

Cabinet paper: Repeal of section 7AA of the Oranga Tamariki Act 1989, following Ministerial consultation

To Hon Karen Chhour, Minister for Children			
Date	19 March 2024	Deadline	20 March 2024
Briefing number	B-0113	Priority	High
Key contact	Phil Grady, Deputy Chief Executive, System Leadership	Contact number	s9(2)(a)
Security	In-confidence		

Purpose

This briefing provides key information regarding the changes made to the draft Cabinet paper that seeks to repeal section 7AA of the Oranga Tamariki Act 1989 (the Act), following Ministerial consultation.

Executive Summary

As agreed in December 2023, we have drafted a Cabinet paper and Regulatory Impact Statement to progress the repeal of Section 7AA of the Oranga Tamariki Act 1989 (section 7AA).

The Cabinet paper has been updated with the Regulatory Impact Statement assessment, which indicates that it partially meets the quality assurance criteria.

Changes have been made to the Cabinet paper to reflect feedback from Ministerial consultation.

We are seeking your agreement to lodge the final Cabinet paper with the Cabinet Office by 10am on 21 March 2024 to be considered by the Social Outcomes Cabinet Committee on 27 March 2024.

Recommendations

It is recommended that you:

Note the attached Cabinet paper proposing to repeal section 7AA of the Oranga Tamariki Act 1989

Note the Regulatory Impact Statement concludes that repealing section 7AA is unlikely to meet your desired objectives of improving the safety and stability of children.

Agree to lodge the attached Cabinet paper with the Cabinet Office by 10am on Thursday, 21 March 2024.

YES NO

Sign-off

Oranga Tamariki

s9(2)(a)

Sign-off

Minister for Children

Phil Grady
Deputy Chief Executive, System Leadership
Date signed: 18 March 2024


Hon Karen Chhour
Minister for Children
Date signed: 20/3/24

Minister comments

[Empty text box for Minister comments]

Satisfaction

Please select your level of satisfaction with this briefing

- Outstanding Good Acceptable Poor Unacceptable

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Cabinet paper: Repeal of section 7AA of the Oranga Tamariki Act 1989, following Ministerial consultation

Purpose

- 1 This briefing provides key information regarding the changes made to the draft Cabinet paper attached as Appendix One that seeks to repeal section 7AA of the Oranga Tamariki Act 1989 (the Act), following Ministerial consultation.
- 2 The Cabinet paper reflects decisions you made regarding progressing the repeal of section 7AA of the Act as a Government priority by the end of 2024 s9(2)(f)(iv) 1, with a six month Select Committee consideration period.
- 3 Once you have reviewed the Cabinet paper, and following any changes you require, your office will lodge the paper for the Cabinet Social Outcomes Committee (SOU) meeting of 27 March 2024.

Feedback has been received from Ministerial consultation and the Cabinet paper has been revised to reflect this

- 4 Changes were made during Ministerial consultation, following a request to streamline the section in the paper that discusses the Regulatory Impact Statement (RIS).
- 5 We are not aware of any further feedback received during Ministerial consultation.

The Regulatory Impact Statement completed by Oranga Tamariki has now been through a Quality Assurance Panel

- 6 As highlighted in briefing B-0095, the Oranga Tamariki RIS, attached as Appendix Two does not align with the views expressed in the Cabinet paper. The RIS is a departmental document that is designed to support and inform the government's decisions on proposals for regulatory change. A RIS is provided alongside a Cabinet paper for all government regulatory proposals.
- 7 As per Cabinet requirements, the RIS was required to go through a Quality Assurance process. The Panel for this process was made up of individuals from Oranga Tamariki, the Ministry of Justice and the Treasury. The Panel reviewed the RIS and considered that the information and analysis provided partially meets the quality assurance criteria.
- 8 The Panel made the following statement:

The RIS only partially meets the quality assurance criteria because of insufficient consultation with stakeholders to test the accuracy of the analysis and provide additional evidence. This, along with lack of an evidence-driven problem definition, gaps in evidence, and constraints in options are clearly identified. The RIS notes robust analysis of social impacts, further consideration of non-regulatory options, and impacts on the Youth Justice system have not been possible given time constraints. The panel considers that given these constraints,

¹ s9(2)(f)(iv)

the information in the RIS is balanced and convincing, and is as complete as could reasonably be expected.

- 9 You may be asked questions about the RIS during the repeal process and officials can provide further information to you, if required.

We anticipate the repeal of section 7AA will be strongly contested

- 10 As previously indicated, we expect there to be strong reactions to the repeal of section 7AA from Māori and our partners involved in care and protection, including Pacific providers, and oversight bodies such as Mana Mokopuna – Children and Young People’s Commission. A negative reaction from within the social work profession may also arise, which may lead to a reduction in Oranga Tamariki’s workforce and costs associated with recruiting additional social workers.
- 11 There are currently two claims lodged with the Waitangi Tribunal in relation to the repeal of section 7AA of the Act, and the Tribunal has not yet confirmed if the claims will be heard under urgency.

Next steps

- 12 The Cabinet paper and RIS will be uploaded to CabNet by Oranga Tamariki by 5pm on 20 March 2024. Your office will need to lodge the paper with the Cabinet Office by 10am on the 21 March 2024 to make the meeting of the Social Outcomes Cabinet Committee (SOU) on 27 March 2024.
- 13 Officials will provide you with talking points to support your discussions with SOU and Cabinet.
- 14 Further information on the Cabinet paper, RIS and lodgement process can be provided, if required.

Appendices

- 15 All appendices referenced in this paper are outlined below:
 - Appendix One – Repealing section 7AA of the Oranga Tamariki Act 1989 draft Cabinet paper, following Ministerial consultation
 - Appendix Two – Repeal of section 7AA Regulatory Impact Statement