

House of Representatives

Supplementary Order Paper

Tuesday, 2 May 2023

Family Court (Family Court Associates) Legislation Bill

Proposed amendments

Hon Kiritapu Allan, in Committee, to move the following amendments:

Clause 2

In *clause 2(1)(a)*, after “**7F**,” (page 5, line 8), insert “**7G**,”.

Clause 4

In *clause 4*, *new section 7K*, delete “, no later than 5 years after the commencement of this section,” (page 8, lines 18 and 19).

In *clause 4*, *new section 7K*, insert as subsection (2) (page 8, after line 28):

- (2) The review under **subsection (1)(a)** must commence no later than 5 years after the commencement of this section.

New clause 5A

After *clause 5* (page 8, after line 32), insert:

5A Section 17 amended (Certain enactments amended)

In section 17, replace “the Schedule” with “**Schedule 1**”.

Clause 30

Replace *clause 30(2)* (page 13, line 15) with:

- (2) In section 139A(2), replace “The leave of the court” with “Leave”.

Clause 64

In *clause 64(3)*, *new section 206(3)(a)*, replace “**subsection (2)**” (page 19, line 9) with “**subsection (2)(a) to (g)**”.

Proposed amendments to

SOP No 350

Family Court (Family Court Associates) Legislation Bill

New subpart 6A of Part 2

In Part 2, after subpart 6 (page 22, after line 7), insert:

Subpart 6A—Amendment to Oaths and Declarations Act 1957

70A Principal Act

This subpart amends the Oaths and Declarations Act 1957.

70B Schedule 2 amended

In Schedule 2, after the item relating to Community Magistrates, insert:

Family Court Associates

Clauses 74 to 77

Delete *clauses 74 to 77* (page 22, lines 15 to 34).

Schedule, new Schedule 2

In the *Schedule, new Schedule 2*, delete *clause 1(g)(vii)* (page 27, line 3).

In the *Schedule, new Schedule 2*, delete *clause 1(ga)(vi)* (page 27, line 13).

In the *Schedule, new Schedule 2*, delete *clause 1(h)(viii)* (page 27, line 26).

In the *Schedule, new Schedule 2*, replace *clause 2(b)* (page 28, lines 17 and 18) with:

(b) sections 46E, 46F, 46G, **46O**, 46Q, 47, 49A(3), **59(4)**, 77, 77B(1), 132, 134, 137, 139A, and **141(2)** of the Care of Children Act 2004:

In the *Schedule, new Schedule 2*, replace *clause 2(g)* (page 28, lines 29 to 31) with:

(g) sections 39 and 40 of the Oranga Tamariki Act 1989 (in respect of both provisions, if no District Court Judge is available):

Explanatory note

This Supplementary Order Paper makes the following substantive amendments to the Family Court (Family Court Associates) Legislation Bill:

- *new section 7K* of the Family Court Act 1980 (inserted by *clause 4* of the Bill) is amended so that, while the Ministry of Justice must, within 5 years after the commencement of that section, commence reviewing whether the appointment of Family Court Associates has reduced delays in the Family Court, the report to the Minister of Justice in respect of that review is not required to be made within that period:
- *new subpart 6A* is inserted in *Part 2* of the Bill, amending the Oaths and Declarations Act 1957, to require Family Court Associates to take the oath of allegiance and the judicial oath:

- *clauses 74, 75, 76, and 77 in subpart 7 of Part 2* of the Bill are deleted so that Family Court Associates will not have the jurisdiction or powers conferred on a Family Court Judge under the following sections of the Oranga Tamariki Act 1989:
 - section 74 (to direct the persons to attend counselling):
 - section 169 (to give leave to a person to make representations to the court in proceedings on behalf of a parent, guardian, or other person having the care of a child or young person):
 - section 170 (to ask the Registrar of the court to convene a mediation conference):
 - section 201 (to adjourn proceedings):
- *new Schedule 2* of the Family Court Act 1980 (inserted by the *Schedule* of the Bill) is amended to consequentially remove references to Family Court Associates having jurisdiction and powers under sections 74, 169, 170, and 201 of the Oranga Tamariki Act 1989 (but Family Court Associates retain jurisdiction and powers under sections 39 and 40 of that Act, and also the jurisdiction and powers conferred on Registrars in proceedings under that Act).

Departmental disclosure statement

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Supplementary Order Paper. The disclosure statement provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=sop&subtype=government&year=2023&no=350>.