



Cabinet Legislation Committee

Minute of Decision

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Regulations to Support the Oranga Tamariki Operating Model

Portfolio **Children**

On 30 June 2020, the Cabinet Legislation Committee:

- 1 **noted** that in October 2019, the Cabinet Social Wellbeing Committee noted that during the implementation its new operating model, Oranga Tamariki has identified some ancillary changes to regulations needed to support the model, and agreed to:
 - 1.1 making new regulations for the appointment and payment of youth advocates to:
 - 1.1.1 align the process for the appointment of youth advocates by the chief executive of Oranga Tamariki with the process for the appointment of youth advocates by the Youth Court;
 - 1.1.2 set an hourly rate of pay for youth advocates, at the current rate of pay for youth advocates used operationally;
 - 1.1.3 prescribe travel costs as the only disbursement payable to youth advocates, at the same rate as for lawyers doing Legal Aid work;
 - 1.2 minor and technical amendments to the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 to:
 - 1.2.1 ensure that marae is referred to consistently across regulations relating to identifying, planning and supporting connections with culture and identity and family, whānau, hapū, iwi and family groups;
 - 1.2.2 ensure that requirements which set out the chief executive's responsibilities for ensuring children and young people are enrolled in school are consistent with the Education Act 1989 by inserting references to relevant enrolment exemptions under that Act;
 - 1.2.3 clarify the scope of a search of Oranga Tamariki records required as part of suitability checks of prospective caregivers;
 - 1.2.4 clarify the information that must be taken into account in a risk assessment as part of the overall assessment of prospective caregivers
 - 1.2.5 specify that the term 'care transition' for the purposes of Part 5 includes transfers from one residence to another;

1.3 amending the Family Court Rules 2002 and Oranga Tamariki Rules 1989 to ensure consistency with recent legislative changes made to the Oranga Tamariki Act 1989;

[SWC-19-MIN-0149]

2 **noted** that the Rules and Regulations in paragraph 3 give effect to the above decisions;

3 **authorised** the submission to the Executive Council of the:

3.1 Oranga Tamariki (Youth Advocates) Regulations 2020 [PCO 22677/5.0];

3.2 Oranga Tamariki (National Care Standards and Related Matters) Amendment Regulations 2020 [PCO 22548/9.0];

3.3 Family Court Amendment Rules (No 2) 2020 [PCO 22549/8.0];

3.4 Oranga Tamariki Amendment Rules 2020 [PCO 22550/8.0];

4 **noted** that the Rules and Regulations come into effect on 13 August 2020.

Gerrard Carter
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon David Parker
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Tracey Martin
Hon Eugenie Sage
Michael Wood MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG