



COVERSHEET

Minister	Hon Tracey Martin	Portfolio	Children
Name of package	Proactive release of Oranga Tamariki Legislation Bill - Approval for Introduction	Date of issue	19 June 2019

List of documents that have been proactively released		
Date	Title	Author
18 March 2019	Oranga Tamariki Legislation Bill: Approval for Introduction	Office of the Minister for Children
13 March 2019	SWC-19-MIN-0018 – Cabinet Social Wellbeing Committee Minute	SWC Committee Secretary
18 March 2019	CAB-19-MIN-0085– Cabinet Minute	Secretary of the Cabinet

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.

Oranga Tamariki Legislation Bill: Approval for Introduction

Portfolio Children

On 13 March 2019, the Cabinet Social Wellbeing Committee:

Interim orders

- 1 **noted** there are legislative errors in the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (the 2017 Act) that have created unintended powers for the Court and the lawyer representing the child or young person in relation to urgent interim orders;
- 2 **agreed** that the Court should not be able to make urgent interim orders in relation to a child or young person on its own motion in the course of proceedings that are not under the Oranga Tamariki Act 1989 (the 1989 Act);
- 3 **agreed** that the lawyer representing a child or young person should not be able to apply for an urgent interim order relating to a child or young person in the course of proceedings that are not under the 1989 Act unless they have the leave of the court;
- 4 **noted** that, pending Cabinet agreement, drafting is currently included in the Oranga Tamariki Legislation Bill (the Bill) to reflect the decisions sought in paragraphs 2 and 3;

Youth justice jurisdiction

- 5 **noted** that in 2016, the previous government agreed to include 17-year-olds within the youth justice jurisdiction [CAB-16-MIN-0050];
- 6 **noted** that, except in specific circumstances relating to serious offences or procedural matters, a 17-year-old will be considered as a young person or an adult based on the date criminal proceedings against them commence;
- 7 **noted** that the Bill includes amendments that clarify or align provisions with the original policy intent of raising the upper age of the youth justice jurisdiction in the:
 - 7.1 Criminal Investigations (Bodily Samples) Act 1995 and the Criminal Investigations (Bodily Samples) Regulations 2004;
 - 7.2 Criminal Procedure Act 2011;
 - 7.3 Sentencing Act 2002;

- 7.4 Bail Act 2000;
- 7.5 Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017;
- 7.6 Oranga Tamariki Act 1989;
- 7.7 Returning Offenders (Management and Information) Act 2015;
- 7.8 Victims' Rights Act 2002;
- 7.9 Prisoners' and Victims' Claims Act 2005;
- 7.10 Victims' Orders Against Violent Offenders Act 2014;

Other drafting errors

- 8 **noted** that the Bill includes amendments to address minor drafting errors in the Children, Young Persons, and their Families (Oranga Tamariki) Legislation Act 2017 and the Children's Commissioner Act 2003 in addition to those covered in paragraph 1;

Delegated authority

- 9 **authorised** the Minister for Children to make minor and technical changes to the Bill required to finalise the draft legislation, in keeping with the overall policy aims of the 2017 Act, including the expansion of the youth justice jurisdiction, the policy decisions set out in paragraphs 2 and 3, and minor drafting errors, in consultation with other Ministers as appropriate;
- 10 **noted** that matters related to Court process for mixed charges need to be addressed through the Bill by 1 July 2019;
- 11 **authorised** the Attorney-General, Minister of Justice, Minister of Police, and Minister for Children to agree any amendments required to address mixed charges matters consistent with policy settings underpinning the 2017 amendment;
- 12 **invited** the Minister for Children to issue drafting instructions to the Parliamentary Counsel Office for any amendments required to the Bill after introduction;
- 13 **noted** that any additional amendments to address mixed charges would be proposed for inclusion in the Bill at the select committee stage or through a supplementary order paper;

Parliamentary process for the Oranga Tamariki Legislation Bill

- 14  9(2)(f)(iv)
- 15 **approved** the Oranga Tamariki Legislation Bill [PCO 21107/7.0] for introduction into Parliament;
- 16 **agreed** that the Oranga Tamariki Legislation Bill be introduced the day it receives Cabinet approval;

- 17 **agreed** that the government propose that:
- 17.1 the Bill be referred to the Social Services and Community Select Committee for consideration;
 - 17.2 the Select Committee reports back by 27 May 2019;
 - 17.3 the Bill be enacted by 28 June 2019.

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
Officials committee for SWC

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