

Legislative Statement for the third reading of the Oversight of Oranga Tamariki System Bill and the Children and Young People's Commission Bill

17 August 2022

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

Purpose of the Bills

The purpose of the Bills is to strengthen the oversight of Oranga Tamariki through three key functions:

- 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 Bills:

- 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 made in Committee of the Whole House

Changes were made to the Bill during the Committee of the Whole House stage are set out below. These do not include minor technical changes.

- Adding new provisions to the principles of the Bill set out in clause 5, to explicitly require that the best interests and perspectives of children and young people are considered by any person operating under this Act
- Updating the common duties in clause 7 which sets out common duties of the Monitor and Ombudsmen, to also refer to the Children and Young People's Commission to remove duplication of the same provision in the Children and Young People's Commission Bill.
- Reducing the time for agencies to respond to reports by the Monitor in clause 29 and therefore increasing accountability.

- Clarifying that the Monitor must have regard to the voices of children, young people and whanau when developing their monitoring priorities, work programme and monitoring approaches in clause 13(2A)
- Clarifying that the Monitor can share non-personal information in specific instances to support effective monitoring and reporting
- Adding a new clause 53A to place an explicit duty on the Monitor to notify a person (prescribed by regulations) if the Monitor becomes aware of any non-compliance with national care standards regulations or any other matter that places a child or young person in care or custody at immediate risk of suffering, or being likely to suffer, serious harm
- Reducing the time for the Review of the Act(s) to be commenced, from 5 years to 3 years.

At Committee of the Whole House, the Bill was divided into two bills – the Oversight of Oranga Tamariki System Bill and the Children and Young People’s Commission.