

Supplementary Departmental Disclosure Statement

Oversight of Oranga Tamariki System Legislation Amendment Bill
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A supplementary disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

It provides a limited supplement to the original disclosure statement for the Oversight of Oranga Tamariki Legislation Amendment Bill, dated 10 October 2024, which can be found at this link [NZ Legislation Disclosures](#)

This supplementary disclosure statement was prepared by the Ministry of Social Development.

The Ministry of Social Development certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

14 May 2025.

Significant Legislative Features

Offences, penalties and court jurisdictions

1. Do the proposed amendments create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO

Privacy issues

2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information?	YES
<p>The Amendment Paper inserts consequential changes in Schedule 1A of the Bill, which amends section 32 of the principal Act. The amendments do not change how information is collected stored or disclosed other than to ensure that the existing provisions around protection of privacy and personal information also apply to progress reports in relation to agencies' compliance with the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018.</p> <p>Section 32 covers the protection of individuals' privacy in relation to the Monitor's reports and agency responses. The specific changes amend section 32 to include progress reports and:</p> <ul style="list-style-type: none"> • amends section 32(2) to ensure a progress report must not contain personal information relating to a child young person or their whānau (unless express permission has been provided). • amends section 32(4) to ensure a progress report must not include any personal information about a caregiver or any other individual delivering services or support to children and young people through the Oranga Tamariki system (unless specific conditions outlined in section 32(5) apply). • amends section 32(5)(b) to include progress reports along with responses and the Monitor's reports as documents that cannot contain personal information except in the specific circumstances covered in the section. These circumstances are that the person consents or that the Monitor or the chief executive of the agency (as applicable) considers that the public interest in including the personal information in the report or response outweighs the individual's privacy interests. 	
2.1. Was the Privacy Commissioner consulted about these provisions?	NO
<p>The Office of the Privacy Commissioner has not been consulted on the specific proposal in the Amendment paper. However, they were consulted on the proposals in the Oversight of Oranga Tamariki Legislation Amendment Bill. The Office of the Privacy Commissioner was consulted on the section 32 of the Principal Act, when that provision was proposed in 2021 (refer NZ Legislation Disclosures)</p>	

Compulsory acquisition of private property

3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the burden of proof for offences

6. Do the proposed amendments:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

7. Do the proposed amendments create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

8. Do the proposed amendments create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

Powers to make delegated legislation

9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO

10. Do the proposed amendments create or amend any other powers to make delegated legislation?	NO

Any other unusual provisions or features

11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?	NO