



# Cabinet

## Minute of Decision

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### Paper Two - Oversight of The Oranga Tamariki System and Children and Young People's Commission Bill: Further Policy Decisions

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

On 10 May 2021, following reference from the Cabinet Social Wellbeing Committee, Cabinet:

#### Background

- 1        **noted** that:
  - 1.1      in March 2019, Cabinet agreed to strengthen independent oversight of the Oranga Tamariki system in three core areas [CAB-19-MIN-0113];
  - 1.2      in December 2019 and July 2020, Cabinet made a number of policy decisions on the new oversight of the Oranga Tamariki system [CAB-19-MIN-0687, CAB-20-MIN-0352.01];
- 2        **noted** the companion paper entitled *Paper One – Arrangements for the Monitor of the Oranga Tamariki System* attached under SWC-21-SUB-0057;

#### Treaty provision for Oversight functions

- 3        **noted** that in December 2019, Cabinet agreed that oversight bodies and iwi and Māori organisations will enter into partnerships or arrangements [CAB-19-MIN-0687];
- 4        **rescinded** the decision referred to in paragraph 3 above; and instead
  - 4.1      **agreed** that the Ombudsman and the Monitor not be required to enter partnerships with iwi or Māori Organisations, but must endeavour to develop arrangements with iwi and Māori organisations in order to demonstrate a practical commitment to the principles of the Treaty of Waitangi;

#### The scope of monitoring

- 5        **agreed** that the scope of the Monitor's role encompasses:
  - 5.1      services provided to children, young people and their whānau under, or in connection with, the Oranga Tamariki Act 1989, by agencies or by their contracted partners; *and*

- 5.2 services provided by other government agencies, or their contracted providers, that:
- 5.2.1 are provided to children, young people and their whānau who have been brought to the attention of Oranga Tamariki (e.g., through a report of concern, or who are involved with early support, intensive response, care, youth justice, or transitions); *and*
  - 5.2.2 aim to address risk factors that increase the likelihood of involvement in the statutory care, protection and youth justice system;

### System inquiries and information

- 6 **agreed** that the Children and Young People's Commission can require the provision of information, including personal information from which identifying information has been removed, from agencies for the purpose of supporting their function to generally inquire into systemic issues relating to children and young people;

### Governance – Children and Young People's Commission

- 7 **agreed** that the minimum board size for the Children and Young People's Commission board be increased from 2 to 3 members;
- 8 **agreed** that, consistent with the partnership principle within the Treaty, and in addition to the usual competencies required for board members, the Children and Young People's Commission board members must have the capacity and capability to:
- 8.1 have a strong focus on the rights, interests, and wellbeing of tamariki and rangatahi;
  - 8.2 set strategic priorities and work programmes that support improved outcomes for tamariki and rangatahi;
  - 8.3 include Māori participation and te ao Māori approaches in the discharge of its functions;
- 9 **agreed** that at least 50 percent of the board must collectively have the experience and understanding of Māori knowledge and can represent the interests of Māori;

### Legislative matters

- 10 **noted** that the Oversight of the Oranga Tamariki System and Children and Young People's Commission Bill seeks a category 4 priority on the 2021 Legislation Programme (to be referred to a Select Committee in 2021), with introduction proposed for mid-2021;
- 11 **authorised** the Minister for Social Development and Employment, in consultation with other Ministers as appropriate, to make decisions on related minor, policy and technical matters to enable finalisation of the Bill.

Michael Webster  
Secretary of the Cabinet

*Secretary's Note: This minute replaces SWC-21-MIN-0059. Cabinet agreed to the rescinding recommendation in paragraph 4.*