



COVERSHEET

Minister	Hon Tracey Martin	Portfolio	Children
Name of package	Public Release of Cabinet Paper: Amendments to the information sharing provisions in the Children, Young Persons, and their Families (Oranga Tamariki) Legislation Act 2017	Date of issue	28 August 2019

List of documents that have been proactively released		
Date	Title	Author
18 March 2019	Amendments to the information sharing provisions in the Children, Young Persons, and their Families (Oranga Tamariki) Legislation Act 2017	Office of the Minister for Children
13 March 2019	SWC-19-MIN-0017 – Cabinet Social Wellbeing Committee Minute	SWC Committee Secretary

Information withheld	
<p>Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest in making the information available has been identified that would outweigh the reasons for withholding it.</p>	
Section of the Act	Reason for withholding
Section 9(2)(f)(iv)	Maintain constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Amendments to the Information Sharing Provisions in the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017

Portfolio **Children**

On 13 March 2019, the Cabinet Social Wellbeing Committee:

- 1 **noted** that on 30 March 2016, the previous government agreed to amend and replace the current information sharing provisions in s66 of the Oranga Tamariki Act 1989 (the Act) with new and extended provisions to support child-centred information sharing practices across the sector [CAB-16-MIN-0494];
- 2 **noted** that information sharing provisions in the Act are scheduled to come into force as ss65A to 66Q of the Act on 1 July 2019;
- 3 **noted** that there are two parts to the information sharing provisions – the Group One provisions and the Group Two provisions;
- 4 **noted** that further work with stakeholders since the legislation was enacted shows that the current configuration of the information sharing provisions are not fit for purpose and will not achieve the intended outcomes;
- 5 **noted** that amendments to the information sharing provisions are required to address these issues, and deliver a more effective information sharing framework;
- 6 **agreed** to amend the information sharing provisions so that:
 - 6.1 the Group One dataset provision (relating to child welfare and protection agencies' public notification of their use of combined datasets) is repealed;
 - 6.2 the Group Two provisions are not operationalised on 1 July 2019, but will remain in the Act to be reviewed by 1 July 2021 and implemented if required to achieve the level of information sharing necessary to meet the objectives set out in the Oranga Tamariki Act 1989;
- 7 **agreed** to the following changes relating to the requirement for a Code in the Act:
 - 7.1 the technical requirement for the responsible Minister to issue a Code to authorise agencies and people to exercise powers under the Group Two provisions will not be exercised by 1 July 2019;
 - 7.2 comprehensive guidance for the sector will be issued instead of a Code;

- 7.3 the ability for the Minister to issue a Code at a later stage be retained in the Oranga Tamariki Act 1989, should the Group Two provisions be implemented at a later date;
- 8 **agreed** that guidance be:
- 8.1 developed using a consultation process similar to that set out in the Act for developing a Code;
- 8.2 aligned to the information sharing guidance being produced by the Ministry of Justice for information sharing under the Family Violence Act 2018;
- 9 **agreed** to set up a helpline to assist the sector with the interpretation and application of the information sharing provisions by 1 July 2019;
- 10 **noted** that the repeal of the dataset provision will be [REDACTED] 9(2)(f)(iv)
- 11 **noted** that the [REDACTED] 9(2)(f)(iv)
- 12 **noted** that a minor technical amendment to s66K of the Act (consultation with children and young people when information is shared) so that it clearly applies to information sharing under the Group One provisions will be made through the Oranga Tamariki Legislation Bill which is intended to be passed by 1 July 2019;
- 13 **noted** that the Oranga Tamariki Legislation Bill holds a category two priority on the 2019 Legislation Programme (to be passed in 2019);
- 14 **invited** the Minister for Children to issue drafting instructions for the repeal of the dataset provision to the Parliamentary Counsel Office;
- 15 **noted** that the proposed repeal of the dataset provision and the review of the Group Two provisions will be managed through clear communication and stakeholder engagement with the sector, and information and advice about the amendments will also be available through the helpline.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Rt Hon Winston Peters
Hon Kelvin Davis
Hon Phil Twyford
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni (Chair)
Hon Dr David Clark
Hon Stuart Nash
Hon Jenny Salesa
Hon Tracey Martin
Hon Willie Jackson
Hon Aupito William Sio
Michael Wood MP
Jan Logie MP

Hard-copy distribution:
Minister for Children

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Office of the Chair of SWC
Oranga Tamariki – Ministry for Children
Officials committee for SWC