



# Cabinet Legislation Committee

## Minute of Decision

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### Oversight of Oranga Tamariki System and Children and Young People's Commission Bill: Approval for Introduction

**Portfolio**                      **Social Development and Employment**

On 21 October 2021, the Cabinet Legislation Committee:

- 1        **noted** the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill (the Bill) requires the new independent monitoring agency for the Oranga Tamariki to demonstrate annually how they have had regard to the views of the Māori Advisory Group;
- 2        **noted** the Bill only requires the Statutory Officer to give effect to a request for a review made by the Minister responsible for the Monitor, through which requests by other Ministers may be coordinated;
- 3        **noted** the Bill does not require the Ombudsman to develop information rules as previously agreed by Cabinet because such rules would be unnecessary given the existing safeguards within the Ombudsmen Act 1975 for ensuring information is managed securely [CAB-19-MIN-0687];
- 4        **noted** the Bill does not include a requirement for the Ombudsman to be subject to a direct qualitative review as agreed previously by Cabinet [CAB-19-MIN-0687] but retains the requirement of review of how the Monitor works with the Ombudsman in performance of the monitoring function;
- 5        **noted** the Ombudsman has committed to undertake a review of their own operations under the Bill that includes consideration of the matters set out in paragraphs 40 and 41 of CAB-19-MIN-0687 within five years of enactment;
- 6        **noted** the Bill provides for a limited broadening of the Ombudsman's jurisdiction to include care providers and custody providers delivering services under section 396 of the Oranga Tamariki Act 1989, to the extent that they are delivering services under that Act;
- 7        **agreed** that it be recommended to Select Committee that further broadening of the Ombudsman's jurisdiction, to encompass community service providers under section 403 of the Oranga Tamariki Act 1989 and other providers delivering services to children, young people and their families and whānau under the Oranga Tamariki Act 1989, be considered as part of the Select Committee process;

- 8 **noted** the Bill does not include a requirement for the Ombudsman to seek consent when collecting information or to be subject to a code of ethics when undertaking investigations under the Ombudsmen Act 1975;
- 9 **noted** that the Ombudsman is developing an ethics framework to ensure the safe and ethical gathering of information and has provided assurance they would routinely seek consent from children and young people as part of any preliminary inquiry or investigation;
- 10 **noted** the scope of the monitoring function extends to the monitoring of Police responses to offending by children and young people under Part 4 of the Oranga Tamariki Act 1989;
- 11 **noted** the Bill holds a category 4 priority on the 2021 Legislation Programme, meaning that it is intended for introduction and referral to a select committee in the current calendar year
- 12 **authorised** the Minister for Social Development and Employment, in consultation with other Ministers as appropriate, to make decisions on related minor and technical matters to enable finalisation of the Bill;
- 13 **noted** that the Minister for Social Development and Employment is seeking approval from the Business Committee for the Bill to be introduced as a single omnibus bill under Standing Orders 269, and to be split into two bills at the Committee of the Whole House stage;
- 14 **noted** that the Bill once enacted will bind the Crown;
- 15 **approved** the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill [PCO 21165/25.0] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 16 **noted** that the Bills will come into force on the day after the date on which each Bill receives Royal assent;
- 17 **agreed** that the Bill will be introduced as soon as practicable after Cabinet agreement;
- 18 **agreed** that the government proposes that the Bill be:
- 18.1 referred to the Social Services and Community Committee for consideration;
- 18.2 for a period of six months;
- 18.3 enacted by early 2023.

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Michael Wood (Chair)  
Hon Carmel Sepuloni  
Hon Nanaia Mahuta  
Hon Poto Williams  
Hon Kris Faafoi

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG