

# **Children, Young Persons, and their Families (Trans-Tasman Transfer of Protection Orders and Proceedings) Amendment Act 1999**

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**Children, Young Persons, and their  
Families (Trans-Tasman Transfer of  
Protection Orders and Proceedings)  
Amendment Act 1999**

1999 No 116

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**An Act to amend The Children, Young Persons, and Their Families Act 1989 to provide for the transfer of protection orders and proceedings between New Zealand and the States and Territories of Australia**

**BE IT ENACTED by the Parliament of New Zealand as follows:**

**1 Short Title and commencement**

- (1) This Act may be cited as the Children, Young Persons, and Their Families (Trans-Tasman Transfer of Protection Orders and Proceedings) Amendment Act 1999, and is part of The

Children, Young Persons, and Their Families Act 1989 (**the principal Act**).

- (2) This Act comes into force on 1 November 1999, unless it is earlier brought into force on a date appointed by the Governor-General by Order in Council.

## **Part 1**

### **Main amendments to principal Act**

#### **2 Conduct outside New Zealand**

The principal Act is amended by inserting, after section 14, the following section:

##### **“14A**

For the purposes of this Act, it does not matter whether the conduct constituting a ground referred to in section 14(1) occurred partly or wholly outside New Zealand.”

#### **3 New Part 3A inserted**

The principal Act is amended by inserting, after Part 3, the following Part:

##### **“Part3A**

#### **“Trans-Tasman transfer of protection orders and protection proceedings**

##### *“Purpose of Part*

##### **“207A Purpose of Part**

The purpose of this Part is to provide for the transfer of protection orders and protection proceedings from New Zealand to a State or Territory of Australia, and from a State or Territory of Australia to New Zealand so that—

- “(a) Children or young persons who are the subject of protection orders can continue to receive care or protection even though they move to or from New Zealand; and
- “(b) Protection proceedings can be determined speedily even though the children or young persons who are the subject of the proceedings move to or from New Zealand.

*“Interpretation*

**“207B Interpretation**

In this Part, unless the context otherwise requires,—

**“Child welfare law** means—

“(a) Parts II and III; or

“(b) A law of a participating State that—

“(i) Corresponds to Parts II and III; or

“(ii) Is declared to be a child welfare law for the purposes of this Part by regulations made under section 447(aa):

**“Children’s Court**, in relation to a participating State, means the Court with jurisdiction to hear and determine protection proceedings at first instance

**“Interim order** means—

“(a) An order under section 207T; or

“(b) An equivalent order made under an interstate law:

**“Interstate law**, in relation to a participating State,—

“(a) Means a law that corresponds to this Part; and

“(b) Includes a law that is declared to be an interstate law for the purposes of this Part by regulations made under section 447(ab):

**“Interstate officer**, in relation to a participating State, means—

“(a) The holder of an office or position (by whatever name called) that is an office or position the holder of which is declared, in relation to that State, to be the interstate officer for the purposes of this Part by regulations made under section 447(ac); or

“(b) The holder of the office or position (by whatever name called) that, by or under the child welfare law of that State, has principal responsibility for the care or protection of children and young persons in that State:

**“Participating State** means a State or Territory of Australia in which an interstate law is in force

**“Protection order** has the meaning given to it by section 207C

**“Protection proceedings** means—

“(a) Proceedings in a Court or a Children’s Court under a child welfare law for the making, variation, discharge,

or revocation of a protection order or interim order, or for the extension of any period of such an order; or

“(b) Proceedings in a Court or a Children’s Court under a child welfare law (for example, proceedings for a declaration under section 67 that a child or young person is in need of care or protection) for a declaration or finding (by whatever name called)—

“(i) That a child or young person is in need of care or protection; and

“(ii) That empowers the Court or Children’s Court to make a protection order:

“**Review proceedings** means proceedings—

“(a) By way of an application for review under The Judicature Amendment Act 1972; or

“(b) By way of an application for mandamus, injunction, prohibition, or certiorari; or

“(c) By way of an application for a declaratory judgment:

“**Sending State** means the participating State from which a protection order or protection proceedings are transferred to New Zealand under this Part and the interstate law of that State

“**Young person** includes a person—

“(a) Who is 17 years old or older; and

“(b) To whom a guardianship order made under section 110 applies.

“**207C Meaning of protection order**

“(1) In this Part, **protection order**—

“(a) Means a final order under a child welfare law that makes the custody, guardianship, supervision, or support of a child or young person the responsibility (in whole or in part, and however that responsibility is described) of any 1 or more of the persons specified in subsection (2); and

“(b) Includes an interim custody order made pursuant to section 102 that makes the custody of a child or young person the responsibility (in whole or in part) of any 1 or more of the persons specified in subsection (2).

“(2) The persons referred to in subsection (1) are—

“(a) A government department or statutory authority:

- “(b) A person who is the head of a government department or statutory authority or otherwise holds an office or position in, or is employed in, a government department or statutory authority:
- “(c) An organisation or body approved or authorised by or under the child welfare law to exercise or perform powers, duties, or functions conferred, imposed, or prescribed by or under the child welfare law:
- “(d) The chief executive (by whatever name called) of an organisation or body referred to in paragraph (c).

*“Transfer of protection orders from New Zealand by chief executive*

**“207D Chief executive may transfer protection order**

- “(1) The chief executive may transfer a protection order (‘the home order’) to a participating State if,—
  - “(a) In his or her opinion, a protection order to the same or a similar effect as the home order could be made under the child welfare law of that State; and
  - “(b) The home order is not subject to an appeal to the High Court, or to any review proceedings; and
  - “(c) The interstate officer of the participating State has consented in writing to the transfer and to the proposed terms of the protection order to be transferred (‘the interstate order’); and
  - “(d) Any consent required under section 207F has been given; and
  - “(e) Any consultation required under section 207G has been carried out; and
  - “(f) The child or young person is not subject to—
    - “(i) An order made under paragraph (c), or any of paragraphs (k) to (o), of section 283; or
    - “(ii) A community-based sentence, or a suspended sentence, under The Criminal Justice Act 1985; and
  - “(g) Neither the chief executive, nor any officer or employee of the Department, knows of any information laid, or of any proceedings pending before a Youth Court or any other court, that could lead to the child or young person

being made subject to an order or sentence referred to in paragraph (f).

- “(2) In determining whether a protection order to the same or a similar effect as the home order could be made under the child welfare law of a participating State, the chief executive must not take into account the maximum period for which such an order can have effect in that State.
- “(3) Before deciding whether to transfer a protection order, the chief executive may request a Care and Protection Co-ordinator to convene a family group conference for the purpose of considering whether the order should be transferred, and sections 20 to 36 apply, with any necessary modification, to the convening of such a family group conference.

**“207E Chief executive to have regard to certain matters**

In deciding whether to transfer a protection order, the chief executive must have regard to—

- “(a) The principles referred to in sections 5, 6, and 13; and
- “(b) The matters that section 130 requires a plan prepared under section 128 to specify, contain, or state; and
- “(c) Whether an interstate officer is in a better position to exercise powers and responsibilities under a protection order relating to the child or young person than the person exercising those powers and responsibilities under the protection order; and
- “(d) The desirability of a protection order being an order under the child welfare law of the place where the child or young person resides.

**“207F Consent required**

“(1) This section applies if—

- “(a) The home order is a support order made under section 91; or
- “(b) The home order is a custody order made under section 101 placing the child or young person in the custody of any of the persons specified in paragraphs (a) to (d) of that section; or



- “(c) The home order is a custody order made under section 101(e) and made subject to a condition that the chief executive or a Social Worker supervises the order; or
  - “(d) The home order is a sole guardianship order made under section 110.
- “(2) If this section applies, consent to the transfer of the order is required from—
- “(a) Each parent of the child or young person (other than a parent who resides, or intends to reside, in the relevant participating State); and
  - “(b) Each guardian of the child or young person (other than the chief executive); and
  - “(c) Each person who, under this Act or The Guardianship Act 1968, has custody of, or is given access to, or has the care of, the child or young person.
- “(3) Despite this section, the consent of a person is not required if the chief executive is not able to locate the person after having made all reasonable efforts to locate the person.

**“207G Consultation required**

- “(1) This section applies if the child or young person is subject to—
- “(a) A services order made under section 86 directing a person or organisation (other than the chief executive, or an officer or employee of the Department) to provide services and assistance to the child or young person; or
  - “(b) A support order made under section 91 directing a person or organisation (other than the chief executive, or an officer or employee of the Department) to provide support to the child or young person.
- “(2) If this section applies, the chief executive must consult the person or organisation on whether the order should be transferred.

**“207H Conditions and duration of order to be transferred**

- “(1) The chief executive may include in the proposed interstate order any conditions that may be included in a protection order of that type made in the participating State.

- “(2) The chief executive must determine, and specify in the interstate order, the period for which the interstate order is to remain in force.
- “(3) The period must be a period—
  - “(a) That commences on the date of the registration of the interstate order in a participating State; and
  - “(b) That is—
    - “(i) The same as the period of the home order, if that is possible under the child welfare law of the participating State; or
    - “(ii) In any other case, as similar a period as is possible under that law but in no case longer than the period of the home order.

**“207I Notice of decision to transfer**

- “(1) As soon as practicable but in any event no later than 3 working days after deciding to transfer a protection order, the chief executive must give a notice of the decision to—
  - “(a) Each parent of the child or young person concerned; and
  - “(b) The child or young person concerned, unless he or she is incapable of understanding the notice because of his or her level of maturity.
- “(2) A notice must also—
  - “(a) State that the decision may be reviewed on certain grounds if, within 13 working days after the date of the decision, review proceedings are brought in the High Court and served on the chief executive; and
  - “(b) Inform the child, young person, or parent on whom it is served that he or she may bring review proceedings (or, as the case requires, have review proceedings brought on his or her behalf) and how, in general terms, the review proceedings may be brought.
- “(3) Nothing in this section requires the chief executive to give a person a notice if the chief executive is not able to locate the person after having made all reasonable efforts to locate the person.

**“207J Review of decision to transfer**

Any review proceedings in respect of a decision to transfer a protection order—

- “(a) Must be brought, and served on the chief executive, within 13 working days after the date of the decision, and the 13-working day period cannot be extended:
- “(b) Operate on and after filing as a stay of the decision until the review proceedings are withdrawn or finally determined.

*“Transfer of protection orders from New Zealand by order of Court*

**“207K Court may order transfer of protection order**

“(1) A Court may order that a protection order be transferred to a participating State if—

- “(a) The chief executive applies to the Court for the order to be transferred; and
- “(b) The Court has obtained and considered, in relation to the child or young person, a report from a Social Worker that covers the matters that section 130 requires a plan prepared under section 128 to specify, contain, or state; and
- “(c) The protection order is not subject to an appeal to the High Court, or to any review proceedings; and
- “(d) The interstate officer of the participating State has consented in writing to the transfer of the protection order and to the proposed terms of the order to be transferred; and
- “(e) The child or young person is not subject to—
  - “(i) An order made under paragraph (c), or any of paragraphs (k) to (o), of section 283; or
  - “(ii) A community-based sentence, or a suspended sentence, under The Criminal Justice Act 1985; and
- “(f) The chief executive certifies that neither the chief executive, nor any officer or employee of the Department, knows of any information laid, or of any proceedings pending before a Youth Court or any other court, that

could lead to the child or young person being made subject to an order or sentence referred to in paragraph (e).

- “(2) Before deciding whether to order the transfer of a protection order, the Court may direct a Care and Protection Co-ordinator to convene a family group conference for the purpose of considering whether the transfer should be ordered, and sections 20 to 36 apply, with any necessary modification, to the convening of such a family group conference.
- “(3) Sections 188, 189, and 191 to 194 apply to a report obtained from a Social Worker under subsection (1)(b) as if it were a report obtained from a Social Worker under section 186.

**“207L Service of application**

- “(1) As soon as possible after the chief executive files in a Court an application under section 207K, the Registrar of the Court must serve copies of the application in accordance with section 154 as if the application were an application by the chief executive under section 125 for the variation or discharge of the protection order to be transferred.
- “(2) Section 155 (Court may dispense with service) applies, with any necessary modification, to the service of copies of the application.
- “(3) A person served with proceedings under subsection (1) is entitled to appear and be heard as a party to the proceedings.

**“207M Court to have regard to certain matters**

In considering an application under section 207K, the Court must have regard to—

- “(a) The principles referred to in sections 5, 6, and 13; and
- “(b) Whether an interstate officer is in a better position to exercise powers and responsibilities under a protection order relating to the child or young person than the person exercising those powers and responsibilities under the protection order; and
- “(c) The desirability of a protection order being an order under the child welfare law of the place where the child or young person resides.

**“207N Terms, conditions, and duration of order to be transferred**

- “(1) If a Court orders that a protection order (‘the home order’) be transferred, the terms of the protection order to be transferred (‘the interstate order’) must be terms that could be the terms of a protection order made under the child welfare law of the participating State and that the Court considers to be—
- “(a) To the same or a similar effect as the terms of the home order; or
  - “(b) Otherwise appropriate for the child or young person.
- “(2) The Court may include in the interstate order any conditions that could be included in a protection order of that type made in the participating State.
- “(3) In determining whether terms that could be the terms of a protection order made under the child welfare law of the participating State are to the same or similar effect as the terms of the home order, the Court must not take into account the maximum period for which such an order can have effect in that State.
- “(4) The Court must determine, and specify in the interstate order, the period for which the interstate order is to remain in force.
- “(5) The period must be a period—
- “(a) That commences on the date of the registration in the participating State of the interstate order; and
  - “(b) That is possible for a protection order of the type of the proposed interstate order under the child welfare law of the participating State; and
  - “(c) That the Court considers appropriate.

**“207O Appeal against order for transfer**

The following provisions apply to an appeal to the High Court under section 341 against an order that a protection order be transferred:

- “(a) Despite section 346(b), the appeal is on a question of law only;
- “(b) Despite section 342(1)(a), the appeal must be brought within 10 working days after the day on which the order was made, and the 10-working day period cannot be extended under section 342(1)(b) or otherwise:

- “(c) Despite section 344, the appeal operates on and after filing as a stay of the order appealed against until the appeal is withdrawn or finally determined:
- “(d) The appeal must be heard and determined by the High Court as soon as possible.

**“207P Review of order for transfer**

- “(1) Any review proceedings in respect of an order that a protection order be transferred—
  - “(a) Must be brought within 10 working days after the date of the order, and the 10-working day period cannot be extended:
  - “(b) Operate on and after filing as a stay of the order until the review proceedings are withdrawn or finally determined.
- “(2) Subsection (3) applies if a person—
  - “(a) Brings review proceedings in respect of an order that a protection order be transferred; and
  - “(b) Has also appealed to the High Court under section 341 against that order, and the High Court has not yet started to hear the appeal.
- “(3) If this subsection applies in accordance with subsection (2), the High Court must hear both matters together, unless it considers it impracticable in the particular circumstances of the case to do so.

*“Transfer of protection proceedings from New Zealand by order of Court*

**“207Q Court may order transfer of protection proceedings**

- “(1) A Court may order that protection proceedings pending in the Court be transferred to the Children’s Court in a participating State if—
  - “(a) The chief executive applies to the Court for an order that the proceedings be transferred; and
  - “(b) The interstate officer of the participating State has consented in writing to the transfer of the proceedings; and
  - “(c) The child or young person is not subject to—

- “(i) An order made under paragraph (c), or any of paragraphs (k) to (o), of section 283; or
  - “(ii) A community-based sentence, or a suspended sentence, under The Criminal Justice Act 1985; and
  - “(d) The chief executive certifies that neither the chief executive, nor any officer or employee of the Department, knows of any information laid, or of any proceedings pending before a Youth Court or any other court, that could lead to the child or young person being made subject to an order or sentence referred to in paragraph (c).
- “(2) Before deciding whether to order that protection proceedings be transferred, the Court may direct a Care and Protection Co-ordinator to convene a family group conference for the purpose of considering whether the transfer should be ordered, and sections 20 to 36 apply, with any necessary modification, to the convening of such a family group conference.

**“207R Service of application**

- “(1) As soon as possible after the chief executive files in a Court an application under section 207Q, the Registrar of the Court must serve a copy of the application on—
- “(a) Each parent of the child or young person concerned or other person with whom the child or young person concerned is living; and
  - “(b) The child or young person concerned, unless he or she is incapable of understanding the application because of his or her level of maturity.
- “(2) Section 155 (Court may dispense with service) applies, with any necessary modification, to the service of a copy of the application.
- “(3) A person served with proceedings under subsection (1) is entitled to appear and be heard as a party to the proceedings.

**“207S Court to have regard to certain matters**

In considering an application under section 207Q, the Court must have regard to—

- “(a) Whether any other proceedings relating to the child or young person are pending, or have previously been

- heard and determined, under the child welfare law in the participating State; and
- “(b) The place or places where any of the matters giving rise to the proceedings in the Court occurred; and
  - “(c) The place of residence, or likely place of residence, of the child or young person, his or her parents, and of any other people who are significant to the child or young person; and
  - “(d) The principles referred to in sections 5, 6, and 13; and
  - “(e) Whether the chief executive or an interstate officer is in the better position to exercise powers and responsibilities under a protection order relating to the child or young person; and
  - “(f) The desirability of a protection order being an order under the child welfare law of the place where the child or young person resides.

**“207T Interim order**

- “(1) A Court that orders that protection proceedings be transferred may also make an interim order in respect of the child or young person concerned.
- “(2) An interim order—
  - “(a) May release the child or young person into the care of any person, subject to any conditions that the Court considers appropriate; and
  - “(b) May direct that supervision or support be provided to the child or young person by the interstate officer in the participating State or by any other person who could be so directed under the child welfare law of that State.
- “(3) Part II applies, with any necessary modification, to an interim order, as if the interim order were an order made under section 78, except that an interim order—
  - “(a) Remains in force for the period (not exceeding 30 days) specified in the interim order:
  - “(b) May be varied, or revoked, or extended, by the Children’s Court in the participating State in accordance with the interstate law of that State.



**“207U Appeal against order for transfer**

The following provisions apply to an appeal to the High Court under section 341 against an order that protection proceedings be transferred:

- “(a) Despite section 346(b), the appeal is on a question of law only:
- “(b) Despite section 342(1)(a), the appeal must be brought within 3 working days after the day on which the order was made, and the 3-working day period cannot be extended under section 342(1)(b) or otherwise:
- “(c) Despite section 344, the appeal operates on and after filing as a stay of the order appealed against (but not of any interim order made at the same time) until the appeal is withdrawn or finally determined:
- “(d) The appeal must be heard and determined by the High Court as soon as possible.

**“207V Review of order for transfer**

- “(1) Any review proceedings in respect of an order that protection proceedings be transferred must be brought within 3 working days after the day on which the order was made, and the 3-working day period cannot be extended.
- “(2) Subsection (3) applies if a person—
  - “(a) Brings review proceedings in respect of an order that protection proceedings be transferred; and
  - “(b) Has also appealed to the High Court under section 341 against that order, and the High Court has not yet started to hear the appeal.
- “(3) If this subsection applies in accordance with subsection (2), the High Court must hear both matters together, unless it considers it impracticable in the particular circumstances of the case to do so.

**“207W Transferred proceedings discontinued**

If a Court orders that protection proceedings be transferred, the proceedings are discontinued in the Court on the registration of the order in the Children’s Court of the participating State in accordance with the interstate law of that State.

*“Transfer of protection orders and protection  
proceedings to New Zealand*

**“207X Registration of orders and proceedings to be transferred  
to New Zealand**

- “(1) As soon as practicable after a decision or order is made under an interstate law for the transfer to New Zealand of a protection order, the chief executive must register the protection order in a Court by filing the protection order in the office of the Court.
- “(2) As soon as practicable after an order is made under an interstate law for the transfer to New Zealand of protection proceedings, the chief executive must register the proceedings in a Court by filing the order, together with any interim order made at the same time, in the office of the Court.
- “(3) The chief executive must not register a protection order, an order that protection proceedings be transferred, or an interim order, under this section if,—
- “(a) As the case requires,—
- “(i) The decision to transfer the protection order; or
- “(ii) The order that the protection order be transferred; or
- “(iii) The order that the protection proceedings be transferred,—
- is subject to appeal, or review, or a stay; or
- “(b) The period the interstate law allows for an appeal to be brought, or a review to be sought, has not expired.

**“207Y Notice of registration**

As soon as practicable after an order is registered in a Court under section 207X, the Registrar of the Court must give notice of the registration to—

- “(a) The appropriate officer of the Children’s Court in the sending State; and
- “(b) The interstate officer of that State.

**“207Z Effect of registration**

- “(1) If a protection order is registered in a Court under section 207X,—

- “(a) The order is to be treated for all purposes as a protection order of the relevant kind made by the Court under Part II on the day on which it is registered; but
  - “(b) The making of the order cannot be appealed against under section 341.
- “(2) If an order made under an interstate law for the transfer to New Zealand of protection proceedings is registered in a Court under section 207X, the proceedings must be treated as having been commenced in the Court on the day on which the order is registered.
- “(3) If an interim order is registered in a Court under section 207X,—
- “(a) The order is to be treated for all purposes as if it were an order made by the Court under section 78 on the day on which it is registered; but
  - “(b) The making of the interim order cannot be appealed against under section 341.

**“207ZA Court to obtain plan for child or young person**

- “(1) As soon as practicable after a protection order of a kind referred to in section 128(2) is registered in a Court under section 207X, the Court must obtain a plan in relation to the child or young person concerned, and sections 129 to 133 apply, with any necessary modification, to the obtaining of a plan required by this section, and to a plan required by this section.
- “(2) A person preparing a plan required by this section must have regard to—
- “(a) The terms of the protection order:
  - “(b) Any plan, or other document (by whatever name called) that corresponds to a plan, prepared in relation to the child or young person under the child welfare law of the sending State:
  - “(c) The matters addressed in any report made to the Children’s Court in the sending State in relation to the application for the transfer of the protection order.
- “(3) On obtaining a plan required by this section, the Court must fix a date in accordance with section 134 for the review of the plan, as if it were a plan required to be prepared under

section 128, and sections 135 to 138 apply, with any necessary modification, to—

- “(a) The review of the plan; and
- “(b) The resulting report and revised plan.

**“207ZB Hearing and determination of transferred proceedings**

If an order made under an interstate law for the transfer to New Zealand of protection proceedings is registered in a Court under section 207X, the Court—

- “(a) Is not bound by any finding of fact made in the proceedings in the Children’s Court in the sending State; and
- “(b) May have regard to any transcript of, or evidence adduced in, the proceedings in the Children’s Court in the sending State.

**“207ZC Aboriginal or Torres Strait Islander children or young persons**

“(1) This section applies if—

- “(a) A protection order, or an order made under an interstate law for the transfer to New Zealand of protection proceedings, is registered in a Court under section 207X; and
- “(b) A child or young person concerned is an Aboriginal or a Torres Strait Islander.

“(2) If this section applies in accordance with subsection (1), a Court or person exercising a power conferred by or under this Act in relation to the child or young person must be guided by the principle referred to in section 5(b).

**“207ZD Application to have registration revoked**

Any of the following persons may apply to a Court to have the registration of an order under section 207X revoked:

- “(a) The chief executive;
- “(b) The child or young person concerned;
- “(c) A parent of the child or young person concerned;
- “(d) A party to the proceedings in the Children’s Court in the sending State in which the decision to transfer the order or proceedings (as the case requires) was made.

**“207ZE Service of application**

- “(1) As soon as practicable after an application under section 207ZD is filed in a Court, the Registrar of the Court must serve a copy of the application on—
- “(a) The interstate officer of the sending State; and
  - “(b) Each person (other than the applicant) who could have made an application.
- “(2) Section 155 (Court may dispense with service) applies, with any necessary modification, to the service of a copy of the application.
- “(3) A person with proceedings under subsection (1) is entitled to appear and be heard as a party to the proceedings.

**“207ZF Revocation of registration**

- “(1) On an application under 207ZD, the Court may revoke the registration of the order if, and only if, the Court is satisfied that, at the time of registration,—
- “(a) As the case requires,—
    - “(i) The interstate officer’s decision to transfer the protection order; or
    - “(ii) The order of the Children’s Court that the protection order be transferred; or
    - “(iii) The order of the Children’s Court that the protection proceedings be transferred,—  
was subject to appeal, or review, or a stay; or
  - “(b) The period the interstate law allows for an appeal to be brought, or review to be sought, had not expired.
- “(2) The revocation of the registration of an order does not prevent the later re-registration of that order.

**“207ZG Notice of revocation**

As soon as practicable after the registration of an order is revoked under section 207ZF, the Registrar of the Court must give notice of the revocation to—

- “(a) The appropriate officer of the Children’s Court in the sending State; and
- “(b) The interstate officer of that State.

**“207ZH Effect of revocation on plan and documents**

If the Court revokes the registration of an order under section 207ZF,—

- “(a) The Court may, on its own initiative or on an application for the purpose, make such orders as it thinks fit with respect to the preparation or review of any plan or revised plan relating to the child or young person concerned:
- “(b) The Registrar of the Court must send the documents filed when the order was registered to the appropriate officer of the Children’s Court in the sending State.

*“Miscellaneous provisions*

**“207ZI Expiry and revival of order transferred from New Zealand**

- “(1) A protection order transferred from New Zealand (‘the home order’) ceases to have effect under this Act on the date on which the interstate officer registers a protection order (‘the interstate order’) under the interstate law in the participating State to which the home order is transferred.
- “(2) If the registration of the interstate order is revoked under the interstate law in the participating State to which the home order is transferred, then the home order is revived under this Act.
- “(3) The home order is revived—
  - “(a) On the revocation; and
  - “(b) Until the time at which it would have ceased to have effect if it had not been transferred.

**“207ZJ Expiry and revival of ancillary orders**

- “(1) This section applies if—
  - “(a) A child or young person is the subject of a protection order (‘the home order’) that ceases to have effect in accordance with section 207ZI(1); and
  - “(b) That child or young person is subject to any other order (‘the ancillary order’) that is an order of a kind referred to in any of paragraphs (b) to (h) (except paragraph (e)) of section 83(1).

- “(2) The ancillary order ceases to have effect under this Act at the same time as the home order ceases to have effect.
- “(3) If the home order is revived in accordance with section 207ZI(2), the ancillary order is revived in the same way as the home order.

**“207ZK Transfer of Court file**

- “(1) The Registrar of a Court must send all documents filed in the Court in connection with protection proceedings to the appropriate officer of the Children’s Court in a participating state if—
- “(a) A protection order made in the proceedings, or the proceedings themselves, are transferred to the participating State under this Part; and
- “(b) The transfer decision or order is not subject to an appeal or a review or a stay; and
- “(c) The period allowed under this Part for bringing an appeal, or bringing review proceedings, has expired.
- “(2) The Registrar of the Court must make a copy of all documents sent under this section, and keep the copies for the same period as the sent documents would have been kept.

**“207ZL Disclosure of information to interstate officer**

- “(1) This section applies to information that has come to the notice of the chief executive, or to an officer or employee of the Department, in the performance of duties or exercise of powers under this Act.
- “(2) Despite anything to the contrary in this Act, the chief executive may disclose to an interstate officer information to which this section applies if the chief executive considers the disclosure necessary or desirable to enable the interstate officer to perform duties or exercise powers under a child welfare law or an interstate law.

**“207ZM Information disclosed to chief executive by interstate officer**

- “(1) This section applies to information that an interstate officer has disclosed to the chief executive under a provision of a child

welfare law or an interstate law that corresponds to section 207ZL.

- “(2) Information to which this section applies is to be taken for the purposes of this Act to have been given directly to the chief executive in New Zealand instead of to the interstate officer.
- “(3) This section is subject to section 207ZN.

**“207ZN Department not to disclose information identifying notifier**

- “(1) This section applies to information—
  - “(a) To which section 207ZM applies; and
  - “(b) That, if disclosed, would be likely to identify, or lead to the identification of, a person (**a notifier**) who notified the interstate officer of the person’s belief that a child or young person was in need of care or protection.
- “(2) This section does not apply to information that is or may be evidence of any grounds that the notifier had for his or her belief.
- “(3) The chief executive, or an officer or employee of the Department, must not disclose information to which this section applies unless—
  - “(a) The notifier has consented in writing to the disclosure; or
  - “(b) The disclosure is to enable—
    - “(i) The investigation, or consideration, of any need to take action under this Act in respect of the child or young person; or
    - “(ii) The taking of any such action; or
  - “(c) The disclosure is in accordance with subsection (4).
- “(4) In proceedings in any court, or in any proceedings of a judicial nature, unless the notifier has consented in writing or the court or tribunal concerned has granted leave,—
  - “(a) A witness must not be asked, and if asked is entitled to refuse to answer, a question the answer to which would be information to which this section applies; and
  - “(b) Information to which this section applies is not admissible as evidence.



- “(5) A court or tribunal may grant leave under subsection (4) only if satisfied that the asking and answering of the question, or the admission as evidence of the information, is necessary—
- “(a) To ensure the safety and wellbeing of the child or young person; or
  - “(b) In the interests of justice.

“**207ZO Written consent of interstate officer**

A document that purports to be the written consent of an interstate officer (or of an interstate officer’s authorised delegate) for the purposes of section 207D(1)(c) or section 207K(1)(d) or section 207Q(1)(b) is sufficient evidence of that consent for the purposes of this Part, unless the contrary is proved.”

## Part 2

### Other amendments to principal Act

#### 4 New sections inserted

The principal Act is amended by inserting, after section 446, the following sections:

“**446A Children and young persons to whom section 446B applies**

- “(1) Section 446B applies to a child or young person who is the subject of a protection order (as defined in section 207C) that has not ceased to have effect under this Act in accordance with section 207ZI(1) and—
- “(a) That the chief executive proposes to transfer under section 207D to a participating State (as defined in section 207B); or
  - “(b) That the chief executive has decided to transfer under section 207D to a participating State; or
  - “(c) That is an order in relation to which the chief executive has filed in a Court an application under section 207K; or
  - “(d) That a Court has ordered under section 207K be transferred to a participating State.
- “(2) Section 446B applies to a child or young person who is the subject of protection proceedings (as defined in section 207B)

that have not been discontinued under this Act in accordance with section 207W and—

- “(a) That are proceedings in relation to which the chief executive has filed in a Court an application under section 207Q; or
  - “(b) That a Court has ordered under section 207Q be transferred to a participating State.
- “(3) Section 446B applies to a child or young person who is the subject of a protection order registered in a Court under section 207X.
- “(4) Section 446B applies to a child or young person who is the subject of protection proceedings registered in a Court under section 207X.

**“446B Offences available if child or young person is subject of certain protection orders or proceedings under Part 3A**

- “(1) If this section applies to a child or young person,—
- “(a) A person may be prosecuted for an offence against section 446 in relation to that child or young person; and
  - “(b) It does not matter whether the conduct that constitutes the offence occurs wholly within or wholly outside New Zealand or partly within or partly outside New Zealand.
- “(2) A person is not liable to be prosecuted under section 446 in respect of conduct—
- “(a) That constitutes an offence not only under section 446 but also under a law of a participating State (as defined in section 207B); and
  - “(b) For which the person was prosecuted in the participating State and convicted or found guilty or acquitted.
- “(3) The Attorney-General must be consulted before a prosecution is commenced for an offence against section 446 that is alleged to have occurred partly or wholly outside New Zealand.”

**5 Regulations**

Section 447 of the principal Act is amended by inserting, immediately before paragraph (a), the following paragraphs:

- “(aa) Declaring a law of a participating State to be a child welfare law for the purposes of Part 3A:

- “(ab) Declaring a law to be an interstate law in relation to a participating State for the purposes of Part 3A:
- “(ac) Declaring the holder of an office or position to be the interstate officer in relation to a participating State for the purposes of Part 3A:”.

**6 Consequential amendments to principal Act**

The principal Act is amended in the manner indicated in the Schedule.

**Schedule**

Section 6

**Consequential Amendments to Principal  
Act**

Provision of Principal Act	Amendment
Section 2(1)	<p>By omitting from the definition of the term <b>Court</b> the expression “Parts II and III”, and substituting the expression “Parts II, III, and 3A”.</p> <p>By repealing the definition of the term <b>working day</b>, and substituting the following definition:</p> <p>“<b>Working day</b> means a day of the week other than—</p> <p>“(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day; and</p> <p>“(b) A day in the period commencing with 25 December in a year and ending with 15 January in the following year; and</p> <p>“(c) In relation to a requirement to file a document with any court or to</p>

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Schedule

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Provision of Principal Act	Amendment
	<p>supply a document before a sitting of any court,—</p> <p>“(i) The day observed as the anniversary of the province in which the court is situated; and</p> <p>“(ii) Any other day that is observed by the court as a court holiday:</p>
Section 13	By inserting, after the expression “Part III”, the expression “or Part 3A”.
Heading to Part 3	By omitting the heading, and substituting the heading “PROVISIONS RELATING TO PROCEDURE IN RESPECT OF PROCEEDINGS UNDER PARTS II AND 3A”.
Heading immediately before section 150	By omitting the heading, and substituting the heading “ <i>Courts Having Jurisdiction Under Parts II and 3A</i> ”.
Section 150, etc	By inserting in sections 150, 157(1), 159(1), 160, 163(1), 166(1), 167, 169(1) and (2), 170(1), 178(1) and (2), 195, 196(1), 197, 199(1), 201(1) and (2), 202, 203, and 204(1), after the expression “Part II” wherever it appears, the expression “or Part 3A”
Section 156(1)	By inserting, after the expression “section 154”, the expression “or section 207L or section 207R”.

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Schedule

Provision of Principal Act	Amendment
Section 158	By inserting, immediately before the words “in conjunction with”, the expression “or an application under Part 3A of this Act”.
Section 205(1)(a)	By omitting the expression “of this Act”, and substituting the expression “, or for an order under section 207K or section 207Q,”.
Section 206(1)	By omitting the expression “of this Act”, and substituting the expression “, or for an order under section 207K or section 207Q,”.