

Legislative statement for the second reading of the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill.

27 July 2022

This legislative statement supports the second reading of the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill.

Overview

The Bill is designed to strengthen the oversight of the Oranga Tamariki system in three key areas:

- Independent monitoring and assurance of the operations and obligations under the Oranga Tamariki Act 1989 (the Oranga Tamariki Act) and associated regulations
- Oversight and investigation of complaints in matters related to the application of the Oranga Tamariki Act
- System-level advocacy for all children and young people in Aotearoa New Zealand.

The Bill:

- Establishes a new Independent Monitor of the Oranga Tamariki System (the Monitor) to monitor outcomes for children and young people receiving services through the Oranga Tamariki system
- Provides for a strengthened complaints and investigation system, led by the Office of the Ombudsman (the Ombudsman)
- Strengthens system-level advocacy for all New Zealand children and young people by establishing the Children and Young People's Commission (the Commission) to replace and enhance the existing Children's Commissioner's functions
- Summarises the functions and duties on oversight bodies that are woven throughout the Bill in order to demonstrate a practical commitment to the Treaty of Waitangi
- Creates a framework for the Monitor, the Ombudsman and the Commission to work together in comprehensive, cohesive and efficient way and to consult one another and share information, as appropriate.

Changes to the Bill proposed by the Committee

The Committee recommended a number of changes. The three substantive changes made by the Committee are:

- Explicitly providing for a Chief Children's Commissioner, who will also be the chairperson of the board of the Commission
- Providing for the Commission to report, with or without request, to the Prime Minister on matters affecting the rights of children
- Requiring the Monitor to act independently when undertaking functions set out in clauses 14 and 16.

There were also minor and technical changes made to the Bill.