

## Hon Kelvin Davis

MP for Te Tai Tokerau

Minister for Māori Crown Relations: Te Arawhiti

Minister for Children

Minister of Corrections

Associate Minister of Education (Māori Education)



### Legislative statement for the second reading of the Oranga Tamariki Amendment Bill

**Presented to the House of Representatives in accordance with Standing Order 272**

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This legislative statement supports the second reading of the Oranga Tamariki Amendment Bill (the Bill). The Bill has been reported back by the Social Services and Community Committee (the Committee).

#### Overview of the Bill

The Bill amends the Oranga Tamariki Act 1989 (the Act) by:

- partially repealing the subsequent child provisions so that the subsequent child provisions will only apply in respect of parents of subsequent children who have a conviction relating to the murder, manslaughter, or infanticide of a child in their care
- repealing a redundant information sharing provision relating to public notification of information about combined datasets
- making a number of minor and technical amendments aimed at improving the clarity of the Act, enhancing the rights of children and young people, removing redundant provisions, and removing barriers to practical implementation.

#### Changes made by the Social Services and Community Committee

The Committee made recommendations for change to the Bill to:

- clarify that the Chief Executive and / or their delegate is not entitled to attend the family deliberation time at a Family Group conference, unless the family invites them to be present [clause 6A]
- remove the introductory words “where the conference considers that the child or young person in respect of whom it was convened is in need or care or protection, or is in need of assistance” and the word “needs” from section 28(b) to clarify the ability of Family Group Conferences to formulate plans even if there is no agreement that a child or young person is in need of care or protection or assistance and to address an inconsistency with another related provision which does not refer to needs [clause 6B]
- exclude restraining orders (one type of care or protection order under the Act) from the prerequisite for a Family Group Conference once other care and protection orders have been made [clause 9]
- ensure consistency between provisions relating to Youth Justice Family Group Conferences and Care and Protection Family Group Conferences and reflect the changes made in clause 6B [clauses 33 and 34]
- include additional changes to section 350 to ensure that all redundant references to an already repealed provision are removed [clause 40]

- remove the proposed addition of words that would have referenced “prescribed requirements” in subsection 365(1) because that reference is no longer needed given that the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 already specify to whom those regulations apply [clause 41]
- improve the clarity of clause 43 by:
  - replacing the term “care providers” with terminology used elsewhere in the Act that would cover an organisation with whom a child or young person may be placed
  - ensuring that regulations can still be made to prescribe the actions or steps that the Chief Executive of Oranga Tamariki, or their delegate, or an approved service must take, to ensure the assessment of the suitability of organisations in which children or young people may be placed
- improve the transitional provisions to ensure that existing determinations would have no further effect, and that any active application would not proceed following the enactment of the Bill [clause 44]
- make other consequential, minor, or technical amendments needed to improve the workability or clarify the drafting of the Bill.