280A(4)(a), replace “declaration under section 67” with “care or protection order”. 30
- (5) In section 280A(5)(a), replace “declaration under section 67” with “care or protection order”.

107 Section 284 amended (Factors to be taken into account on sentencing)

After section 284(1), insert: 35

- (1A) If ~~a~~the court is considering whether to transfer a proceeding to another court for sentence or decision under section 283(o), in addition to the factors in sub-

section (1), the court must consider and give greater weight to all of the following:

- (a) the seriousness of the offending:
- (b) the criminal history of the young person:
- (c) the interests of the victim:
- (d) the risk posed by the young person to other people.

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107A Section 296 amended (Expiry of orders)

In section 296(2), replace “18 years” with “19 years”.

108 Section 316 amended (Court may cancel supervision with residence order if young person absconds)

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(1) In the heading to section 316, after “**absconds**”, insert “**or fails to comply with order ~~or plan~~**”.

(2) After section 316(1), insert:

(1A) The Youth Court may, on the application of the chief executive, cancel an order made under section 311 placing a young person aged 17 years in the custody of the chief executive, if the court is satisfied that the young person’s behaviour and compliance with any obligations placed on them by ~~a plan prepared under section 335 or~~ the order have been unsatisfactory to a more than minor extent.

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(3) In section 316(2), after “subsection (1)”, insert “or **(1A)**”.

109 Section 323 amended (Appointment of youth advocate to represent child or young person)

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In section 323(3)(b), after “previous proceedings”, insert “or appointed to represent a child or young person at a family group conference under **section 248A**”.

110 Section 361 amended (Application of sections 362, 364, 365, 387, 390 to 392, 394, and 395)

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In section 361(a), delete “or section 141”.

111 Section 363 amended (Payment to person or organisation providing care)

After section 363(1), insert:

(1A) The purpose of a payment is to meet the reasonable needs of the child or young person.

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112 Section 364 amended (Authority to establish residences)

After section 364(1), insert:

(1A) When deciding the ~~number and type~~ number, types, and range of residences to be established and maintained, the chief executive must consider establishing ~~a sufficient range and number~~ a sufficient number, sufficient types, and a suffi-

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cient range of community-based residences to be available for children and young persons who are detained in the chief executive’s custody under section 238(1)(d).

113 Section 365 amended (Chief executive may place children and young persons in residences) 5

- (1) In section 365(2), replace “objects” with “purposes”.
(2) In section 365(2), replace “sections 4, 5, and 6” with “~~sections 4A, 5, 5A, and 6~~ **sections 4, 4A, and 5**”.

114 Cross-heading above section 386A replaced 10
Replace the cross-heading above section 386A with:

Moving to ~~living independently~~ independence

115 New sections 386AAA to 386AAG inserted

Before section 386A, insert:

386AAA Interpretation

For the purposes of this section and **sections 386AAB to 386C**,— 15
caregiver means either:—

(a) ~~a person with whom a young person under 18 years is living and who is providing care to that young person after an order or agreement is made under section 361(a), (c), or (d):~~

(a) a person in whose charge a young person aged under 18 years has been placed under section 362; or 20

(b) a person with whom a young person who is a young adult (aged 18 years or over but under 21 years) is living under **section 386AAD**

young person means a young person within the meaning given in section 2(1) and ~~a young adult who~~,— 25

(a) for the purposes of **sections 386AAD and 386C, and 447(cb) and (da)**, includes a young adult who is aged 18 years or over but under 21 years:

(b) for the purposes of **sections 386A and 447(cc) and (da)**, includes a young adult who is aged 18 years or over but under 25 years. 30

386AAB Purposes

The purposes of **sections 386AAC to 386C** are—

(a) to prepare young persons to be ready to thrive as independent young adults and for the preparation for ~~living independently~~ moving to independence to begin early: 35

- (b) to ensure that young persons have opportunities to have relationships with caregivers and other trusted adults that endure into adulthood:
- (c) to enable young persons to access the government and community support that they need to manage challenges and to grow and develop as adults.

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386AAC Principles to be applied when assisting young person to move to ~~living independently~~ independence

A person who is performing functions or exercising powers under **sections 386AAD to 386C** to assist a young person to move to ~~living independently~~ independence must be guided by, in relation to a young person aged under 18 years the principles in section 5, in relation to a young adult aged 18 years or over the principle in section 5(1)(a) only, and in both cases the following principles:

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- (a) the young person is to increasingly lead decisions about matters affecting them and is to be supported by adults to do this:
- (b) a holistic approach is to be taken and the young person's strengths and identity are to be built on and nurtured:
- (c) the relationships between the young person and their family, whānau, hapū, iwi, and family group are, if appropriate, to be maintained and strengthened:
- (d) family, whānau, hapū, iwi, and communities are to be supported to help the young person move to ~~living independently~~ independence:
- (e) the relationships between the young person and a caregiver, other trusted adults, and the wider community are to be established, built on, and maintained:
- (f) the young person is to be supported, to the extent that is reasonable and practicable, to address the impact of harm and to achieve and meet their aspirations and needs, with priority to be given to supporting the stability of their education:
- (g) assistance to the young person is to be provided proactively, promptly, and to be sustained regardless of the decisions that ~~they make~~ the young person makes.

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386AAD Young persons entitled to live with caregiver up to age of 21 years

- (1) This section applies to ~~a~~ any young person (as defined in **section 386AAA**) who is, or has been at any time for a continuous period of at least 3 months ~~after the date that is 3 months before their 15th birthday~~ the age of 14 years and 9 months, in 1 or both of the following circumstances:

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- (a) in the care ~~or custody~~ of the chief executive or a body or an organisation under an order or agreement referred to in section 361(a), (c), or (d); ~~or~~

- (b) in the care or custody of the chief executive ~~as the agent of a court under section 33(1)(e)(ii) of the Care of Children Act 2004.~~
- (1A) The young person is entitled to be supported to live with a caregiver at any time and for any period up to the age of 21 years, and, before they leave care or turn 18 years, the chief executive must advise them of this entitlement. 5
- (2) The young person may, at any time up to the age of 21 years, request support from the chief executive to ~~remain live with~~ or return to living with a caregiver ~~after they turn or have turned 18 years.~~
- (3) The young person is entitled to be supported by the chief executive to ~~re-main live with~~ or return to living with ~~the a particular~~ caregiver with whom they are or were ~~living immediately placed with or receiving care from~~ before they turn or turned 18 years: ~~unless—~~ 10
- (a) the caregiver does not agree to have the young person live or return to living with them or is not otherwise available; or
- (b) the young person does not agree to live with that caregiver; or 15
- (c) after taking into account the expressed wishes of the young person, the chief executive considers that living with that caregiver is likely to be detrimental to the well-being of the young person.
- ~~(4) The young person is entitled to be supported by the chief executive to live with another caregiver if—~~ 20
- (a) ~~the caregiver described in **subsection (3)** does not agree to have the young person remain or return to living with them or is not otherwise available; or~~
- (b) ~~the young person does not agree to live with that caregiver; or~~
- (c) ~~after taking into account the expressed wishes of the young person, the chief executive considers that living with that caregiver is likely to be detrimental to the well-being of the young person.~~ 25
- (4) If no caregiver is available under **subsection (3)**, the young person is entitled to be supported by the chief executive to live with another caregiver but only if, in relation to a particular caregiver, **subsection (3)(b) or (c)** does not apply. 30
- ~~(5) If a young person is living with a caregiver and the caregiver is no longer able or available to have the young person living with them, the young person is entitled to be supported by the chief executive to live with another caregiver.~~
- (5) If a young person is living with a caregiver under **subsection (3) or (4)** or this subsection and at some time during the course of that living arrangement any of the matters in **subsection (3)(a) to (c)** come to apply, the young person is entitled to be supported by the chief executive to live with another caregiver but only if, in relation to a particular caregiver, **subsection (3)(b) or (c)** does not apply. 35 40

386AAE Providing ~~advice and~~ support to young persons to negotiate support arrangements and monitoring of support arrangements

- (1) ~~Before a young person who will be entitled to live with a caregiver under **section 386AAD** leaves care or turns 18 years, the chief executive must advise them that they—~~ 5
- (a) ~~are entitled to live with a caregiver up to age 21 years; and~~
- (b) ~~may request to do so at any time up to age 21 years.~~
- (2) If a young person ~~wishes~~ is to live with a caregiver under **section 386AAD**, the chief executive must provide them with support to negotiate and agree the terms on which they will live with a caregiver. 10
- (3) The agreed terms must be recorded in writing (the **support arrangement**).
- (4) The support arrangement must—
- (a) be consistent with the purposes in **section 386AAB**; and
- (b) give effect to the principles in **section 386AAC**; and
- (c) meet the standards referred to in **subsection (5)**; and 15
- (d) be approved by the chief executive.
- (5) The chief executive must monitor the operation of all support arrangements against standards set in regulations made under **section 447(cb)**.

386AAF Role of caregivers under support arrangements

A caregiver is expected to— 20

- (a) act in accordance with the support arrangement; and
- (b) assist the young person who is living with them to become increasingly independent.

386AAG Financial assistance for support arrangements

- (1) The chief executive must provide financial assistance to a young person who lives with a caregiver under **section 386AAD** to meet necessary living costs associated with living with the caregiver, but only if the chief executive has first considered— 25
- (a) what other financial assistance is available to the young person; and
- (b) the personal circumstances of the young person. 30
- (2) ~~Financial assistance provided under **subsection (1)**~~ The financial assistance must be paid directly to the young person unless the chief executive considers it appropriate to pay all or any of it to the young person's caregiver or other person.
- (3) Financial assistance paid under this section must be paid in accordance with any regulations made under **section 447(da)**. 35
- (4) Financial assistance may be withdrawn if,—

- (a) during the course of monitoring a support arrangement, the chief executive considers that the living arrangement is detrimental to the young person's well-being; and
- (b) the chief executive has attempted to resolve any concerns; and
- (c) another living arrangement (with a caregiver under **section 386AAD**) has been offered to the young person, but it has been refused. 5
- (5) If another living arrangement is offered under **subsection (4)(c)**, **sections 386AAD to 386AAF** and this section apply.

116 Section 386A replaced (Advice and assistance for people moving from care to independence) 10

Replace section 386A with:

386A Advice and assistance for young persons up to age of 25 years

- (1) This section applies to ~~a~~ any young person (as defined in **section 386AAA**) who is, or has been at any time for a continuous period of at least 3 months after ~~the date that is 3 months before the person's 15th birthday~~ the age of 14 years and 9 months, in 1 or more of the following circumstances: 15
- (a) in a residential placement under section 234(c)(ii) or (iii), 235, 238(1)(d), 307(4), or 311 or in Police custody under section 236 or 238(1)(e):
- (b) in the care ~~or custody~~ of the chief executive, an iwi social service, a cultural social service, or the director of a child and family support service under any agreement or order ~~specified~~ referred to in section 361(a), (c), or (d): 20
- (c) in the care or custody of the chief executive ~~as the agent of a court under section 33(1)(c)(ii) of the Care of Children Act 2004:~~ 25
- (d) under remand or a prison sentence in the adult justice system before the young person turns or turned 18 years.
- (2) ~~If a young person is in any of the circumstances listed in **subsection (1)**, the~~ A person (including the chief executive) or body or organisation who or that has the care or custody of the young person must, before the young person leaves care or turns 18 years,— 30
- (a) consider what support by way of advice and assistance the young person will need to become and remain independent after they are no longer in those circumstances; and
- (b) provide or arrange for the provision of that support to that young person. 35
- (2A) If the advice or assistance assessed under **subsection (2)(a)** is of a type listed in **section 386B**, the person (not including the chief executive), body, or organisation that has the care or custody of the young person must refer the assessment to the chief executive.

- (2B) The young person is entitled to support or further support by way of advice or assistance (described in **section 386B**) at any time up to the age of 25 years and,—
- (a) before they leave care or turn 18 years, the chief executive must advise them of this entitlement; and 5
 - (b) the support is available whether or not they are living with a caregiver under **section 386AAD**.
- (3) ~~If a young person who has been in any of the circumstances listed in **subsection (1)**, and whether or not they are living with a caregiver under **section 386AAD**, requests any support or further support, the person or body or organisation that receives the request must refer the request to the chief executive.~~ 10
- (4) If a request is made to the chief executive, or if an assessment or request is referred to the chief executive under **subsection (2A) or (3)**, the chief executive must consider the matters in **subsection (2)(a)** in relation to the young person who made the request. 15
- 386B** ~~Providing advice and assistance to young persons~~ Provision of advice and assistance by chief executive
- (1) ~~Before a young person who is or will be entitled to advice and assistance under **section 386A** leaves care or turns 18 years, the chief executive must advise them of their entitlement to request support or further support at any time up to the age of 25 years.~~ 20
- (2) Under ~~**section 386A(2) and (3)**~~, the chief executive, in accordance with regulations made under **section 447(cc) and (da)**,—
- (a) must provide, or arrange the provision of, support by way of advice and non-financial assistance that the chief executive considers ~~necessary to enable~~ the young person will need to achieve independence; and 25
 - (b) may provide, or arrange the provision of, support by way of financial assistance ~~as that~~ the chief executive considers ~~necessary to enable~~ the young person will need to achieve independence, but only if the chief executive has first considered what other financial assistance is available to the young person. 30
- (3) ~~When deciding whether to provide financial assistance in any case under **subsection (2)(b)**, the chief executive must give particular consideration to whether the young person has high or complex needs.~~
- (4) Advice and assistance may include— 35
- (a) giving information:
 - (b) assisting the young person to obtain accommodation, enrol in education or training, or obtain employment:
 - (c) legal advice:
 - (d) counselling: 40

- (e) contributing to the expenses incurred by the young person in living near the place where they are or will be—
- (i) employed or seeking employment; or
 - (ii) receiving education or training:
- (f) making a grant to assist the young person to meet expenses connected with their education or training. 5
- (4A) When deciding whether to provide financial assistance in any case, the chief executive must give particular consideration to whether the young person has high or complex needs.
- (5) Financial assistance ~~provided under subsection (2)(b)~~ must be paid directly to the young person unless the chief executive considers it appropriate to pay all or any of it to the young person’s caregiver or other person. 10
- (6) If the chief executive is providing financial assistance to a young person that includes making a contribution or grant for a course of education or training or any other financial assistance the young person needs in order to complete the course, the chief executive may— 15
- (a) continue to do so even if the young person reaches the age of 25 years before completing the course; and
 - (b) disregard any interruption in the young person’s attendance at the course if they resume it as soon as practicable. 20

117 New section 386C inserted (Chief executive to maintain contact with young persons up to age of 21 years)

After section 386B, insert:

- 386C Chief executive to maintain contact with young persons up to age of 21 years** 25
- (1) This section applies to ~~any~~ young person (as defined in **section 386AAA**) who has been in any of the circumstances listed in **section 386A(1)**.
- (2) ~~Subject to this section and if~~ Irrespective of whether the young person is living with a caregiver under section 386AAD or is being provided with any advice or assistance under section 386A, the chief executive must take reasonable steps to maintain contact with the young person. 30
- (3) The following factors must be taken into account when a decision is made about the extent to which contact is maintained with the young person:
- (a) whether the young person wishes contact to be made with them;
 - (b) the young person’s particular needs: 35
 - (c) the young person’s age, maturity, and the desirability of them ~~living independently~~ being independent when they are able to do so.

117A Section 403 amended (Approval of Community Services)

In section 403(3), replace “objects” with “purposes”.

117B Section 405 amended (Revocation of approval)

In section 405(1), replace “objects” with “purposes”.

118 New sections 445E and 445F and cross-heading inserted

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After section 445D, insert:

Limit on proceedings and Crown liability

445E Limit on proceedings

- (1) No proceedings may be brought in any court—
- (a) in relation to any act or omission that occurred on or after the commencement of this section by the chief executive, the chief executive’s delegate, or an employee of the department that could have been the subject of a complaint under the complaints mechanisms established by the chief executive, unless—
 - (i) a complaint has been made under that mechanism and determined; and
 - (ii) any opportunity for review established under regulations made under **section 447(gbfb)** has been exercised and the review completed:
 - (b) in relation to any purported breach of duty owed to the child or young person under this Act or any regulations made under this Act by the chief executive or the chief executive’s delegate, or an employee or contractor of the department, or an organisation or other person having the care or custody of a child or young person (including an organisation or person with whom a child or young person is placed by the chief executive under section 362) ~~under this Act or any regulations made under this Act~~, except by a child or young person to whom the duty is allegedly owed.
- (2) In this section and **section 445F** young person includes a young person as defined in **section 386AAA**.

445F Limitation on ~~Crown~~ liability

- (1) The Crown, the department, the chief executive, the chief executive’s delegate, ~~and any employee or contractor of the department, and any person providing care, control, or upbringing under section 362~~ organisation or other person having the care or control of a child or young person in the chief executive’s care or custody (including an organisation or other person with whom a child or young person is placed by the chief executive) are not liable in respect of ~~anything suffered by a child or young person in care or custody under this Act as a~~

- ~~consequence of an act or omission by a person who is not the Crown, the chief executive, the chief executive's delegate, an employee or a contractor of the department, or any person providing care, control, or upbringing under section 362 the matters set out in **subsection (2)**.~~
- (2) The matters are anything suffered by a child or young person in the care or custody of the chief executive as a consequence of an act or omission that occurs on or after the commencement of this section by a person who is not—
- (a) the Crown:
 - (b) the chief executive:
 - (c) the chief executive's delegate:
 - (d) an employee or a contractor of the department:
 - (e) an organisation or other person in whose charge the child or young person has been placed by the chief executive.
- (3) An organisation or person who has the care or custody of a child or young person under this Act (other than a person or organisation referred to in **subsection (1)**) is not liable in respect of the matters referred to in **subsection (4)**.
- (4) The matters are anything suffered by a child or young person in the care or custody of a person or organisation referred to in **subsection (3)**, as a consequence of an act or omission that occurs on or after the commencement of this section by a person who is not—
- (a) the organisation or person with care or custody of the child or young person:
 - (b) the organisation's or person's delegate:
 - (c) an employee or contractor of that organisation or person:
 - (d) another organisation or other person in whose charge the child or young person has been placed by the organisation or person referred to in **paragraph (a)**.

119 Section 447 amended (Regulations)

- (1) After section 447(ca), insert:
- (cb) prescribing, in relation to a young person's entitlement to remain living with a caregiver under **sections 386AAD and 386AAE**, requirements and standards for support arrangements:
 - (cc) prescribing, in relation to providing advice and assistance to young persons under **sections 386A and 386B**,—
 - (i) processes and criteria for needs assessments:
 - (ii) the types of advice, assistance, and services to be available for young persons:
 - (iii) the manner or means of providing advice, assistance, and services to young persons:

- (2) After section 447(d), insert:
- (da) prescribing the circumstances in which amounts are payable and the amounts payable under section 363 or to or on behalf of a ~~child or~~ young person as financial assistance under sections 386AAG and 386B, including—
 - (i) advances or reimbursements of reasonable costs:
 - (ii) allowances, which may vary in accordance with different criteria:
 - (db) prescribing, in relation to a youth advocate appointed under **section 248A**, the following:
 - (i) eligibility criteria for appointment:
 - (ii) the process for appointment by the chief executive:
 - (iii) the amounts payable for preparation for and attendance at a family group conference referred to in section 245:
- (3) After section 447(f), insert:
- ~~(fa) prescribing standards of care (in order to meet the reasonable needs of, and provide for loving and stable care for, children and young persons in care) to be complied with by the chief executive or the chief executive's delegates, or bodies or organisations approved under section 396, as a result of measures taken under this Act, including standards relating to—~~
 - ~~(i) the standard of care to be provided to children and young persons in care arrangements and in residences, including youth justice residences:~~
 - ~~(ii) the rights and needs of children and young persons (including cultural rights and needs):~~
 - ~~(iii) the training of caregivers:~~
 - ~~(iv) the monitoring and support of caregivers:~~
 - ~~(v) the manner in which standards are monitored and reported on:~~
 - (fa) prescribing the actions or steps that must be taken by the chief executive or the chief executive's delegates, or bodies or organisations approved under section 396, to help ensure that children and young persons in care or custody under Part 2 or 4 of this Act receive an appropriate standard of care that is consistent with the application of the principles in sections 4A, 5, 13, and 208, including actions and steps relating to—
 - (i) the provision of care, services, and support to address the rights and needs of children and young persons in care:
 - (ii) the assessment and monitoring of care arrangements and residences, including youth justice residences:
 - (iii) the assessment, training, and support of caregivers and care providers:

- (iv) the creation and maintenance of records for a child or young person recording important matters in their life (including significant life events and significant achievements) occurring while they are in care, and the provision of access to those records for the child or young person: 5
- (v) the manner in which care standards are monitored or reported on, within the department, by the organisations approved under section 396, and by the agency or body referred to in **section 447A**:
- (fb) providing for the appointment by the Minister of a person or organisation to review the outcomes produced by the complaints mechanism established by the chief executive under **section 7(2)(bad)**, and establishing a review mechanism that— 10
- (i) is accessible and timely:
- (ii) has the necessary capability (including required cultural competence, to ensure that reviews of outcomes are undertaken effectively): 15
- (iii) specifies the types of complaints whose outcomes under the complaint process may be the subject of a review:
- (iv) specifies the classes of complainants (or other persons) who may seek a review of the outcome of a complaint: 20
- (v) specifies the procedures to be adopted in conducting reviews:
- (vi) specifies who is qualified for appointment to conduct a review, and matters relating to their appointment and term of office:
- (vii) specifies the method of determining the remuneration of a person appointed to conduct a review: 25
- (viii) specifies the powers of the reviewer on reviewing the outcomes of a complaints process (which may include a power for the reviewer to set aside the outcome of the complaints mechanism, a power to award compensation up to a specified limit, and a power to substitute the reviewer’s decision as the outcome, and any other remedies specified in the regulations that may be granted by the reviewer): 30
- (ix) specifies how the costs of undertaking the review are to be apportioned:
- (x) specifies any other matters that are necessary or desirable to establish or operate the review process: 35
- (4) After section 447(g), insert:
- (ga) designating, after consultation with the Privacy Commissioner, the Children’s Commissioner, and persons representing the affected organisations,— 40

(i)	organisations or classes of organisations as child welfare and protection agencies:	
(ii)	persons or classes of persons as independent persons:	
(gb)	providing for mechanisms independent of the department to review the chief executive's response to complaints.	5
(gb)	prescribing transitional arrangements in relation to standards of care for children and young persons and any other matters provided for in regulations:	
(5)	In section 447, insert as subsection (2):	
(2)	The Minister must,—	10
(a)	within 12 months of the commencement of subsection (1)(fa) , recommend the making of regulations under that provision; <u>and</u>	
(b)	not recommend the revocation of regulations made under subsection (1)(fa) without recommending new regulations to be made under that provision; <u>and</u>	15
(c)	regularly review the regulations in force under subsection (1)(fa) .	
120	New section 447A inserted (Minister to appoint persons to monitor compliance with prescribed standard of care)	
	After section 447, insert:	
447A	Minister to appoint <u>independent</u> persons to monitor compliance with prescribed standard of care	20
	The Minister must appoint an agency or a body <u>(independent of the department)</u> to—	
(a)	monitor compliance by the chief executive, the chief executive's delegates, or bodies or organisations approved under section 396 with standards of care prescribed by regulations made under section 447(fa) :	25
(b)	report on the operation of those prescribed standards <u>compliance with those regulations</u> to the Minister.	
121	New section 448B and cross-heading inserted	
	After section 448A, insert:	30
	<i>Periodic review of accountability documents <u>legislation, government policy, and other arrangements</u></i>	
448B	Periodic review of accountability documents <u>legislation, government policy, and other arrangements</u>	
	The Minister must, not later than 1 July 2022, and on at least 1 occasion during each 3-year period after that date, report to Parliament on the following matters:	35

- (a) ~~whether documents governing the accountability of the Minister, the chief executive, the chief executive's delegates, and other persons who provide services, carry out functions, or exercise powers under this Act or regulations made under this Act ensure that those persons meet existing legislation, government policy, and other arrangements that affect the accountability of the Minister, the chief executive, and other persons or bodies carrying out functions under this Act ensures that—~~ 5
- (i) the needs of children and young persons with whom the department is concerned are met; and
- (ii) the needs of Māori children and young persons with whom the department is concerned are met: 10
- (b) ~~whether any legislation should be repealed, and whether any amendments to legislation are necessary or desirable~~ amendments to legislation, or government policies or other arrangements referred to in **paragraph (a)**, are necessary or desirable in order to ensure the needs of the children and young persons, or particular groups of children and young persons, referred to in **paragraph (a)(i) or (ii)** are met. 15

121A Amendments to principal Act to replace gendered references with gender-neutral references

Amend the principal Act as set out in **Schedule 1**. 20

122 Schedule 1AA amended

In Schedule 1AA, after ~~clause 2~~ Part 2, insert:

- ~~Entitlement of young person to live with caregiver up to age 21 under section 386AAD~~** 25
- ~~Section 386AAD~~** does not apply to a young person (as defined in **~~section 386AAA~~**) who is no longer living with a caregiver on the day that **~~section 386AAD~~** commences.

Part 3

**Provisions relating to Children, Young Persons, and Their Families
(Oranga Tamariki) Legislation Act 2017** 30

- 4 New definition of young person not to apply to criminal proceedings underway at commencement date**
- (1) For the purpose of this clause, **commencement date** means the date on which **section 4(2)** of the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force. 35

(2) Any defendant aged 17 years in criminal proceedings that are underway in the District Court or High Court on the commencement date must be dealt with by that court as if **section 4(2)** of this Act had not come into force.

5 Protections for young persons aged 17 years in criminal investigations

(1) For the purpose of this clause, **commencement date** means the date on which **section 4(2)** of the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force.

(2) Sections 215 to 232 of this Act apply to investigations of alleged offending by persons aged 17 years only if the offending occurred or is alleged to have occurred on or after the commencement date.

6 Application of complaints mechanism

The complaints mechanisms established under **section 7(2)(bad)** of this Act applies to any act or omission that occurred on or after 1 January 2008.

7 Previous definition of child or young person in need of care or protection applies to proceedings underway

(1) For the purpose of this clause, **commencement date** means the date on which **section 14 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force.

(2) **Section 14** of this Act (as it read before the commencement date) continues to apply to any proceeding that, immediately before the commencement date, had been brought but not determined.

8 Application of sections 17(2A), 18AAA, 21(2), and 30(1)(aaa)

(1) For the purpose of this clause, **commencement date** means the date on which **sections 17, 18, 25, and 30 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** come into force.

(2) **Sections 17(2A), 18AAA, 21(2), and 30(1)(aaa)** of this Act apply to any investigation still underway or commenced on or after the commencement date.

9 Information sharing

(1) For the purpose of this clause, **commencement date** means the date on which **section 38 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force.

(2) **Sections 65A to 660** of this Act apply to any information whether it existed or was created before, on, or after the commencement date.

10 Applications for declaration made under section 67 before commencement date to be determined under previous provisions

- (1) For the purpose of this clause, **commencement date** means the date on which **section 39 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force.
- (2) An application for a declaration made under section 67 of this Act before the commencement date must be determined under section 67 and any related provisions as these provisions read before the commencement date.

5

11 When custody order ceases to have effect

- (1) For the purpose of this clause, **commencement date** means the day after the date on which the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** receives the Royal assent.
- (2) Section 108(c) of this Act applies to any custody order made before or after 1 April 2017 and that expires after the commencement date, even if the order or any other document relating to the order contains words to the effect that the order ceases to have effect when the young person attains the age of 17 years.

10

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12 Agreements for extended care of severely disabled children and young persons and agreements with persons providing residential disability care

- (1) For the purpose of this clause, **commencement date** means the date on which **section 68 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force.
- (2) Any agreement made under sections 141 or 142 of this Act before the commencement date continues to have effect until it is terminated or expires and this Act continues to apply to those agreements as if the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** had not been enacted.

20

25

13 Youth justice principles

- (1) For the purpose of this clause, **commencement date** means the date on which **section 92(6)** of the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force.
- (2) **Section 208(3) and (4)** of this Act applies only if offending occurred or is alleged to have occurred on or after the commencement date.

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14 Review of detention of young persons in residence or Police custody

- (1) For the purpose of **subclause (2)**, **commencement date** means the date on which **section 95** of the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force.
- (2) **Section 241(2)** of this Act applies to any order made under section 238(1)(e) whether made before or after the commencement date.

35

- (3) For the purpose of **subclause (4), commencement date** means the date on which **section 96(1)** of the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force.
- (4) **Section 242(1A)** of this Act applies to any child or young person detained in a residence on or after the commencement date whether the order for detention of that child or young person was made before or after the commencement date. 5
- 15 Consideration of restorative justice actions by Family Group Conferences**
- (1) For the purpose of this clause, **commencement date** means the date on which **section 100(3)** of the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** comes into force. 10
- (2) **Section 258(2) and (3)** of this Act applies to any Family Group Conference that takes place on or after the commencement date, including a conference that has been adjourned from an earlier date.
- 16 Factors to be taken into account on sentencing** 15
- (1) For the purpose of this clause, **commencement date** means the date on which both **sections 4(2) and 107** of the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** are in force.
- (2) **Section 284(1A)** of this Act applies only if the offending occurred on or after the commencement date. 20
- 17 Moving to independence**
- (1) For the purpose of this clause, **commencement date** means the date on which **sections 115 to 117** of the **Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017** come into force.
- (2) **Section 386AAD** of this Act applies only to persons who are aged under 18 years on the commencement date. 25
- (3) Any young person receiving advice and assistance under section 386A of this Act immediately before the commencement date is to be treated as receiving advice and assistance under new **section 386A** on or after the commencement date. 30
- (4) **Section 386C** of this Act applies only to persons who are subject to any process or proceeding under this Act on or after the commencement date.

122A Schedule 1 amended

In Schedule 1, clause 3(b), replace “Children, Young Persons, and Their Families Act 1989” with “**Oranga Tamariki Act 1989**”. 35

123 New Schedule 1A inserted

After Schedule 1, insert the **Schedule 1A** set out in ~~the~~ **Schedule 2** of this Act.

Part 2

Amendments to other Acts

Subpart 1—Amendments to Criminal Procedure Act 2011

124 Principal Act

This subpart amends the Criminal Procedure Act 2011 (the **principal Act**). 5

125 Section 174 amended (Remand of defendant under 17 years for assessment report)

- (1) In the heading to section 174, replace “17” with “18”.
- (2) In section 174(1) and (2), replace “17” with “18”.

126 Section 175 amended (Remand of defendants aged 17 to 20 years) 10

- (1) After section 175(1), insert:

(1A) Despite section 15 of the Bail Act 2000, if the person is aged 17 years, the court may remand that person in custody, and if the court does so,—

- (a) the person must be remanded in the custody of the chief executive of the department responsible for the administration of the ~~Children, Young Persons, and Their Families Act 1989~~ **Oranga Tamariki Act 1989**, unless that chief executive and the chief executive of the Department of Corrections agree on the matter in **subsection (1B)**: 15
- (b) if the 2 chief executives agree on the matter in **subsection (1B)**, the person may instead be remanded in custody in a youth unit of a prison. 20

(1B) The matter that must be agreed by the 2 chief executives is ~~that the assessed risk posed by the person to younger or more vulnerable young persons is high and requires the person to be detained in a youth unit of a prison~~ that detention in a youth unit of a prison is necessary to ensure the safety of a young person (as defined in section 2(1)) who is in the custody of the chief executive. 25

- (2) In section 175(2), replace “Despite section 15 of the Bail Act 2000,” with “If the person is aged 18 to 20 years,”.

126A New section 380A inserted (Transfer of proceedings commenced in Youth Court back to Youth Court in certain circumstances)

After section 380, insert: 30

380A Transfer of proceedings commenced in Youth Court back to Youth Court in certain circumstances

Proceedings commenced in the Youth Court and transferred to the District Court or High Court under section 275 of the **Oranga Tamariki Act 1989** must, if the circumstances described in **section 276A** of that Act arise and the requirements of that section are met, be transferred back to the Youth Court. 35

Subpart 2—Amendment to Income Tax Act 2007

127 **Principal Act**

This subpart amends the Income Tax Act 2007 (the **principal Act**).

128 **Section CW 33 amended (Allowances and benefits)**

After section CW 33(1)(b), insert:

5

(ba) ~~payments made~~ a payment under section 363, **386AAG, or 386B** of the ~~Children, Young Persons, and Their Families Act 1989~~ **Oranga Tamariki Act 1989**:

Subpart 3—Amendment to Social Security Act 1964

129 **Principal Act**

10

This subpart amends the Social Security Act 1964 (the **principal Act**).

130 **Section 3 amended (Interpretation)**

In section 3(1), definition of **income**, paragraph (f)(xiii), after “child or young person (as those terms are defined in that Act)”, insert “including financial assistance received by a young person (including a young adult), a caregiver, or other person under **section 386AAG or 386B** of that Act”.

15

Subpart 4—Amendments to Vulnerable Children Act 2014

131 **Principal Act**

This subpart amends the Vulnerable Children Act 2014 (the **principal Act**).

132 **Section 8 amended (Preparation of vulnerable children’s plan)**

20

In section 8(1), after “work together”, insert “, under the co-ordination of the chief executive of the ~~Ministry for Vulnerable Children, Oranga Tamariki~~ department responsible for the administration of the **Oranga Tamariki Act 1989**”.

133 **Section 9 amended (Content of vulnerable children’s plan)**

25

In section 9, insert as subsections (2) and (3):

(2) Without limiting **subsection (1)**, the vulnerable children’s plan (and any draft of it) must—

(a) set out the outcomes aligned with the Government’s priorities ~~that the Government seeks to achieve~~ to be achieved in relation to children and young persons who have early risk factors for future involvement in the statutory care, protection, and youth justice systems under the ~~Children, Young Persons, and Their Families Act 1989~~ **Oranga Tamariki Act 1989**:

30

- (b) set out the steps that will be taken by the chief executives of the children’s agencies will take to achieve those outcomes:
- (c) apply to children and young persons receiving assistance or in care and or receiving transition support from the department (irrespective of whether those persons are in need of care or protection) under Parts 2 and 7 of the ~~Children, Young Persons, and Their Families Act 1989~~ **Oranga Tamariki Act 1989** and to children and young persons who are subject to proceedings or orders under Part 4 of that Act (which relates to youth justice): 5
- (d) specify the steps that the chief executives of the children’s agencies will take to improve the well-being of children and young persons referred to in **paragraph (c)**, including— 10
- (i) participation by the children’s agencies (and any contracted or related service providers) in assessment, planning, and decision making in relation to those children and young persons: 15
- (ii) the provision of services (including any contracted or related services where appropriate) to those children and young persons:
- (e) apply also to any other persons aged less than 21 years who have been in care ~~under Part 2 of the Children, Young Persons, and Their Families Act 1989~~ under the Oranga Tamariki Act 1989 or who are eligible for support under **section 386A** of that Act ~~or who are~~—: 20
- (i) ~~placed or detained in the custody or care of the chief executive, a person, a body, or an organisation under the Children, Young Persons, and Their Families Act 1989; or~~
- (ii) ~~remanded in the custody of the chief executive under section 173 or 174, 174, or 175 of the Criminal Procedure Act 2011; or~~ 25
- (iii) ~~detained in a residence under section 34A of the Corrections Act 2004.~~
- (f) set out the steps that the chief executives of the children’s agencies will take to improve the well-being of persons aged under 21 years referred to in **paragraph (e)**. 30
- (3) In this section, **in care** has the same meaning as in section 7(4) of the **Oranga Tamariki Act 1989**.

134 Section 11 amended (Effect of vulnerable children’s plan)

In section 11(1)(a), after “been in force”, insert “and the progress that has been made in achieving the outcomes set out in the plan”. 35

135 Section 15 amended (Interpretation)

In section 15(1), replace the definition of **child** with:

child means a person who is under the age of 18 years

136 Section 23 amended (Interpretation)

In section 23(1), definition of **key agency**, after paragraph (d), insert:

- (e) the department responsible for the administration of the ~~Children, Young Persons, and Their Families Act 1989~~ **Oranga Tamariki Act 1989**

137 Schedule 2 amended

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In Schedule 2, after clause 4, insert:

- 4A An accessory after the fact to any offence referred to in clause 1 or 2 is a specified offence.

Subpart 5—Amendments to Acts and legislative instruments

138 Consequential amendments to Acts and legislative instruments

10

Amend the Acts and legislative instruments listed in **Schedule 3** as set out in that schedule.

139 Repeal of and amendments to enactments

- (1) Repeal section 2 of the Department of Child, Youth and Family Services Act 1999.

15

- (2) Amend the Acts and legislative instruments listed in **Schedule 4** as set out in that schedule.

Schedule

New Schedule 1A inserted

s 423

Schedule 1A

Specified offences

5

s 276A

Offence description	Legislative provision
Hijacking	Aviation Crimes Act 1972, section 3
Crimes relating to aircraft	Aviation Crimes Act 1972, section 5
Committing murder or manslaughter at an international airport that endangers the safety of an international airport	Aviation Crimes Act 1972, section 5A(1)(a)
Committing an act that endangers the safety of an international airport	Aviation Crimes Act 1972, section 5A(1)
Developing, producing, acquiring, stockpiling, or retaining chemical weapons	Chemical Weapons (Prohibition) Act 1996, section 6(1)(a)
Transferring, directly or indirectly, chemical weapons to another person	Chemical Weapons (Prohibition) Act 1996, section 6(1)(b)
Using chemical weapons	Chemical Weapons (Prohibition) Act 1996, section 6(1)(c)
Engaging in any military preparation to use chemical weapons	Chemical Weapons (Prohibition) Act 1996, section 6(1)(d)
Assisting, encouraging, or inducing any person to engage in any prohibited activity	Chemical Weapons (Prohibition) Act 1996, section 6(1)(e)
Using riot control agents as a method of warfare	Chemical Weapons (Prohibition) Act 1996, section 8
Taking hostages (outside New Zealand)	Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980, section 3
Committing acts of torture	Crimes of Torture Act 1989, section 3(1)(a)
Aiding any person to commit an act of torture	Crimes of Torture Act 1989, section 3(1)(b)
Abetting any person in the commission of an act of torture	Crimes of Torture Act 1989, section 3(1)(c)
Inciting, counselling, or procuring any person to commit an act of torture	Crimes of Torture Act 1989, section 3(1)(d)
Breaching the Geneva Convention through wilful killing	Geneva Conventions Act 1958, section 3(4)(a)
Breaching the Geneva Convention	Geneva Conventions Act 1958, section 3(4)(b)
Committing, or conspiring to commit, genocide through wilful killing	International Crimes and International Criminal Court Act 2000, section 9(3)(a)
Committing, or conspiring to commit, genocide	International Crimes and International Criminal Court Act 2000, section 9(3)(b)
Committing a crime against humanity through wilful killing	International Crimes and International Criminal Court Act 2000, section 10(3)(a)
Committing a crime against humanity	International Crimes and International Criminal Court Act 2000, section 10(3)(b)

Offence description	Legislative provision
Committing a war crime through wilful killing	International Crimes and International Criminal Court Act 2000, section 11(3)(a)
Committing a war crime	International Crimes and International Criminal Court Act 2000, section 11(3)(b)
Causing murder or manslaughter while committing a crime relating to ships	Maritime Crimes Act 1999, section 4(1)
Causing murder or manslaughter while committing a crime relating to fixed platforms	Maritime Crimes Act 1999, section 5(1)
Crimes relating to ships	Maritime Crimes Act 1999, section 4(1)
Crimes relating to fixed platforms	Maritime Crimes Act 1999, section 5(1)
Recruiting a person to be a mercenary to take part in an armed conflict or a concerted act of violence	Mercenary Activities (Prohibition) Act 2004, section 7(1)
Using a mercenary to take part in an armed conflict or a concerted act of violence	Mercenary Activities (Prohibition) Act 2004, section 8
Financing a mercenary without lawful excuse to take part in an armed conflict or a concerted act of violence	Mercenary Activities (Prohibition) Act 2004, section 9(1)
Training a prospective mercenary to take part in an armed conflict or a concerted act of violence	Mercenary Activities (Prohibition) Act 2004, section 10
Training a mercenary to take part in an armed conflict or a concerted act of violence	Mercenary Activities (Prohibition) Act 2004, section 11
Mercenary taking part in hostilities or a concerted act of violence	Mercenary Activities (Prohibition) Act 2004, section 12
Engaging in a terrorist act	Terrorism Suppression Act 2002, section 6A
Terrorist bombing causing death or destruction	Terrorism Suppression Act 2002, section 7
Financing a terrorist act	Terrorism Suppression Act 2002, section 8
Recruiting members of terrorist groups	Terrorism Suppression Act 2002, section 12
Participating in terrorist groups	Terrorism Suppression Act 2002, section 13
Murder (firearm)	Crimes Act 1961, section 172
Murder (other weapon)	Crimes Act 1961, section 172
Murder (manually)	Crimes Act 1961, section 172
Murder (stabbing or cutting weapon)	Crimes Act 1961, section 172
Other murder	Crimes Act 1961, section 172
Attempted murder (firearm)	Crimes Act 1961, section 173
Attempted murder (other weapon)	Crimes Act 1961, section 173
Attempted murder (manually)	Crimes Act 1961, section 173
Attempted murder (stabbing or cutting weapon)	Crimes Act 1961, section 173
Other attempted murder	Crimes Act 1961, section 173
Manslaughter (firearm; legal duty)	Crimes Act 1961, section 177
Manslaughter (firearm; no legal duty)	Crimes Act 1961, section 177
Manslaughter (other weapon; legal duty)	Crimes Act 1961, section 177
Manslaughter (other weapon; no legal duty)	Crimes Act 1961, section 177
Manslaughter (other means; legal duty)	Crimes Act 1961, section 177
Manslaughter (other means; no legal duty)	Crimes Act 1961, section 177
Manslaughter (stabbing or cutting weapon; legal duty)	Crimes Act 1961, section 177
Manslaughter (stabbing or cutting weapon; no legal duty)	Crimes Act 1961, section 177
Other manslaughter	Crimes Act 1961, section 177

**Children, Young Persons, and Their Families (Oranga
Tamariki) Legislation Bill**

Schedule

Offence description	Legislative provision
Aiding suicide, etc	Crimes Act 1961, section 179
Kidnapping (for gain)	Crimes Act 1961, section 209
Kidnapping (no gain)	Crimes Act 1961, section 209
Other kidnapping	Crimes Act 1961, section 209
Dealing in slaves under 18	Crimes Act 1961, section 98AA
Dealing in slaves over 18	Crimes Act 1961, section 98
Dealing in people under 18 for sex, body parts, or forced labour	Crimes Act 1961, section 98AA
Aggravated robbery causing grievous bodily harm (firearm)	Crimes Act 1961, section 235
Aggravated robbery causing grievous bodily harm (other weapon)	Crimes Act 1961, section 235
Aggravated robbery causing grievous bodily harm (manual)	Crimes Act 1961, section 235
Aggravated robbery causing grievous bodily harm (stabbing or cutting weapon)	Crimes Act 1961, section 235
Aggravated robbery (firearm)	Crimes Act 1961, section 235
Aggravated robbery (other weapon)	Crimes Act 1961, section 235
Aggravated robbery (manual)	Crimes Act 1961, section 235
Aggravated robbery (stabbing or cutting weapon)	Crimes Act 1961, section 235
Other aggravated robbery	Crimes Act 1961, section 235
Assault with intent to rob (firearm)	Crimes Act 1961, section 236(1)
Assault with intent to rob (other weapon)	Crimes Act 1961, section 236(1)
Assault with intent to rob (stabbing or cutting weapon)	Crimes Act 1961, section 236(1)
Assault with intent to rob (with another person)	Crimes Act 1961, section 236(1)
Assault with intent to rob (causing grievous bodily harm)	Crimes Act 1961, section 236(1)
Compelling execution of documents (firearm)	Crimes Act 1961, section 239(1)
Compelling execution of documents (other weapon)	Crimes Act 1961, section 239(1)
Compelling execution of documents (stabbing or cutting weapon)	Crimes Act 1961, section 239(1)
Aggravated robbery (together with another person)	Crimes Act 1961, section 235
Wounding with intent to cause grievous bodily harm (firearm)	Crimes Act 1961, section 188(1)
Wounding with intent to cause grievous bodily harm (other weapon)	Crimes Act 1961, section 188(1)
Wounding with intent to cause grievous bodily harm (manual)	Crimes Act 1961, section 188(1)
Wounding with intent to cause grievous bodily harm (stabbing or cutting weapon)	Crimes Act 1961, section 188(1)
Aggravated wounding (firearm)	Crimes Act 1961, section 191(1)
Aggravated wounding (other weapon)	Crimes Act 1961, section 191(1)
Aggravated wounding (manual)	Crimes Act 1961, section 191(1)
Aggravated wounding (stabbing or cutting weapon)	Crimes Act 1961, section 191(1)
Dangerous act with intent to cause grievous bodily harm (firearm)	Crimes Act 1961, section 198(1)

Offence description	Legislative provision
Dangerous act with intent to cause grievous bodily harm (explosive, etc)	Crimes Act 1961, section 198(1)
Dangerous act with intent to cause grievous bodily harm (fire)	Crimes Act 1961, section 198(1)
Throwing acid with intent to injure	Crimes Act 1961, section 199(1)
Poisoning with intent to cause grievous bodily harm	Crimes Act 1961, section 200(1)
Infecting with a disease	Crimes Act 1961, section 201
Using a firearm against a law enforcement officer	Crimes Act 1961, section 198A(1)
Blackmail	Crimes Act 1961, sections 237(1) and 238
Abduction for marriage of a girl under 12	Crimes Act 1961, section 208
Abduction for marriage of a girl 12-16	Crimes Act 1961, section 208
Abduction for marriage of a female over 16	Crimes Act 1961, section 208
Abduction for sex of a girl under 12	Crimes Act 1961, section 208
Abduction for sex of a girl 12-16	Crimes Act 1961, section 208
Abduction for sex of a female over 16	Crimes Act 1961, section 208
Abduction for marriage	Crimes Act 1961, section 208
Abduction for sex	Crimes Act 1961, section 208
Other abduction for marriage or sex offences	Crimes Act 1961, section 208
Inducing sexual connection	Crimes Act 1961, section 129A
Other inducing sexual connection offences	Crimes Act 1961, section 129A
Male rapes a girl under 12	Crimes Act 1961, sections 128 and 128B
Male rapes a girl 12-16	Crimes Act 1961, section 128B
Male rapes a female over 16	Crimes Act 1961, section 128B
Husband rapes wife	Crimes Act 1961, section 128B
Unlawful sexual connection with a girl under 12	Crimes Act 1961, section 128B
Unlawful sexual connection with a girl 12-16	Crimes Act 1961, section 128B
Unlawful sexual connection with a female over 16	Crimes Act 1961, section 128B
Unlawful sexual connection with a spouse	Crimes Act 1961, section 128B
Other sexual violation offences	Crimes Act 1961, section 128B
Unlawful sexual connection with a boy under 12	Crimes Act 1961, section 128B
Unlawful sexual connection with a boy 12-16	Crimes Act 1961, section 128B
Unlawful sexual connection with a male over 16	Crimes Act 1961, section 128B
Compelling an indecent act with an animal	Crimes Act 1961, section 142A
Sexual connection with a child under 12	Crimes Act 1961, section 132
Sexual conduct with a child outside New Zealand	Crimes Act 1961, section 144A
Inducing or compelling a person to provide sexual services	Prostitution Reform Act 2003, section 16
Importing or exporting cocaine	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(a)
Importing or exporting heroin	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(a)
Importing or exporting LSD	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(a)
Importing or exporting morphine	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)

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Schedule

Offence description	Legislative provision
Importing or exporting opium	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)
Producing, manufacturing, or distributing cocaine	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)
Producing, manufacturing, or distributing heroin	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)
Producing, manufacturing, or distributing LSD	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)
Producing, manufacturing, or distributing morphine	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)
Producing, manufacturing, or distributing opium	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)
Selling, giving, supplying, administering, or dealing with cocaine	Misuse Of Drugs Act 1975, sections 6(1)(e) and 6(2)(a)
Selling, giving, supplying, administering or dealing with heroin	Misuse Of Drugs Act 1975, sections 6(1)(e) and 6(2)(a)
Selling, giving, supplying, or administering or dealing with LSD	Misuse Of Drugs Act 1975, sections 6(1)(e) and 6(2)(a)
Selling, giving, supplying, or administering or dealing with morphine	Misuse Of Drugs Act 1975, sections 6(1)(e) and 6(2)(b)
Selling, giving, supplying, or administering or dealing with opium	Misuse Of Drugs Act 1975, sections 6(1)(e) and 6(2)(b)
Possessing cocaine for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(a)
Possessing heroin for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(a)
Possessing LSD for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(a)
Possessing morphine for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)
Possessing opium for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)
Aiding a drug offence outside New Zealand	Misuse Of Drugs Act 1975, section 10
Conspiring to deal with Class A drug	Misuse Of Drugs Act 1975, section 6(2A)(a)
Importing or exporting cannabis resin	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)
Importing or exporting cannabis oil	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)
Producing, manufacturing, or distributing cannabis resin	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)
Producing manufacturing, or distributing cannabis oil	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)
Selling, giving, supplying, administering or dealing with cannabis oil	Misuse Of Drugs Act 1975, sections 6(1)(e) and 6(2)(b)
Possessing cannabis resin for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)
Possessing cannabis oil for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)
Aiding a cannabis offence outside New Zealand	Misuse Of Drugs Act 1975, section 10
Burglary with a weapon (firearm)	Crimes Act 1961, section 232(1)

Offence description	Legislative provision
Burglary with a weapon (other weapon)	Crimes Act 1961, section 232(1)
Remaining after a burglary (firearm)	Crimes Act 1961, section 232(1)
Remaining after a burglary (other weapon)	Crimes Act 1961, section 232(1)
Other aggravated burglary offences	Crimes Act 1961, section 232
Wilfully damaging property by explosive or endangering life	Crimes Act 1961, section 267
Wilfully setting fire to property or endangering life	Crimes Act 1961, section 267
Other arson	Crimes Act 1961, sections 267 and 268; and Summary Offences Act 1981, section 36
Hijacking an aircraft	Aviation Crimes Act 1972, section 3
Damaging an aircraft in service	Aviation Crimes Act 1972, section 5
Placing an item in an aircraft that is likely to destroy the aircraft	Aviation Crimes Act 1972, section 5
Importing or exporting methamphetamine or amphetamine	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(a)
Importing or exporting ecstasy	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)
Importing or exporting fantasy-type substances	Misuse Of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)
Producing or manufacturing methamphetamine or amphetamine	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)
Producing or manufacturing ecstasy	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)
Producing or manufacturing fantasy-type substances	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)
Supplying, administering, or dealing with methamphetamine or amphetamine	Misuse Of Drugs Act 1975, sections 6(1)(e) and 6(2)(a)
Supplying, administering, or dealing with ecstasy	Misuse Of Drugs Act 1975, sections 6(1)(e) and 6(2)(b)
Supplying, administering, or dealing with fantasy-type substances	Misuse Of Drugs Act 1975, sections 6(1)(e) and 6(2)(b)
Possessing methamphetamine or amphetamine for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(a)
Possessing ecstasy for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)
Possessing fantasy-type substances for supply	Misuse Of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)
Attempting to manufacture methamphetamine or amphetamine	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)
Attempting to manufacture ecstasy	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)
Attempting to manufacture fantasy-type substances	Misuse Of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)
Corruption or bribery of Minister of Crown or member of Parliament	Crimes Act 1961, sections 102(1), 102(2), 103(1), and 103(2)
Judicial corruption	Crimes Act 1961, sections 100(1), 100(2), and 101(2)
Perjury	Crimes Act 1961, section 109
Smuggling of migrants	Crimes Act 1961, section 98C

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Offence description	Legislative provision
Trafficking in people by means of coercion or deception	Crimes Act 1961, section 98D
Treason	Crimes Act 1961, section 74
Piracy	Crimes Act 1961, section 92
Other miscellaneous offences against the national interest	Crimes Act 1961, section 78

Schedule 1
**Amendments to principal Act to replace gendered references with
gender-neutral references**

s 121A

<u>In section 2, definition of enforcement officer, paragraph (c), replace “his or her” with “their”.</u>	5
<u>In section 7A(2), replace “him or her” with “them”.</u>	
<u>In section 7C(1), replace “his or her” with “the chief executive’s”.</u>	
<u>In section 10(2)(b), replace “himself or herself” with “themselves”.</u>	
<u>In section 11(2)(a), (b), and (c), replace “his or her” with “their” in each place.</u>	10
<u>In section 11(2)(b) and (c), replace “him or her” with “them”.</u>	
<u>In section 11(4), replace “him or her” with “them”.</u>	
<u>In section 17(1), replace “he or she” with “they”.</u>	
<u>In section 17(2), replace “he or she” with “they”.</u>	
<u>In section 18(1), replace “he or she” with “they”.</u>	15
<u>In section 18A(2), replace “he or she” with “the person”.</u>	
<u>In section 18A(3)(a), replace “him or her” with “the parent”.</u>	
<u>In section 18A(5), replace “he or she” with “the person”.</u>	
<u>In section 18A(7), replace “he or she” with “the parent” in each place.</u>	
<u>In section 18B(1)(a), replace “his or her” with “the person’s”.</u>	20
<u>In section 18B(1)(b), replace “him or her” with “that person”.</u>	
<u>In section 18C(5), replace “he or she” with “the parent”.</u>	
<u>In section 18D(b), replace “his or her” with “the chief executive’s”.</u>	
<u>In section 18D(b), replace “he or she” with “the chief executive”.</u>	
<u>In section 22(1)(d)(iii), replace “him or her” with “A”.</u>	25
<u>In section 24(1)(b), replace “he or she or it” with “the person”.</u>	
<u>In section 30(1)(a)(i)(C), replace “him or her” with “A”.</u>	
<u>In section 31(2), replace “he or she” with “the person”.</u>	
<u>In section 44(1), replace “he or she” with “the child or young person”.</u>	
<u>In section 48(1), replace “his or her” with “the chief executive’s”.</u>	30
<u>In section 54(a), replace “him or her” with “that child or young person”.</u>	
<u>In section 59(1)(a), replace “he or she believes” with “they believe”.</u>	
<u>In section 59(1)(a), replace “he or she thinks” with “they think”.</u>	
<u>In section 82(4)(b), replace “he or she” with “the child or young person”.</u>	
<u>In section 82(6)(a), replace “his or her” with “the chief executive’s”.</u>	35

<u>In section 95(1)(b) and (d), replace “him or her” with “them”.</u>	
<u>In section 95(1)(d), replace “he or she” with “the child or young person”.</u>	
<u>In section 97(1)(a), replace “his or her” with “their”.</u>	
<u>In section 99(c), replace “he, she,” with “they consider”.</u>	
<u>In section 104(2), replace “his or her” with “the chief executive’s”.</u>	5
<u>In section 105(1)(c) and (d), replace “his or her” with “the chief executive’s”.</u>	
<u>In section 110A(4)(a)(i), replace “his or her” with “their”.</u>	
<u>In section 113A(1)(a), replace “his or her” with “their”.</u>	
<u>In section 113B(2)(a), replace “his or her” with “their”.</u>	
<u>In section 122(1), replace “him or her” with “that child or young person”.</u>	10
<u>In section 125(1B)(b), replace “his or her” with “their”.</u>	
<u>In section 129(1A), replace “his or her” with “the chief executive’s” in each place.</u>	
<u>In section 130(1)(ea)(i) and (ii), replace “his or her” with “that person’s”.</u>	
<u>In section 152(1)(b), replace “his or her” with “their”.</u>	
<u>In section 157(2), replace “him or her” with “the child or young person”.</u>	15
<u>In section 163(2), replace “his or her” with “their”.</u>	
<u>In section 167, replace “he or she” with “the Judge”.</u>	
<u>In section 179(4)(a), replace “him or her” with “that child or young person”.</u>	
<u>In section 181(2), replace “he or she” with “the Judge”.</u>	
<u>In section 207D(1)(a), replace “his or her” with “the chief executive’s”.</u>	20
<u>In section 207I(1)(b), replace “he or she” with “the child or young person”.</u>	
<u>In section 207I(1)(b) and (2)(b), replace “his or her” with “their”.</u>	
<u>In section 207I(2)(b), replace “he or she” with “the child, young person, or parent”.</u>	
<u>In section 207R(1)(b), replace “he or she” with “the child or young person”.</u>	
<u>In section 207R(1)(b), replace “his or her” with “their”.</u>	25
<u>In section 207S(c), replace “his or her” with “their”.</u>	
<u>In section 207ZN(2), replace “his or her” with “their”.</u>	
<u>In section 208(b) and (f)(i), replace “his or her” with “their”.</u>	
<u>In section 215(1)(a), replace “his or her” with “their”.</u>	
<u>In section 215(1)(b), replace “that he or she” with “the child or young person”.</u>	30
<u>In section 216(b), replace “makes up his or her mind” with “decides”.</u>	
<u>In section 221(1)(b)(ii), replace “made up his or her mind” with “decided”.</u>	
<u>In section 229(2)(b), replace “him or her” with “that person”.</u>	
<u>In section 235(2)(a), replace “his or her” with “the chief executive’s”.</u>	
<u>In section 236(1), replace “his or her” with “the chief executive’s”.</u>	35

<u>In section 242(1)(b), replace “his or her” with “the chief executive’s”.</u>	
<u>In section 245(1), replace “he or she” with “the young person”.</u>	
<u>In section 254(1), replace “he or she or it is” with “they are”.</u>	
<u>In section 275(1)(c), replace “he or she” with “the young person”.</u>	
<u>In section 276(2), replace “he or she” with “the child or young person”.</u>	5
<u>In section 276(3), replace “he or she wishes” with “they wish”.</u>	
<u>In section 276(5), replace “he or she” with “the child”.</u>	
<u>In section 280A(4)(b), replace “his or her” with “the”.</u>	
<u>In section 283(ja), replace “he or she” with “the young person”.</u>	
<u>In section 283(o)(i)(B), replace “him or her” with “the young person”.</u>	10
<u>In section 284(1)(d)(ii), replace “himself or herself” with “themselves”.</u>	
<u>In section 290, replace “his or her” with “the Judge’s”.</u>	
<u>In section 290A(3), replace “he or she” with “the young person”.</u>	
<u>In section 296C(2)(b), replace “he or she” with “the young person”.</u>	
<u>In section 296C(3)(b), replace “he or she” with “the young person”.</u>	15
<u>In section 296D(3), replace “he or she” with “the constable”.</u>	
<u>In section 296J(6), replace “his or her” with “the young person’s”.</u>	
<u>In section 296J(7), replace “his or her” with “the Judge’s”.</u>	
<u>In section 296L(1), replace “his or her” with “the chief executive’s”.</u>	
<u>In section 297B(4), replace “he or she lives” with “they live”.</u>	20
<u>In section 302(a), replace “he or she” with “the young person”.</u>	
<u>In section 305(1)(b) and (e), replace “he or she” with “the young person”.</u>	
<u>In section 305(1)(c) and (f), replace “him or her” with “them”.</u>	
<u>In section 307(3), replace “he or she lives” with “they live”.</u>	
<u>In section 308C(3)(a), replace “his or her” with “the young person’s”.</u>	25
<u>In section 312(2), replace “his or her” with “the chief executive’s”.</u>	
<u>In section 318(1), replace “his or her” with “the chief executive’s”.</u>	
<u>In section 321(5), replace “his or her” with “their”.</u>	
<u>In section 324(1), replace “he or she” with “they”.</u>	
<u>In section 326(2), replace “his or her” with “their”.</u>	30
<u>In section 329(1)(ja), replace “his or her” with “the victim’s”.</u>	
<u>In section 363(4), replace “his or her” with “their”.</u>	
<u>In section 384A, definition of pat down search, paragraphs (a) and (b), replace “his or her hand” with “the person’s hand”.</u>	

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Schedule 1

- In section 384A, definition of **pat down search**, paragraph (c), replace “his or her” with “the child’s or young person’s” in each place.
- In section 384A, definition of **strip search**, paragraph (b), replace “his or her” with “the child’s or young person’s”.
- In section 384C(1), replace “his or her” with “their”. 5
- In section 384D(1), replace “him or her” with “the staff member”.
- In section 384E(1), replace “his or her” with “their”.
- In section 384J, replace “his or her” with “their”.
- In section 385(2), replace “his or her” with “the chief executive’s”.
- In section 386A(4)(a) and (b), replace “his or her” with “the chief executive’s”. 10
- In section 386A(5)(f), replace “his or her” with “their”.
- In section 389B(1), replace “he or she” with “that caregiver”.
- In section 392(2), replace “his or her” with “their” in each place.
- In section 395(a), (b), and (c), replace “his or her” with “their” in each place.
- In section 395A(1)(b), replace “his or her” with “their”. 15
- In section 401(2), replace “his or her” with “their”.
- In section 409(2), replace “his or her” with “their”.
- In section 423(2) and (3)(b) and (d), replace “his or her” with “their” in each place.
- In section 423(3)(c), replace “he or she” with “the co-ordinator” in each place.
- In section 425(2) and (3)(b) and (d), replace “his or her” with “their” in each place. 20
- In section 425(3)(c), replace “he or she” with “the co-ordinator” in each place.
- In section 427(1), replace “his or her” with “that social worker’s”.
- In section 434(3), replace “he or she” with “the person”.
- In section 434(6), replace “his or her” with “the Judge’s”.
- In section 435A(2), replace “he or she” with “the Judge”. 25
- In section 435A(5), replace “In exercising his or her powers” with “When exercising powers”.
- In section 445A(a), replace “him or her” with “them”.
- In section 445A(c), replace:
- (a) “himself or herself” with “themselves”; and 30
- (b) “his or her” with “their”.
- In section 445A(d), replace “he or she” with “the person” in each place.
- In section 445A(e), replace “he or she” with “the person” in each place.
- In section 445A(f), replace “he or she is” with “they are” in each place.

Schedule 2
New Schedule 1A inserted

s 123

Schedule 1A
Specified offences for young persons aged 17 years

ss 272, 273, 275

<u>Offence description</u>	<u>Legislative provision</u>
<u>Hijacking</u>	<u>Aviation Crimes Act 1972, section 3</u>
<u>Crimes relating to aircraft</u>	<u>Aviation Crimes Act 1972, section 5</u>
<u>Committing murder or manslaughter at an international airport that endangers the safety of an international airport</u>	<u>Aviation Crimes Act 1972, section 5A(1)(a)</u>
<u>Committing an act that endangers the safety of an international airport</u>	<u>Aviation Crimes Act 1972, section 5A(1)</u>
<u>Developing, producing, acquiring, stockpiling, or retaining chemical weapons</u>	<u>Chemical Weapons (Prohibition) Act 1996, section 6(1)(a)</u>
<u>Transferring, directly or indirectly, chemical weapons to another person</u>	<u>Chemical Weapons (Prohibition) Act 1996, section 6(1)(b)</u>
<u>Using chemical weapons</u>	<u>Chemical Weapons (Prohibition) Act 1996, section 6(1)(c)</u>
<u>Engaging in any military preparation to use chemical weapons</u>	<u>Chemical Weapons (Prohibition) Act 1996, section 6(1)(d)</u>
<u>Assisting, encouraging, or inducing any person to engage in any prohibited activity</u>	<u>Chemical Weapons (Prohibition) Act 1996, section 6(1)(e)</u>
<u>Using riot control agents as a method of warfare</u>	<u>Chemical Weapons (Prohibition) Act 1996, section 8</u>
<u>Taking hostages (outside New Zealand)</u>	<u>Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980, section 3</u>
<u>Committing acts of torture</u>	<u>Crimes of Torture Act 1989, section 3(1)(a)</u>
<u>Aiding any person to commit an act of torture</u>	<u>Crimes of Torture Act 1989, section 3(1)(b)</u>
<u>Abetting any person in the commission of an act of torture</u>	<u>Crimes of Torture Act 1989, section 3(1)(c)</u>
<u>Inciting, counselling, or procuring any person to commit an act of torture</u>	<u>Crimes of Torture Act 1989, section 3(1)(d)</u>
<u>Breaching the Geneva Convention through wilful killing</u>	<u>Geneva Conventions Act 1958, section 3(4)(a)</u>
<u>Breaching the Geneva Convention</u>	<u>Geneva Conventions Act 1958, section 3(4)(b)</u>
<u>Committing, or conspiring to commit, genocide through wilful killing</u>	<u>International Crimes and International Criminal Court Act 2000, section 9(3)(a)</u>
<u>Committing, or conspiring to commit, genocide</u>	<u>International Crimes and International Criminal Court Act 2000, section 9(3)(b)</u>
<u>Committing a crime against humanity through wilful killing</u>	<u>International Crimes and International Criminal Court Act 2000, section 10(3)(a)</u>
<u>Committing a crime against humanity</u>	<u>International Crimes and International Criminal Court Act 2000, section 10(3)(b)</u>

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Schedule 2

<u>Offence description</u>	<u>Legislative provision</u>
<u>Committing a war crime through wilful killing</u>	<u>International Crimes and International Criminal Court Act 2000, section 11(3)(a)</u>
<u>Committing a war crime</u>	<u>International Crimes and International Criminal Court Act 2000, section 11(3)(b)</u>
<u>Causing murder or manslaughter while committing a crime relating to ships</u>	<u>Maritime Crimes Act 1999, section 4(1)</u>
<u>Causing murder or manslaughter while committing a crime relating to fixed platforms</u>	<u>Maritime Crimes Act 1999, section 5(1)</u>
<u>Crimes relating to ships</u>	<u>Maritime Crimes Act 1999, section 4(1)</u>
<u>Crimes relating to fixed platforms</u>	<u>Maritime Crimes Act 1999, section 5(1)</u>
<u>Recruiting a person to be a mercenary to take part in an armed conflict or a concerted act of violence</u>	<u>Mercenary Activities (Prohibition) Act 2004, section 7(1)</u>
<u>Using a mercenary to take part in an armed conflict or a concerted act of violence</u>	<u>Mercenary Activities (Prohibition) Act 2004, section 8</u>
<u>Financing a mercenary without lawful excuse to take part in an armed conflict or a concerted act of violence</u>	<u>Mercenary Activities (Prohibition) Act 2004, section 9(1)</u>
<u>Training a prospective mercenary to take part in an armed conflict or a concerted act of violence</u>	<u>Mercenary Activities (Prohibition) Act 2004, section 10</u>
<u>Training a mercenary to take part in an armed conflict or a concerted act of violence</u>	<u>Mercenary Activities (Prohibition) Act 2004, section 11</u>
<u>Mercenary taking part in hostilities or a concerted act of violence</u>	<u>Mercenary Activities (Prohibition) Act 2004, section 12</u>
<u>Engaging in a terrorist act</u>	<u>Terrorism Suppression Act 2002, section 6A</u>
<u>Terrorist bombing causing death or destruction</u>	<u>Terrorism Suppression Act 2002, section 7</u>
<u>Financing a terrorist act</u>	<u>Terrorism Suppression Act 2002, section 8</u>
<u>Recruiting members of terrorist groups</u>	<u>Terrorism Suppression Act 2002, section 12</u>
<u>Participating in terrorist groups</u>	<u>Terrorism Suppression Act 2002, section 13</u>
<u>Murder (firearm)</u>	<u>Crimes Act 1961, section 172</u>
<u>Murder (other weapon)</u>	<u>Crimes Act 1961, section 172</u>
<u>Murder (manually)</u>	<u>Crimes Act 1961, section 172</u>
<u>Murder (stabbing or cutting weapon)</u>	<u>Crimes Act 1961, section 172</u>
<u>Other murder</u>	<u>Crimes Act 1961, section 172</u>
<u>Attempted murder (firearm)</u>	<u>Crimes Act 1961, section 173</u>
<u>Attempted murder (other weapon)</u>	<u>Crimes Act 1961, section 173</u>
<u>Attempted murder (manually)</u>	<u>Crimes Act 1961, section 173</u>
<u>Attempted murder (stabbing or cutting weapon)</u>	<u>Crimes Act 1961, section 173</u>
<u>Other attempted murder</u>	<u>Crimes Act 1961, section 173</u>
<u>Manslaughter (firearm; legal duty)</u>	<u>Crimes Act 1961, section 177</u>
<u>Manslaughter (firearm; no legal duty)</u>	<u>Crimes Act 1961, section 177</u>
<u>Manslaughter (other weapon; legal duty)</u>	<u>Crimes Act 1961, section 177</u>
<u>Manslaughter (other weapon; no legal duty)</u>	<u>Crimes Act 1961, section 177</u>
<u>Manslaughter (other means; legal duty)</u>	<u>Crimes Act 1961, section 177</u>
<u>Manslaughter (other means; no legal duty)</u>	<u>Crimes Act 1961, section 177</u>
<u>Manslaughter (stabbing or cutting weapon; legal duty)</u>	<u>Crimes Act 1961, section 177</u>
<u>Manslaughter (stabbing or cutting weapon; no legal duty)</u>	<u>Crimes Act 1961, section 177</u>
<u>Other manslaughter</u>	<u>Crimes Act 1961, section 177</u>

<u>Offence description</u>	<u>Legislative provision</u>
<u>Aiding suicide, etc</u>	<u>Crimes Act 1961, section 179</u>
<u>Kidnapping (for gain)</u>	<u>Crimes Act 1961, section 209</u>
<u>Kidnapping (no gain)</u>	<u>Crimes Act 1961, section 209</u>
<u>Other kidnapping</u>	<u>Crimes Act 1961, section 209</u>
<u>Dealing in slaves under 18</u>	<u>Crimes Act 1961, section 98AA</u>
<u>Dealing in slaves over 18</u>	<u>Crimes Act 1961, section 98</u>
<u>Dealing in people under 18 for sex, body parts, or forced labour</u>	<u>Crimes Act 1961, section 98AA</u>
<u>Aggravated robbery causing grievous bodily harm (firearm)</u>	<u>Crimes Act 1961, section 235</u>
<u>Aggravated robbery causing grievous bodily harm (other weapon)</u>	<u>Crimes Act 1961, section 235</u>
<u>Aggravated robbery causing grievous bodily harm (manual)</u>	<u>Crimes Act 1961, section 235</u>
<u>Aggravated robbery causing grievous bodily harm (stabbing or cutting weapon)</u>	<u>Crimes Act 1961, section 235</u>
<u>Aggravated robbery (firearm)</u>	<u>Crimes Act 1961, section 235</u>
<u>Aggravated robbery (other weapon)</u>	<u>Crimes Act 1961, section 235</u>
<u>Aggravated robbery (manual)</u>	<u>Crimes Act 1961, section 235</u>
<u>Aggravated robbery (stabbing or cutting weapon)</u>	<u>Crimes Act 1961, section 235</u>
<u>Other aggravated robbery</u>	<u>Crimes Act 1961, section 235</u>
<u>Assault with intent to rob (firearm)</u>	<u>Crimes Act 1961, section 236(1)</u>
<u>Assault with intent to rob (other weapon)</u>	<u>Crimes Act 1961, section 236(1)</u>
<u>Assault with intent to rob (stabbing or cutting weapon)</u>	<u>Crimes Act 1961, section 236(1)</u>
<u>Assault with intent to rob (with another person)</u>	<u>Crimes Act 1961, section 236(1)</u>
<u>Assault with intent to rob (causing grievous bodily harm)</u>	<u>Crimes Act 1961, section 236(1)</u>
<u>Compelling execution of documents (firearm)</u>	<u>Crimes Act 1961, section 239(1)</u>
<u>Compelling execution of documents (other weapon)</u>	<u>Crimes Act 1961, section 239(1)</u>
<u>Compelling execution of documents (stabbing or cutting weapon)</u>	<u>Crimes Act 1961, section 239(1)</u>
<u>Aggravated robbery (together with another person)</u>	<u>Crimes Act 1961, section 235</u>
<u>Wounding with intent to cause grievous bodily harm (firearm)</u>	<u>Crimes Act 1961, section 188(1)</u>
<u>Wounding with intent to cause grievous bodily harm (other weapon)</u>	<u>Crimes Act 1961, section 188(1)</u>
<u>Wounding with intent to cause grievous bodily harm (manual)</u>	<u>Crimes Act 1961, section 188(1)</u>
<u>Wounding with intent to cause grievous bodily harm (stabbing or cutting weapon)</u>	<u>Crimes Act 1961, section 188(1)</u>
<u>Aggravated wounding (firearm)</u>	<u>Crimes Act 1961, section 191(1)</u>
<u>Aggravated wounding (other weapon)</u>	<u>Crimes Act 1961, section 191(1)</u>
<u>Aggravated wounding (manual)</u>	<u>Crimes Act 1961, section 191(1)</u>
<u>Aggravated wounding (stabbing or cutting weapon)</u>	<u>Crimes Act 1961, section 191(1)</u>
<u>Dangerous act with intent to cause grievous bodily harm (firearm)</u>	<u>Crimes Act 1961, section 198(1)</u>

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<u>Offence description</u>	<u>Legislative provision</u>
<u>Dangerous act with intent to cause grievous bodily harm (explosive, etc)</u>	<u>Crimes Act 1961, section 198(1)</u>
<u>Dangerous act with intent to cause grievous bodily harm (fire)</u>	<u>Crimes Act 1961, section 198(1)</u>
<u>Throwing acid with intent to injure</u>	<u>Crimes Act 1961, section 199(1)</u>
<u>Poisoning with intent to cause grievous bodily harm</u>	<u>Crimes Act 1961, section 200(1)</u>
<u>Infecting with a disease</u>	<u>Crimes Act 1961, section 201</u>
<u>Using a firearm against a law enforcement officer</u>	<u>Crimes Act 1961, section 198A(1)</u>
<u>Blackmail</u>	<u>Crimes Act 1961, sections 237(1) and 238</u>
<u>Abduction for marriage of a girl under 12</u>	<u>Crimes Act 1961, section 208</u>
<u>Abduction for marriage of a girl 12-16</u>	<u>Crimes Act 1961, section 208</u>
<u>Abduction for marriage of a female over 16</u>	<u>Crimes Act 1961, section 208</u>
<u>Abduction for sex of a girl under 12</u>	<u>Crimes Act 1961, section 208</u>
<u>Abduction for sex of a girl 12-16</u>	<u>Crimes Act 1961, section 208</u>
<u>Abduction for sex of a female over 16</u>	<u>Crimes Act 1961, section 208</u>
<u>Abduction for marriage</u>	<u>Crimes Act 1961, section 208</u>
<u>Abduction for sex</u>	<u>Crimes Act 1961, section 208</u>
<u>Other abduction for marriage or sex offences</u>	<u>Crimes Act 1961, section 208</u>
<u>Inducing sexual connection</u>	<u>Crimes Act 1961, section 129A</u>
<u>Other inducing sexual connection offences</u>	<u>Crimes Act 1961, section 129A</u>
<u>Male rapes a girl under 12</u>	<u>Crimes Act 1961, sections 128 and 128B</u>
<u>Male rapes a girl 12-16</u>	<u>Crimes Act 1961, section 128B</u>
<u>Male rapes a female over 16</u>	<u>Crimes Act 1961, section 128B</u>
<u>Husband rapes wife</u>	<u>Crimes Act 1961, section 128B</u>
<u>Unlawful sexual connection with a girl under 12</u>	<u>Crimes Act 1961, section 128B</u>
<u>Unlawful sexual connection with a girl 12-16</u>	<u>Crimes Act 1961, section 128B</u>
<u>Unlawful sexual connection with a female over 16</u>	<u>Crimes Act 1961, section 128B</u>
<u>Unlawful sexual connection with a spouse</u>	<u>Crimes Act 1961, section 128B</u>
<u>Other sexual violation offences</u>	<u>Crimes Act 1961, section 128B</u>
<u>Unlawful sexual connection with a boy under 12</u>	<u>Crimes Act 1961, section 128B</u>
<u>Unlawful sexual connection with a boy 12-16</u>	<u>Crimes Act 1961, section 128B</u>
<u>Unlawful sexual connection with a male over 16</u>	<u>Crimes Act 1961, section 128B</u>
<u>Compelling an indecent act with an animal</u>	<u>Crimes Act 1961, section 142A</u>
<u>Sexual connection with a child under 12</u>	<u>Crimes Act 1961, section 132</u>
<u>Sexual conduct with a child outside New Zealand</u>	<u>Crimes Act 1961, section 144A</u>
<u>Inducing or compelling a person to provide sexual services</u>	<u>Prostitution Reform Act 2003, section 16</u>
<u>Importing or exporting cocaine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(a)</u>
<u>Importing or exporting heroin</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(a)</u>
<u>Importing or exporting LSD</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(a)</u>
<u>Importing or exporting morphine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)</u>

<u>Offence description</u>	<u>Legislative provision</u>
<u>Importing or exporting opium</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)</u>
<u>Producing, manufacturing, or distributing cocaine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)</u>
<u>Producing, manufacturing, or distributing heroin</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)</u>
<u>Producing, manufacturing, or distributing LSD</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)</u>
<u>Producing, manufacturing, or distributing morphine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)</u>
<u>Producing, manufacturing, or distributing opium</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)</u>
<u>Selling, giving, supplying, administering, or dealing with cocaine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(c) and 6(2)(a)</u>
<u>Selling, giving, supplying, administering or dealing with heroin</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(c) and 6(2)(a)</u>
<u>Selling, giving, supplying, or administering or dealing with LSD</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(c) and 6(2)(a)</u>
<u>Selling, giving, supplying, or administering or dealing with morphine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(c) and 6(2)(b)</u>
<u>Selling, giving, supplying, or administering or dealing with opium</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(c) and 6(2)(b)</u>
<u>Possessing cocaine for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(a)</u>
<u>Possessing heroin for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(a)</u>
<u>Possessing LSD for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(a)</u>
<u>Possessing morphine for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)</u>
<u>Possessing opium for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)</u>
<u>Aiding a drug offence outside New Zealand</u>	<u>Misuse of Drugs Act 1975, section 10</u>
<u>Conspiring to deal with Class A drug</u>	<u>Misuse of Drugs Act 1975, section 6(2A)(a)</u>
<u>Importing or exporting cannabis resin</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)</u>
<u>Importing or exporting cannabis oil</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)</u>
<u>Producing, manufacturing, or distributing cannabis resin</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)</u>
<u>Producing manufacturing, or distributing cannabis oil</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)</u>
<u>Selling, giving, supplying, administering or dealing with cannabis oil</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(c) and 6(2)(b)</u>
<u>Possessing cannabis resin for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)</u>
<u>Possessing cannabis oil for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)</u>
<u>Aiding a cannabis offence outside New Zealand</u>	<u>Misuse of Drugs Act 1975, section 10</u>
<u>Burglary with a weapon (firearm)</u>	<u>Crimes Act 1961, section 232(1)</u>

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<u>Offence description</u>	<u>Legislative provision</u>
<u>Burglary with a weapon (other weapon)</u>	<u>Crimes Act 1961, section 232(1)</u>
<u>Remaining after a burglary (firearm)</u>	<u>Crimes Act 1961, section 232(1)</u>
<u>Remaining after a burglary (other weapon)</u>	<u>Crimes Act 1961, section 232(1)</u>
<u>Other aggravated burglary offences</u>	<u>Crimes Act 1961, section 232</u>
<u>Wilfully damaging property by explosive or endangering life</u>	<u>Crimes Act 1961, section 267</u>
<u>Wilfully setting fire to property or endangering life</u>	<u>Crimes Act 1961, section 267</u>
<u>Other arson</u>	<u>Crimes Act 1961, sections 267 and 268; and Summary Offences Act 1981, section 36</u>
<u>Hijacking an aircraft</u>	<u>Aviation Crimes Act 1972, section 3</u>
<u>Damaging an aircraft in service</u>	<u>Aviation Crimes Act 1972, section 5</u>
<u>Placing an item in an aircraft that is likely to destroy the aircraft</u>	<u>Aviation Crimes Act 1972, section 5</u>
<u>Importing or exporting methamphetamine or amphetamine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(a)</u>
<u>Importing or exporting ecstasy</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)</u>
<u>Importing or exporting fantasy-type substances</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(a) and 6(2)(b)</u>
<u>Producing or manufacturing methamphetamine or amphetamine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)</u>
<u>Producing or manufacturing ecstasy</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)</u>
<u>Producing or manufacturing fantasy-type substances</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)</u>
<u>Supplying, administering, or dealing with methamphetamine or amphetamine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(c) and 6(2)(a)</u>
<u>Supplying, administering, or dealing with ecstasy</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(c) and 6(2)(b)</u>
<u>Supplying, administering, or dealing with fantasy-type substances</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(c) and 6(2)(b)</u>
<u>Possessing methamphetamine or amphetamine for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(a)</u>
<u>Possessing ecstasy for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)</u>
<u>Possessing fantasy-type substances for supply</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(f) and 6(2)(b)</u>
<u>Attempting to manufacture methamphetamine or amphetamine</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)</u>
<u>Attempting to manufacture ecstasy</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(a)</u>
<u>Attempting to manufacture fantasy-type substances</u>	<u>Misuse of Drugs Act 1975, sections 6(1)(b) and 6(2)(b)</u>
<u>Corruption or bribery of Minister of Crown or member of Parliament</u>	<u>Crimes Act 1961, sections 102(1), 102(2), 103(1), and 103(2)</u>
<u>Judicial corruption</u>	<u>Crimes Act 1961, sections 100(1), 100(2), and 101(2)</u>
<u>Perjury</u>	<u>Crimes Act 1961, section 109</u>
<u>Smuggling of migrants</u>	<u>Crimes Act 1961, section 98C</u>

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<u>Offence description</u>	<u>Legislative provision</u>
<u>Trafficking in people by means of coercion or deception</u>	<u>Crimes Act 1961, section 98D</u>
<u>Treason</u>	<u>Crimes Act 1961, section 74</u>
<u>Piracy</u>	<u>Crimes Act 1961, section 92</u>
<u>Other miscellaneous offences against the national interest</u>	<u>Crimes Act 1961, section 78</u>

Schedule 3

Consequential amendments to other enactments

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Part 1

Amendments to Acts consequential on change of Title of principal Act

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In each place in the specified provisions of the Acts listed in the following table, replace “Children, Young Persons, and Their Families Act 1989” with “**Oranga Tamariki Act 1989**”.

<u>Acts</u>	<u>Provisions</u>
<u>Adoption Act 1955 (1955 No 93)</u>	<u>Sections 2, 6</u>
<u>Adoption (Intercountry) Act 1997 (1997 No 109)</u>	<u>Section 2</u>
<u>Adult Adoption Information Act 1985 (1985 No 127)</u>	<u>Section 2</u>
<u>Bail Act 2000 (2000 No 38)</u>	<u>Sections 15, 34A</u>
<u>Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)</u>	<u>Section 21</u>
<u>Care of Children Act 2004 (2004 No 90)</u>	<u>Sections 8, 22, 23, 29A, 32, 46E, 56, 58, 131, 148</u>
<u>Child Support Act 1991 (1991 No 142)</u>	<u>Sections 8, 14, 25</u>
<u>Children, Young Persons, and Their Families Amendment Act (No 2) 2016 (2016 No 75)</u>	<u>Section 3</u>
<u>Children’s Commissioner Act 2003 (2003 No 121)</u>	<u>Sections 4, 11, 13, 19, 23, 31, 32</u>
<u>Contract and Commercial Law Act 2017 (2017 No 5)</u>	<u>Schedule 5</u>
<u>Coroners Act 2006 (2006 No 38)</u>	<u>Section 9</u>
<u>Corrections Act 2004 (2004 No 50)</u>	<u>Sections 3, 34A, 81A</u>
<u>Courts Security Act 1999 (1999 No 115)</u>	<u>Section 25</u>
<u>Crimes Act 1961 (1961 No 43)</u>	<u>Section 131A</u>
<u>Crimes of Torture Act 1989 (1989 No 106)</u>	<u>Section 16</u>
<u>Criminal Disclosure Act 2008 (2008 No 38)</u>	<u>Sections 6, 12, 13</u>
<u>Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)</u>	<u>Sections 4A, 8, 18, 21, 23, 24C, 24D, 24E, 24F, 26, 26A, 26B, 41B, 41C, 46, 57, 61A, 75</u>
<u>Criminal Procedure Act 2011 (2011 No 81)</u>	<u>Sections 7, 165, 173, 174, 175, 380</u>
<u>Criminal Records (Clean Slate) Act 2004 (2004 No 36)</u>	<u>Section 19</u>
<u>Department of Child, Youth and Family Services Act 1999 (1999 No 82)</u>	<u>Sections 3, 9, 10, 11</u>
<u>District Court Act 2016 (2016 No 49)</u>	<u>Sections 9, 19, 31, 45</u>
<u>Domestic Violence Act 1995 (1995 No 86)</u>	<u>Section 19</u>
<u>Education Act 1989 (1989 No 80)</u>	<u>Sections 18A, 22, 22A, 29, 92, 310</u>
<u>Electronic Transactions Act 2002 (2002 No 35)</u>	<u>Schedule</u>
<u>Evidence Act 2006 (2006 No 69)</u>	<u>Sections 56, 110</u>
<u>Families Commission Act 2003 (2003 No 128)</u>	<u>Section 13</u>
<u>Family Court Act 1980 (1980 No 161)</u>	<u>Sections 11, 11B, 11C, 12, 12A, 16A, 16D</u>

<u>Acts</u>	<u>Provisions</u>
<u>Family Proceedings Act 1980 (1980 No 94)</u>	<u>Section 2</u>
<u>Health Act 1956 (1956 No 65)</u>	<u>Section 22C</u>
<u>Health and Disability Services (Safety) Act 2001 (2001 No 93)</u>	<u>Section 8</u>
<u>Immigration Act 2009 (2009 No 51)</u>	<u>Sections 331, 332, 375</u>
<u>Income Tax Act 2007 (2007 No 97)</u>	<u>Sections HC 36, MB 13, MC 10, MD 6, YA 1</u>
<u>Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (2003 No 116)</u>	<u>Sections 5, 138</u>
<u>KiwiSaver Act 2006 (2006 No 40)</u>	<u>Section 4</u>
<u>Land Transport Act 1998 (1998 No 110)</u>	<u>Section 91A</u>
<u>Lawyers and Conveyancers Act 2006 (2006 No 1)</u>	<u>Section 47</u>
<u>Legal Services Act 2011 (2011 No 4)</u>	<u>Sections 4, 7, 8, Schedule 2</u>
<u>Parole Act 2002 (2002 No 10)</u>	<u>Sections 43, 91</u>
<u>Policing Act 2008 (2008 No 72)</u>	<u>Sections 34, 34A</u>
<u>Prisoners' and Victims' Claims Act 2005 (2005 No 74)</u>	<u>Sections 4, 18</u>
<u>Privacy Act 1993 (1993 No 28)</u>	<u>Schedule 2A</u>
<u>Protection of Personal and Property Rights Act 1988 (1988 No 4)</u>	<u>Section 2</u>
<u>Rates Rebate Act 1973 (1973 No 5)</u>	<u>Section 2</u>
<u>Search and Surveillance Act 2012 (2012 No 24)</u>	<u>Section 3, Schedule</u>
<u>Social Security Act 1964 (1964 No 136)</u>	<u>Sections 3, 40D, 75B, 157, 159</u>
<u>Social Security (Clothing Allowances for Orphans and Unsupported Children) Amendment Act 2015 (2015 No 58)</u>	<u>Section 4, new section 29B</u>
<u>Substance Addiction (Compulsory Assessment and Treatment) Act 2017 (2017 No 4)</u>	<u>Sections 4, 24, 33, 66, 78</u>
<u>Summary Proceedings Act 1957 (1957 No 87)</u>	<u>Sections 79, 88AE</u>
<u>Te Rarawa Claims Settlement Act 2015 (2015 No 79)</u>	<u>Section 217</u>
<u>Veterans' Support Act 2014 (2014 No 56)</u>	<u>Section 158</u>
<u>Victims' Rights Act 2002 (2002 No 39)</u>	<u>Sections 4, 35</u>
<u>Vulnerable Children Act 2014 (2014 No 40)</u>	<u>Sections 5, 15, 19, Schedule 1</u>

Part 2

Amendments to legislative instruments consequential on change of Title of principal Act

In each place in the specified provisions of the legislative instruments listed in the following table, replace “Children, Young Persons, and Their Families Act 1989” with **“Oranga Tamariki Act 1989”**. 5

<u>Legislative instruments</u>	<u>Provisions</u>
<u>Care of Children (Appointment of Additional Guardian by Parents) (Forms) Rules 2005 (SR 2005/97)</u>	<u>Schedule</u>

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Schedule 3

Legislative instruments

Children, Young Persons, and Their Families (Forms) Regulations 1989 (SR 1989/296)
~~Children, Young Persons, and Their Families (Minimum Rates of Payment for Board and Lodgings) Order 2015 (LI 2015/28)~~
Children, Young Persons, and Their Families (Minimum Rates of Payment for Board and Lodgings) Order 2017 (LI 2017/35)
Children, Young Persons, and Their Families (Residential Care) Regulations 1996 (SR 1996/354)
Children, Young Persons, and Their Families Rules 1989 (SR 1989/295)
Corrections Regulations 2005 (SR 2005/53)
Criminal Investigations (Bodily Samples) Regulations 2004 (SR 2004/53)
Criminal Procedure Rules 2012 (SR 2012/415)
Crown Prosecution Regulations 2013 (SR 2013/178)
District Court Rules 2014 (LI 2014/179)
Domestic Violence (General) Regulations 1996 (SR 1996/150)
Domestic Violence Rules 1996 (SR 1996/148)
Evidence Regulations 2007 (SR 2007/204)
Family Court Rules 2002 (SR 2002/261)

Family Courts Fees Regulations 2009 (SR 2009/88)
Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)
Legal Services Regulations 2011 (SR 2011/144)
National Civil Defence Emergency Management Plan Order 2015 (LI 2015/140)
Parental Leave and Employment Protection Regulations 2016 (LI 2016/68)
Privacy (Information Sharing Agreement for Improving Public Services for Vulnerable Children) Order 2015 (LI 2015/162)
Sentencing Regulations 2002 (SR 2002/178)
Social Security (Contracts and Information Sharing with Service Providers) Regulations 2012 (SR 2012/210)
Social Security (Effect on Benefit of Warrant to Arrest—Excluded Beneficiaries) Regulations 2013 (SR 2013/249)
Social Security (Exemptions under Section 105) Regulations 1998 (SR 1998/270)
Social Security (Youth Support—Authorised Agencies) Order 2012 (SR 2012/209)

Provisions

Regulation 2, Schedule 1
~~Clause 3~~
Clause 3
Regulation 2
Rules 2, 3, Schedule 1
Regulation 175
Schedule
Rule 3.1
Regulation 3
Rule 1.5
Schedule
Schedule 1
Regulations 3, 22, 24
Rules 5, 6, 8, 22, 25, 26, 28, 37, 52, 80, 104, 106, 107, 130, 136, 209, 220, 239, cross-heading above rule 274, 274, 416P, 427, Schedules 1, 4, 5, 9
Regulation 5A
Rule 2
Regulation 9B
Clause 70
Regulations 6, 10, Schedule 2
Clauses 3, 11, 13, Schedule
Schedule
Regulation 3
Regulation 5
Regulation 2
Clause 3

Schedule 4
Amendments to enactments

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Accident Compensation Act 2001 (2001 No 49)

In section 283(1), replace “Department of Child, Youth and Family Services” with “department responsible for administering the **Oranga Tamariki Act 1989**”. 5

Corrections Act 2004 (2004 No 50)

In section 182C(b), replace “Department of Child, Youth and Family Services” with “department responsible for administering the **Oranga Tamariki Act 1989**”.

Education (2016 School Staffing) Order 2015 (LI 2015/190)

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In the heading to clause 68, replace “Child, Youth and Family students” with “Ministry for Vulnerable Children, Oranga Tamariki students”.

In clause 68, replace “Child, Youth and Family students” with “Ministry for Vulnerable Children, Oranga Tamariki students”.

In the Schedule 6 heading, replace “Child, Youth and Family students” with “Ministry for Vulnerable Children, Oranga Tamariki students”. 15

Education (2017 School Staffing) Order 2016 (LI 2016/179)

In the heading to clause 68, replace “Child, Youth and Family students” with “Ministry for Vulnerable Children, Oranga Tamariki students”.

In clause 68, replace “Child, Youth and Family students” with “Ministry for Vulnerable Children, Oranga Tamariki students”. 20

In the Schedule 6 heading, replace “Child, Youth and Family students” with “Ministry for Vulnerable Children, Oranga Tamariki students”.

Education (Hostels) Regulations 2005 (SR 2005/332)

In regulation 58(4), replace “Department of Child, Youth and Family Services” with “department responsible for administering the **Oranga Tamariki Act 1989**”. 25

In regulation 70(2), replace “Department of Child, Youth and Family Services” with “department responsible for administering the **Oranga Tamariki Act 1989**”.

Education (Pastoral Care of International Students) Code of Practice 2016 (LI 2016/57)

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In clause 22(c)(iv), replace “Child, Youth, and Family” with “the department responsible for administering the **Oranga Tamariki Act 1989**”.

In clause 25(1)(c), replace “Child, Youth and Family” with “the department responsible for administering the **Oranga Tamariki Act 1989**”.

**Social Security (Contracts and Information Sharing with Service Providers)
Regulations 2012 (SR 2012/210)**

In regulation 8(b)(ii), replace “Child, Youth and Family” with “the department responsible for administering the **Oranga Tamariki Act 1989**”.

In regulation 11(2)(b), replace “Child, Youth and Family” with “the department responsible for administering the **Oranga Tamariki Act 1989**”.

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Legislative history

8 December 2016
13 December 2016

Introduction (Bill 224–1)
First reading and referral to Social Services Committee