



# Oranga Tamariki (National Care Standards and Related Matters) Amendment Regulations 2019

Patsy Reddy, Governor-General

## Order in Council

At Wellington this 27th day of May 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 447 of the Oranga Tamariki Act 1989 on the advice and with the consent of the Executive Council.

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## Regulations

### 1 Title

These regulations are the Oranga Tamariki (National Care Standards and Related Matters) Amendment Regulations 2019.

## 2 Commencement

These regulations come into force on 1 July 2019.

## 3 Principal regulations

These regulations amend the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (the **principal regulations**).

## 4 Regulation 2 replaced (Commencement)

Replace regulation 2 with:

### 2 Commencement

(1) The following regulations come into force on 31 December 2020:

- (a) regulations 79 to 81;
- (b) regulation 83;
- (c) regulation 84(1)(a).

(2) The rest of these regulations come into force on 1 July 2019.

## 5 Regulation 77 amended (Independent monitor must establish assessment framework)

- (1) In the heading to regulation 77, after “**must**”, insert “**develop and**”.
- (2) In regulation 77, after “**must**”, insert “**develop and**”.
- (3) In regulation 77, insert as subclause (2):

(2) The assessment framework must be established no later than 31 December 2020.

## 6 Regulation 83 amended (Urgent reports of non-compliance where child or young person is at risk)

(1) Replace regulation 83(1) with:

(1) If, in the course of performing its functions as an independent monitor, the independent monitor becomes aware of any non-compliance with the regulations that places a child or young person in care or custody at immediate risk of suffering, or being likely to suffer, serious harm, the independent monitor must report the non-compliance to the chief executive or an approved organisation as a matter of urgency.

(2) After regulation 83(2), insert:

(3) For the purposes of this regulation,—

- (a) a child or young person suffers, or is likely to suffer, serious harm—
    - (i) in the circumstances described in section 14AA(1) of the Act; or
    - (ii) having regard to the circumstances in section 14AA(2) of the Act;
- and

(b) section 14AA of the Act applies with all necessary modifications.

Michael Webster,  
Clerk of the Executive Council.

### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 July 2019, amend the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 (the **principal regulations**).

Section 447A of the Oranga Tamariki Act 1989, which comes into force on 1 July 2019, provides for an independent monitor to monitor compliance by Oranga Tamariki and other approved bodies and organisations with the principal regulations.

These regulations postpone, until 31 December 2020, the commencement of regulations 79 to 81, 83, and 84(1)(a) of the principal regulations, which specify certain matters relating to the independent monitor's role.

Regulation 77 of the principal regulations is amended to clarify that the independent monitor must develop and establish an assessment framework (to use in its monitoring and reporting on compliance), and that the framework must be established no later than 31 December 2020.

Regulation 83 of the principal regulations is amended to clarify the circumstances in which the independent monitor must make an urgent report in relation to non-compliance with the principal regulations that the independent monitor becomes aware of in the course of performing its functions. As a consequence of the amendment, the independent monitor must make an urgent report if the non-compliance places a child or young person at immediate risk of suffering, or being likely to suffer, serious harm.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 May 2019.

These regulations are administered by Oranga Tamariki—Ministry for Children.