

House of Representatives

Supplementary Order Paper

Tuesday, 9 August 2022

Oversight of Oranga Tamariki System and Children and Young
People's Commission Bill

Proposed amendments

Jan Logie, in Committee, to move the following amendments:

Clause 5

In *clause 5(b)*, replace “United Nations Convention on the Rights of the Child or the United Nations Convention on the Rights of Persons with Disabilities” (page 9, lines 8 to 10) with “United Nations Convention on the Rights of the Child, the United Nations Convention on the Rights of Persons with Disabilities, or the United Nations Declaration on the Rights of Indigenous Peoples”.

Clause 6

In *clause 6(a)*, replace “Māori children and young people” (page 9, lines 20 and 21) with “Māori children, young people, and their whānau”.

In *clause 6(c)*, replace “recognises” (page 9, line 28) with “prioritises”.

In *clause 6(e)*, replace “and have regard to the views of” (page 9, lines 32 and 33) with “and share decision making with”.

In *clause 6*, replace *paragraph (k)* (page 10, lines 23 to 25) with:

- (k) **section 57(2)(b)(i) and (2)(ba)** requires an independent review of the operation of the Monitor under this Act to—
 - (i) consider whether they are working efficiently and effectively with hapū, iwi, and Māori organisations; and
 - (ii) ensure they are upholding tino rangatiratanga over kāinga.

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Clause 13

In *clause 13(1)*, delete *paragraph (c)* (page 15, line 5).

In *clause 13(1)(e)*, after “with other systems” (page 15, line 10), insert “, particularly from a Māori perspective”.

In *clause 13(1)(f)*, after “informed decision making” (page 15, line 11), insert “, including supporting the participation of tamariki, whānau, hapū, and iwi in decisions relating to tamariki and whānau Māori”.

In *clause 13(2)*,

- (a) replace “for children and young people” (page 15, line 14) with “for children, young people, and their whānau”;
- (b) after “Māori children and young people” (page 15, lines 15 and 16), insert “, and to uphold the right of Māori to tino rangatiratanga over kāinga, as guaranteed by te Tiriti o Waitangi/the Treaty of Waitangi”.

Clause 16

In *clause 16(2)(b)*, replace “recognises” (page 16, line 17) with “prioritises”.

In *clause 16(2)(c)*, after “tikanga Māori approach” (page 16, line 20) with “, including the need to have regard to the tikanga principles of whānau, whakapapa, and whanaungatanga”.

In *clause 16(4)(c)*, replace “.” (page 16, line 29) with “:”.

In *clause 16(4)*, after *paragraph (c)* (page 16, after line 29), insert:

- (d) the Māori Advisory Group.

Clause 18

In *clause 18(1)*, replace “and have regard to the views of” (page 17, line 14) with “and share decision making with”.

Clause 38

In *clause 38(b)(ii)*, after “tikanga Māori approach” (page 23, line 33), insert “, including the need to have regard to te Tiriti o Waitangi/the Treaty of Waitangi, and the tikanga of whānau, whakapapa, and whanaungatanga”.

In *clause 38(c)*, replace “as appropriate” (page 23, line 35) with “unless such involvement can be shown to cause significant harm to the child or young person”.

In *clause 38*, insert as *subclause (2)* (page 23, after line 35):

- (2) In determining how to incorporate a tikanga Māori approach to the investigation of complaints, the Ombudsman may consider the advice of the Māori Advisory Group.

Clause 42

In *clause 42(1)*, delete “make reasonable efforts to” (page 25, line 34).

Clause 57

In *clause 57(2)*, delete “consider” (page 34, line 4).

In *clause 57(2)(a)*, replace “whether” (page 34, line 5) with “consider whether”.

In *clause 57(2)(b)*, replace “whether” (page 34, line 7) with “consider whether”.

In *clause 57(2)*, after *paragraph (b)* (page 34, after line 16), insert:

- (ba) ensure the Monitor is upholding tino rangatiratanga over kāinga; and

In *clause 57(2)(c)*, replace “whether” (page 34, line 17) with “consider whether”.

Clause 84

In *clause 84*, after *paragraph (f)* (page 40, after line 12), insert:

- (fa) the right of Māori to tino rangatiratanga over kāinga, as guaranteed by te Tiriti o Waitangi/the Treaty of Waitangi:

Clause 85

In *clause 85*, replace “the Crown’s responsibility to give effect to te Tiriti o Waitangi/the Treaty of Waitangi,” (page 40, lines 16 to 18) with “the Crown’s obligations under te Tiriti o Waitangi/the Treaty of Waitangi, the Crown’s commitment to te Tiriti o Waitangi/the Treaty of Waitangi in this Act,”.

In *clause 85(e)*, delete “make reasonable efforts to” (page 41, line 6).

Clause 92

In *clause 92(2)(b)*, after “tikanga Māori” (page 43, line 25), insert “and whakapapa Māori”.

Clause 99

In *clause 99(j)(iv)*, replace “.” (page 46, line 18) with “:”.

After *clause 99(j)* (page 46, after line 18), insert:

- (k) giving special attention to the rights, wellbeing, and interests of tamariki and rangatahi Māori, such as those afforded to them by te Tiriti o Waitangi/the Treaty of Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples.

Clause 111

In *clause 111(3)(a)*, delete “make reasonable efforts to” (page 51, line 11).

Explanatory note

This Supplementary Order Paper amends the Oversight of Oranga Tamariki System and Children and Young People’s Commission Bill. It is intended to give greater effect to the Crown’s obligations under te Tiriti o Waitangi/the Treaty of Waitangi and

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uphold the right of Māori to tino rangatiratanga over kāinga. It also requires at least half of the board of the Children and Young People's Commission to have experience in, and knowledge of whakapapa Māori.