



# Oversight of Oranga Tamariki System Legislation Amendment Act 2025

Public Act      2025 No 34  
Date of assent      30 June 2025  
Commencement      see section 2

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Amendment Act 2025**

2025 No 34

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Oversight of Oranga Tamariki System Legislation Amendment Act 2025.

**2 Commencement**

This Act comes into force on 1 August 2025.

**Part 1**

**Amendments to Oversight of Oranga Tamariki System Act 2022**

**3 Principal Act**

This Part amends the Oversight of Oranga Tamariki System Act 2022.

**4 Section 8 amended (Interpretation)**

- (1) In section 8(1), replace the definition of **Independent Monitor of the Oranga Tamariki System** or **Monitor** with:

**Independent Monitor of the Oranga Tamariki System** or **Monitor** means the Independent Monitor of the Oranga Tamariki System established under section 12

- (2) In section 8(1), repeal the definition of **Independent Monitoring Agency of the Oranga Tamariki System** or **Monitoring Agency**.
- (3) In section 8(1), insert in their appropriate alphabetical order:

**board** means the board of the Monitor

**board member** means a member of the board

5

Section 12 replaced (Independent Monitor of Oranga Tamariki System established)

Replace section 12 with:

12

Independent Monitor of Oranga Tamariki System established

(1)

This section establishes the Independent Monitor of the Oranga Tamariki System (the **Monitor**).

(2)

The Monitor is a Crown entity for the purposes of the Crown Entities Act 2004.

(3)

The Crown Entities Act 2004 applies to the Monitor except to the extent that this Act expressly provides otherwise.

12A

Monitor’s board

(1)

The board consists of 3 members.

(2)

Board members are the board for the purposes of the Crown Entities Act 2004.

12B

Experience and knowledge of board members

(1)

When recommending a person for membership of the board, the Minister must have regard to the need for board members to collectively have knowledge of, and experience in relation to,—

(a)

the Oranga Tamariki system; and

(b)

quality assurance; and

(c)

data governance.

(2)

This section does not limit sections 29 and 30 of the Crown Entities Act 2004.

12C

Appointment of Judge as board member

(1)

The appointment of a Judge as a board member does not affect the tenure of their judicial office or the Judge’s rank, title, status, precedence, salary, annual or other allowances, or other rights or privileges as a Judge (including those in relation to superannuation).

(2)

For all purposes, the Judge’s service as a board member is taken to be service as a Judge.

Compare: 2003 No 121 s 7(5); 2022 No 44 s 16

6

Section 16 replaced (Duty to act independently)

Replace section 16 with:

4

**16 Independence of Monitor**

Except as expressly provided otherwise in this or another Act, the Monitor must act independently when performing its functions and duties or exercising powers under—

- (a) this Act; and
- (b) any other legislation that provides for the functions of the Monitor (other than the Crown Entities Act 2004).

Compare: 2022 No 44 s 18

**16A Exemption from income tax**

The income of the Monitor is exempt from income tax.

Compare: 2003 No 121 Schedule 1 cl 23; 2022 No 44 s 19

**7 New section 30A inserted (Progress reports on compliance with national care standards regulations)**

After section 30, insert:

**30A Progress reports on compliance with national care standards regulations**

- (1) This section applies to a chief executive who has prepared a response under section 30 to a final report of the Monitor under section 23 (which relates to the Monitor’s annual report on compliance with national care standards regulations).
- (2) The chief executive must prepare a progress report that provides—
  - (a) an update on the matters specified in section 30(2); and
  - (b) an explanation of any changes to the chief executive’s response to those matters.
- (3) The chief executive must provide the progress report to the Monitor, the Minister responsible for the Monitor, and the Minister responsible for the administration of the Oranga Tamariki Act 1989 within 4 months after the date on which the chief executive provides their response to the Monitor’s final report under section 23.

**8 Section 31 amended (Publication of final reports and responses)**

- (1) In the heading to section 31, replace “**reports and responses**” with “**reports, responses, and progress reports**”.
- (2) In section 31(1), replace “and any response to a final report prepared under section 30” with “, the response to that final report prepared under section 30, and a progress report prepared under section 30A”.
- (3) In section 31(2), replace “or response” with “, response, or progress report”.

**9 Section 58 repealed (Review of Act)**

Repeal section 58.

## 10 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part 2 set out in Schedule 1 of this Act as the last Part; and
- (b) make all necessary consequential amendments.

## 11 Consequential amendments to principal Act

Amend the principal Act as set out in Schedule 2.

### *Amendment to Oversight of Oranga Tamariki System Regulations 2023*

## 12 Principal regulations

Section 13 amends the Oversight of Oranga Tamariki System Regulations 2023.

## 13 New regulation 10 inserted (Time frame for publishing progress report)

After regulation 9, insert:

### 10 Time frame for publishing progress report

- (1) This regulation applies in relation to a progress report prepared by a chief executive of a relevant agency under section 30A of the Act.
- (2) The Monitor must publish a copy of the progress report no later than 10 working days after the date on which the report falls due under section 30A(3) of the Act.

### *Amendments to other legislation and revocations*

## 14 Amendments to other legislation

Amend the legislation specified in Schedule 3 as set out in that schedule.

## 15 Revocations

The following orders are revoked:

- (a) Public Service (Aroturuki Tamariki—Independent Children’s Monitor) Order 2023 (SL 2023/32);
- (b) Ombudsmen (Aroturuki Tamariki—Independent Children’s Monitor) Order 2023 (SL 2023/33).

## Part 2

### **Amendments to Children and Young People’s Commission Act 2022**

## 16 Principal Act

This Part amends the Act that was previously called the Children and Young People’s Commission Act 2022.

**17 Title of principal Act changed**

In section 1, replace “Children and Young People’s Commission Act 2022” with “Children’s Commissioner Act 2022”.

**18 Section 6 amended (Tiriti o Waitangi/Treaty of Waitangi)**

Replace section 6(a) with:

- (a)

section 12(2)(a) requires the Minister, when recommending a candidate for appointment as the Children’s Commissioner, to have regard to the candidate’s knowledge and understanding of te Tiriti o Waitangi/the Treaty of Waitangi, Māori knowledge, and knowledge of, and experience in, tikanga Māori; and

**19 Section 7 amended (Interpretation)**

- (1)

In section 7, repeal the definitions of **board**, **board member**, and **Children and Young People’s Commission** or **Commission**.
- (2)

In section 7, insert in their appropriate alphabetical order:

**Commissioner** means the Children’s Commissioner holding office under section 11 and appointed in accordance with sections 12 and 13

**Deputy Commissioner** means the Deputy Children’s Commissioner appointed under section 14

**20 Sections 11 to 14 replaced**

Replace sections 11 to 14 with:

**11 Children’s Commissioner**

- (1)

This section establishes the Children’s Commissioner.
- (2)

The Commissioner is—

(a)

a corporation sole; and

(b)

a Crown entity for the purposes of section 7 of the Crown Entities Act 2004; and

(c)

the board for the purposes of the Crown Entities Act 2004.
- (3)

The Crown Entities Act 2004 applies to the Children’s Commissioner except to the extent that this Act expressly provides otherwise.

**12 Recommendation and endorsement of Commissioner**

- (1)

This section applies when the Minister is making a recommendation under section 28(1)(b) of the Crown Entities Act 2004 relating to—

(a)

a candidate who has applied to be appointed as Commissioner; or

(b)

the reappointment of a Commissioner who has had continuous service of 6 years or more.
- (2)

The Minister must have regard to—

- (a) the candidate's—
    - (i) knowledge of, and experience in, children's and young people's rights and issues; and
    - (ii) knowledge and understanding of te Tiriti o Waitangi/the Treaty of Waitangi; and
    - (iii) Māori knowledge; and
    - (iv) knowledge of, and experience in, tikanga Māori; and
  - (b) the required skills and leadership expertise to carry out the role of Commissioner; and
  - (c) the recommendation from a nominations panel convened under section 13.
- (3) A candidate applying to be the Commissioner must also have the endorsement of a relevant agency specified in regulations made under section 37(1)(a).
- (4) This section does not limit sections 29 and 30 of the Crown Entities Act 2004.

### **13 Nominations panel**

- (1) The chief executive of the Ministry must convene a nominations panel to—
- (a) assess candidates for appointment as the Children's Commissioner or the reappointment of a Children's Commissioner who has had continuous service of 6 years or more; and
  - (b) make a recommendation to the Minister relating to that appointment.
- (2) A nominations panel may only recommend a candidate for appointment who has been endorsed by a relevant agency specified in regulations made under section 37(1)(a).
- (3) A nominations panel must consist of persons who have, on a collective basis, the following expertise and experience:
- (a) Māori leadership;
  - (b) working with children and young people;
  - (c) governance;
  - (d) appointment and recruitment.

### **14 Deputy Commissioner**

- (1) The Governor-General may, on the recommendation of the Minister, appoint a Deputy Children's Commissioner.
- (2) The Minister must consult the Commissioner before making a recommendation under subsection (1).
- (3) Part 2 of the Crown Entities Act 2004, except section 46, applies to the appointment and removal of a Deputy Commissioner in the same manner as it applies to the appointment and removal of the Commissioner.



- (4)

Subject to the control of the Commissioner, the Deputy Commissioner may perform or exercise all the functions, duties, and powers of the Commissioner.
- (5)

If there is a vacancy in the position of Commissioner or the Commissioner is absent from duty (for whatever reason), the Deputy Commissioner may perform or exercise all the functions, duties, and powers of the Commissioner.
- (6)

The Deputy Commissioner is entitled to all the protections, privileges, and immunities of the Commissioner.
- Compare: 1993 No 28 s 15; 2020 No 31 s 14

**21 Section 15 repealed (Nominations panel)**

Repeal section 15.

**22 Section 38 repealed (Review of Act)**

Repeal section 38.

**23 Schedule 1 amended**

In Schedule 1,—

- (a)

insert the Part 2 set out in Schedule 4 of this Act as the last Part; and
- (b)

make all necessary consequential amendments.

*Consequential amendments*

**24 Consequential amendments to principal Act**

Amend the principal Act as set out in Schedule 5.

**25 Consequential amendments to other legislation**

Amend the enactments specified in Schedule 6 as set out in that schedule.

*Amendments to Children and Young People’s Commission (Relevant Agencies) Regulations 2023*

**26 Principal regulations**

Sections 27 to 31 amend the regulations that were previously called the Children and Young People’s Commission (Relevant Agencies) Regulations 2023.

**27 Enacting statement amended**

In the enacting statement, replace “Children and Young People’s Commission Act 2022” with “Children’s Commissioner Act 2022”.

**28 Title of principal regulations changed**

In regulation 1, replace “Children and Young People’s Commission” with “Children’s Commissioner”.

**29 Regulation 3 amended (Interpretation)**

In regulation 3, replace “Children and Young People’s Commission Act 2022” with “Children’s Commissioner Act 2022”.

**30 Regulation 5 amended (Relevant agencies that may endorse candidate applying to be board member)**

- (1) In the heading to regulation 5, replace “**board member**” with “**Children’s Commissioner**”.
- (2) In regulation 5, replace—
  - (a) “section 14(2)” with “section 13(2)”; and
  - (b) “a board member of the Children and Young People’s Commission” with “the Children’s Commissioner”.

**31 Schedule 1 amended**

In Schedule 1,—

- (a) insert the Part 2 set out in Schedule 7 of this Act as the last Part; and
- (b) make all necessary consequential amendments.

**Schedule 1**  
**New Part 2 inserted into Schedule 1 of Oversight of Oranga**  
**Tamariki System Act 2022**

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**Part 2**  
**Provisions relating to Oversight of Oranga Tamariki System**  
**Legislation Amendment Act 2025**

**4 Interpretation**

In this Part, unless the context otherwise requires,—

**amendment Act** means Part 1 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025

**Aroturuki Tamariki—Independent Children’s Monitor** or **Aroturuki Tamariki** means the Independent Monitoring Agency of the Oranga Tamariki System established under section 23 of the Public Service Act 2020

**commencement date** means the date on which the amendment Act comes into force

**former Monitor** means the person holding office as the chief executive of Aroturuki Tamariki immediately before the commencement date

**Monitor** means the Independent Monitor of the Oranga Tamariki System established by section 12 (as replaced by section 5 of the amendment Act)

**relevant legislation** means—

- (a) this Act;
- (b) any other legislation under which the Independent Monitor of the Oranga Tamariki System has functions, duties, or powers.

**5 Disestablishment of Aroturuki Tamariki**

Aroturuki Tamariki is disestablished on the commencement date.

**6 Consequences of disestablishment**

(1) On the commencement date,—

- (a) all assets belonging to Aroturuki Tamariki vest in the Monitor; and
- (b) all information and documents held by Aroturuki Tamariki are held by the Monitor; and
- (c) all money payable to or by Aroturuki Tamariki becomes payable to or by the Monitor; and

- (d) all rights, liabilities, contracts, entitlements, and engagements of Aroturuki Tamariki become the rights, liabilities, contracts, entitlements, and engagements of the Monitor; and
  - (e) subject to clause 7, every employee of Aroturuki Tamariki becomes an employee of the Monitor on the same terms and conditions that applied to the employee immediately before they became an employee of the Monitor; and
  - (f) anything done, or omitted to be done, or that is to be done, by or in relation to the former Monitor or Aroturuki Tamariki is to be treated as having been done, or having been omitted to be done, or to be done, by or in relation to the Monitor; and
  - (g) proceedings that may be commenced, continued, or enforced by or against the former Monitor or Aroturuki Tamariki may instead be commenced, continued, or enforced by or against the Monitor without amendment to the proceedings; and
  - (h) a matter or thing that could, but for this clause, have been completed by Aroturuki Tamariki may be completed by the Monitor.
- (2) The transfer of information from Aroturuki Tamariki to the Monitor under subclause (1) does not constitute an action that is a breach of information privacy principle 8 or 11 (as set out in section 22 of the Privacy Act 2020).
- (3) For the purposes of the Inland Revenue Acts (as defined in section 3(1) of the Tax Administration Act 1994), Aroturuki Tamariki and the Monitor are treated as the same person.
- (4) The disestablishment of Aroturuki Tamariki does not, by itself, affect any of the following matters:
- (a) any decision made, or anything done or omitted to be done, by the former Monitor in relation to the performance or exercise of the former Monitor's functions, powers, or duties under the relevant legislation:
  - (b) any proceedings commenced by or against the former Monitor or Aroturuki Tamariki:
  - (c) any other matter or thing arising out of the former Monitor's performance or exercise, or purported performance or exercise, of their functions, powers, or duties under the relevant legislation.
- (5) Nothing in subclause (1)(e) applies to the former Monitor (for which clause 9 provides).
- Compare: 2019 No 50 Schedule 1 cl 3; 2022 No 30 Schedule 1 cl 36
- 7 Transfer of employees from Aroturuki Tamariki to Monitor**
- (1) This clause applies to a person who becomes an employee of the Monitor under clause 6(1)(e) (a **transferred employee**).

- (2) The terms and conditions of employment of a transferred employee immediately before the commencement date continue to apply in relation to that employee until—
- (a) those terms and conditions are varied by agreement between the transferred employee and the Monitor; or
  - (b) the transferred employee accepts a subsequent appointment with the Monitor.
- (3) For the purposes of all legislation and every law, determination, contract, and agreement relating to the employment of a transferred employee,—
- (a) the employment agreement of that employee is to be treated as unbroken; and
  - (b) the employee's period of service with Aroturuki Tamariki, and every other period of service of that employee that is recognised by Aroturuki Tamariki as continuous service, is to be treated as a period of service with the Monitor.
- (4) To avoid doubt, the employment of a transferred employee by the Monitor does not—
- (a) constitute new employment for the purposes of the Holidays Act 2003 or the KiwiSaver Act 2006 or any service-related benefits (whether legislative or otherwise);
  - (b) treat the transferred employee as a new employee for the purposes of the Employment Relations Act 2000.
- (5) A transferred employee is not entitled to receive any payment or benefit from Aroturuki Tamariki or the Monitor on the grounds that the person's position in Aroturuki Tamariki has ceased to exist or the person has ceased to be an employee of Aroturuki Tamariki as a result of their transfer to the Monitor.
- (6) This clause overrides—
- (a) Part 6A of the Employment Relations Act 2000; and
  - (b) any employment protection provision in any relevant employment agreement.

## **8 Government Superannuation Fund**

- (1) This clause applies to a person who, immediately before becoming an employee of the Monitor, was a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956.
- (2) For the purposes of the Government Superannuation Fund Act 1956, the person is treated as being employed in the Government service as long as the person continues to be an employee of the Monitor.
- (3) The Government Superannuation Fund Act 1956 applies in all respects as if the person's service as an employee of the Monitor were Government service.

- (4) Subclause (1) does not entitle a person to become a contributor to the Government Superannuation Fund if the person has ceased to be a contributor.
  - (5) For the purpose of applying the Government Superannuation Fund Act 1956, the Monitor is the controlling authority.
- Compare: 2013 No 94 s 14; 2020 No 38 Schedule 1 cl 30

*Chief executive of Monitor*

**9 First chief executive of Monitor**

- (1) On the commencement date, the person who held office as the chief executive of Aroturuki Tamariki immediately before that date is taken to have been appointed as the first chief executive of the Monitor—
  - (a) for a term starting on 1 August 2025 and ending with the close of 31 July 2026; and
  - (b) on the same terms and conditions of employment that applied to the person immediately before the commencement date.
- (2) For the purposes of all legislation and every law, determination, contract, and agreement relating to the person’s employment with the Monitor,—
  - (a) the employment agreement of that person is to be treated as unbroken; and
  - (b) the person’s period of service with the Public Service Commissioner, and every other period of service of that person that is recognised by the Public Service Commissioner as continuous service, is to be treated as a period of service with the Monitor.
- (3) To avoid doubt, the appointment of the person as the first chief executive of the Monitor does not—
  - (a) constitute new employment for the purposes of the Holidays Act 2003 or the KiwiSaver Act 2006 or any service-related benefits (whether legislative or otherwise);
  - (b) treat the person as a new employee for the purposes of the Employment Relations Act 2000.
- (4) The person is not entitled to receive any payment or benefit from the Public Service Commissioner or the Monitor on the grounds that the person’s position in Aroturuki Tamariki has ceased to exist or the person has ceased to be an employee of the Public Service Commissioner as a result of their transfer to the Monitor.
- (5) This clause overrides—
  - (a) section 117 of the Crown Entities Act 2004; and
  - (b) Part 6A of the Employment Relations Act 2000; and
  - (c) any employment protection provision in any relevant employment agreement.

*References to former Monitor and Aroturuki Tamariki***10 References to former Monitor and Aroturuki Tamariki**

- (1) On and after the commencement date, a reference to the former Monitor or Aroturuki Tamariki in any legislation, notice, instrument, contract, or other document must be read as a reference to the Monitor.
- (2) This clause applies unless the context otherwise requires.  
Compare: 2019 No 50 Schedule 1 cl 7; 2022 No 30 Schedule 1 cl 38

*Reviews and reports of former Monitor***11 Continuation or completion of reviews and reports by former Monitor**

- (1) This clause applies to any review or report started by the former Monitor under this Act before the commencement date but not completed by the close of the day before the commencement date.
- (2) On and after the commencement date, the review or report may be continued or completed by the Monitor.
- (3) Nothing in this clause limits clause 6(1)(h).

*Review of amendments to Act***12 Review of amendments made by amendment Act**

- (1) The Minister must arrange for an independent review of the operation and effectiveness of this Act as amended by the amendment Act, including the operation and effectiveness of the Monitor established by section 12 (as replaced by the amendment Act).
- (2) The review must consider—
  - (a) whether the functions, duties, and powers set out in this Act are supporting the Monitor to give effect to the purpose of this Act; and
  - (b) whether the Monitor is—
    - (i) working effectively with Ombudsmen and hapū, iwi, and Māori organisations; and
    - (ii) being effectively supported by agencies and its contracted partners in the Oranga Tamariki system, and whether there is any evidence that the Monitor is being obstructed in performing their functions, duties, or powers under this Act; and
    - (iii) appropriately resourced to efficiently and effectively discharge its functions, duties, or powers under this Act and to support the resilience of the Oranga Tamariki system; and
  - (c) whether any amendments to this Act are necessary or desirable; and

- (d) any other matters that the Minister considers appropriate, after consulting the Monitor, the Chief Ombudsman, and other Ministers of the Crown with relevant portfolios, as necessary.
- (3) The review must begin no later than 5 years after the commencement date.
- (4) The findings of the review must be reported to the Minister.
- (5) The Minister must present a copy of the report on the review to the House of Representatives as soon as practicable after receiving the report.



## Schedule 2

### Consequential amendments to Oversight of Oranga Tamariki System Act 2022

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#### Section 3

Repeal section 3(3)(b)(vi).

#### Section 6

Replace section 6(k) with:

- (k) clause 12(2)(b)(i) of Schedule 1 requires an independent review of this Act to consider whether the Monitor is working effectively with hapū, iwi, and Māori organisations.

#### Section 30

In section 30(1), replace “any” with “a”.

#### Section 32

In section 32(3), after “subsection (1)”, insert “or a progress report under section 30A”.

In section 32(4), after “response”, insert “or a progress report”.

In section 32(5)(b), replace “report or response” with “report, response, or progress report”.

### Schedule 3

#### Amendments to other legislation

s 14

**Crown Entities Act 2004 (2004 No 115)**

In Schedule 1, Part 3, insert in its appropriate alphabetical order:

Independent Monitor of the Oranga Tamariki System

**Ombudsmen Act 1975 (1975 No 9)**

In Schedule 1, Part 1A, repeal the item relating to Aroturuki Tamariki—Independent Children’s Monitor.

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

Independent Monitor of the Oranga Tamariki System

**Public Service Act 2020 (2020 No 40)**

In Schedule 2, Part 2, repeal the item relating to Aroturuki Tamariki—Independent Children’s Monitor.

**Remuneration Authority Act 1977 (1977 No 110)**

In Schedule 4, insert in its appropriate alphabetical order:

The board members of the Independent Monitor of the Oranga Tamariki System

**Schedule 4**  
**New Part 2 inserted into Schedule 1 of Children and Young People's**  
**Commission Act 2022**

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**Part 2**  
**Provisions relating to Oversight of Oranga Tamariki System**  
**Legislation Amendment Act 2025**

**11 Interpretation**

In this Part, unless the context otherwise requires,—

**amendment Act** means Part 2 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025

**Children and Young People's Commission** or **Commission** means the Children and Young People's Commission established by section 11 of the Act (as it read immediately before the commencement date)

**Children's Commissioner** means the Children's Commissioner established by section 11 (as replaced by the amendment Act)

**commencement date** means the date on which the amendment Act comes into force.

**12 Children and Young People's Commission dissolved**

- (1) The Children and Young People's Commission is dissolved on the commencement date.
- (2) The board members of the Children and Young People's Commission cease to hold office at the close of the day before the commencement date.

**13 Consequences of dissolution**

- (1) On the commencement date,—
  - (a) all assets belonging to the Commission vest in the Children's Commissioner; and
  - (b) all information and documents held by the Commission are held by the Children's Commissioner; and
  - (c) all money payable to or by the Commission becomes payable to or by the Children's Commissioner; and
  - (d) all rights, liabilities, contracts, entitlements, undertakings, and engagements of the Commission become the rights, liabilities, contracts, entitlements, undertakings, and engagements of the Children's Commissioner; and

- (e) subject to clause 14, every employee of the Commission becomes an employee of the Children's Commissioner on the same terms and conditions as applied immediately before they became an employee of the Children's Commissioner; and
  - (f) anything done, or omitted to be done, or that is to be done, by or in relation to the Commission is to be treated as having been done, or having been omitted to be done, or to be done, by or in relation to the Children's Commissioner; and
  - (g) proceedings, inquiries, and investigations under any enactment that may be commenced, continued, or enforced by or against the Commission or in relation to the Commission may instead be commenced, continued, or enforced by or against or in relation to the Children's Commissioner without amendment to the proceedings; and
  - (h) a matter or thing that could, but for this clause, have been done or completed by the Commission may be done or completed by the Children's Commissioner.
- (2) The transfer of information from the Commission to the Children's Commissioner under subclause (1) does not constitute an action that is a breach of information privacy principle 8 or 11 (as set out in section 22 of the Privacy Act 2020).
- (3) For the purposes of the Inland Revenue Acts (as defined in section 3(1) of the Tax Administration Act 1994), the Commission and the Children's Commissioner are treated as the same person.
- (4) The dissolution of the Commission does not, by itself, affect any of the following matters:
- (a) any decision made, or anything done or omitted to be done, by the Commission in relation to the performance or exercise of its functions, powers, or duties under any enactment:
  - (b) any proceedings commenced by or against the Commission:
  - (c) any other matter or thing arising out of the Commission's performance or exercise, or purported performance or exercise, of its functions, powers, or duties under any enactment.
- 14 Transfer of employees from Commission to Children's Commissioner**
- (1) This clause applies to a person who becomes an employee of the Children's Commissioner under clause 13(1)(e) (a **transferred employee**).
- (2) The terms and conditions of employment of a transferred employee immediately before the commencement date continue to apply in relation to that employee until—
- (a) those terms and conditions are varied by agreement between the transferred employee and the Children's Commissioner; or

- (b) the transferred employee accepts a subsequent appointment with the Children's Commissioner.
- (3) For the purposes of all legislation, and every law, determination, contract, and agreement relating to the employment of a transferred employee,—
  - (a) the employment agreement of that employee is to be treated as unbroken; and
  - (b) the employee's period of service with the Commission, and every other period of service of that employee that is recognised by the Commission as continuous service, is to be treated as a period of service with the Children's Commissioner.
- (4) To avoid doubt, the employment of a transferred employee by the Children's Commissioner does not—
  - (a) constitute new employment for the purposes of the Holidays Act 2003 or the KiwiSaver Act 2006 or any service-related benefits (whether legislative or otherwise);
  - (b) treat the transferred employee as a new employee for the purposes of the Employment Relations Act 2000.
- (5) A transferred employee is not entitled to receive any payment or benefit from the Commission or the Children's Commissioner on the grounds that the person's position in the Commission has ceased to exist or the person has ceased to be an employee of the Commission as a result of their transfer to the Children's Commissioner.
- (6) This clause overrides—
  - (a) Part 6A of the Employment Relations Act 2000; and
  - (b) any employment protection provision in any relevant employment agreement.

*Children's Commissioner*

**15 First Children's Commissioner**

- (1) On the commencement date, the person who held office as the Chief Children's Commissioner under section 12(1)(a) (as it read immediately before the commencement date) is to be taken to have been appointed as the first Children's Commissioner under section 11 (as replaced by the amendment Act)—
  - (a) for a term starting on 1 August 2025 and ending with the close of 31 July 2026; and
  - (b) subject to the terms and conditions of appointment that applied to the person immediately before the commencement date.
- (2) This clause overrides sections 11 to 13 (as replaced by the amendment Act).

*References to previous Title and Commission*

**16 References to previous Title**

On and after the commencement date, every reference in any legislation and in any document to the Children and Young People’s Commission Act 2022 must, unless the context otherwise provides, be read as a reference to the Children’s Commissioner Act 2022.

**17 References to Commission**

- (1) On and after the commencement date, a reference to the Children and Young People’s Commission in any legislation, notice, instrument, contract, or other document must be read as a reference to the Children’s Commissioner.
- (2) This clause applies unless the context otherwise requires.

Compare: 2019 No 50 Schedule 1 cl 7; 2022 No 30 Schedule 1 cl 38

*Inquiries, reviews, and investigations by Commission*

**18 Continuation or completion of inquiries, reviews, and investigations by Commission**

- (1) This clause applies to any inquiry, review, or investigation started or continued by the Commission under this Act before the commencement date but not completed by the close of the day immediately before the commencement date.
- (2) On and after the commencement date, the inquiry, review, or investigation may be continued or completed by the Children’s Commissioner.
- (3) Nothing in this clause limits clause 13(1)(g).

*Review of amendments to Act*

**19 Review of amendments made by amendment Act**

- (1) The Minister must arrange for an independent review of the operation and effectiveness of this Act as amended by the amendment Act, including the operation and effectiveness of the Children’s Commissioner established by section 11 (as replaced by the amendment Act).
- (2) The review must consider—
  - (a) whether the functions, duties, and powers set out in this Act are supporting the Children’s Commissioner to give effect to the purpose of this Act; and
  - (b) whether the Children’s Commissioner is working effectively with hapū, iwi, and Māori organisations; and
  - (c) whether any amendments to this Act are necessary or desirable; and

- (d) any other matters that the Minister considers appropriate, after consulting the Children's Commissioner and other Ministers of the Crown with relevant portfolios, as necessary.
- (3) The review must begin no later than 5 years after the commencement date.
- (4) The findings of the review must be reported to the Minister.
- (5) The Minister must present a copy of the report on the review to the House of Representatives as soon as practicable after receiving the report.

## Schedule 5

### Consequential amendments to Children and Young People's Commission Act 2022

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#### Section 3

Replace section 3(3) and (4) with:

- (3) Part 2 establishes the Children's Commissioner (the **Commissioner**) and contains provisions relating to the Commissioner's governance, functions, duties, and powers.
- (4) Part 3 deals with the collection, use, and disclosure of information by the Commissioner, referrals by the Commissioner, and various other matters.

#### Section 4

In section 4, replace "Children and Young People's Commission" with "office of the Children's Commissioner".

#### Section 5

In section 5, replace—

- (a) "Commission" with "Commissioner"; and
- (b) "its functions" with "their functions".

#### Section 6

Repeal section 6(b).

In section 6(c), replace—

- (a) "section 15" with "section 14"; and
- (b) "a vacancy on the board" with "assessing candidates for appointment as the Commissioner".

In section 6(d), replace "board" with "Commissioner".

In section 6(d)(iii), replace "its" with "their".

In section 6(e), replace "Commission" with "Commissioner".

In section 6(f), replace—

- (a) "chief executive of the Commission" with "Commissioner"; and
- (b) "Commission" with "Commissioner".

Replace section 6(g) with:

- (g) clause 19(2)(b) of Schedule 1 requires an independent review of this Act to consider whether the Commissioner is working effectively with hapū, iwi, and Māori organisations.



**Section 7**

In section 7, definition of **Independent Monitor of the Oranga Tamariki System** or **Monitor**, replace “person referred to in section 12(2)” with “Monitor established by section 12(1)”.

**Part 2 heading**

Replace the Part 2 heading with:

**Part 2**  
**Children’s Commissioner**

**Section 16**

In the heading to section 16, replace “**to Commission**” with “**as Commissioner**”.

In section 16, replace “as a board member” with “as the Children’s Commissioner” in each place.

**Section 17**

In the heading to section 17, replace “**of board**” with “**of Commissioner**”.

In section 17, replace “the board” with “the Commissioner” in each place.

In section 17(1)(a)(ii), replace “its” with “their”.

In section 17(2), delete “collective” in each place.

**Section 18**

In the heading to section 18, replace “**Commission**” with “**Commissioner**”.

In section 18, replace—

- (a) “Commission” with “Commissioner” in each place; and
- (b) “its” with “their”.

**Section 19**

In section 19, replace “Commission” with “Commissioner”.

**Cross-heading above section 20**

In the cross-heading above section 20, replace “*Commission’s*” with “*Commissioner’s*”.

**Section 20**

In section 20, replace “Commission” with “Commissioner”.

**Section 21**

In section 21, replace “Commission” with “Commissioner”.

**Section 22**

In section 22, replace “Commission” with “Commissioner” in each place.

In section 22(b) and (c), replace “Commission’s” with “Commissioner’s”.

**Section 23**

In section 23(1), replace—

- (a) “Commission” with “Commissioner”; and
- (b) “it” with “them”.

In section 23(2), replace “Commission when it is” with “Commissioner when the Commissioner is”.

**Section 24**

In the heading to section 24, replace “**Commission**” with “**Commissioner**”.

In section 24, replace—

- (a) “Commission” with “Commissioner”; and
- (b) “its” with “their”.

**Section 25**

In the heading to section 25, replace “**Commission**” with “**Commissioner**”.

In section 25, replace “Commission” with “Commissioner” in each place.

**Section 26**

In the heading to section 26, replace “**Commission’s**” with “**Commissioner’s**”.

In section 26(1), (3)(b), (4), and (5), replace “Commission” with “Commissioner” in each place.

In section 26(1), replace “Commission’s” with “Commissioner’s”.

**Cross-heading above section 27**

In the cross-heading above section 27, replace “*Commission*” with “*Commissioner*”.

**Section 27**

In section 27, replace “Commission” with “Commissioner” in each place.

**Section 29**

In the heading to section 29, replace “**Commission**” with “**Commissioner**”.

In section 29(1), (2), and (3)(c), replace “Commission” with “Commissioner” in each place.

In section 29(2) and (2)(b), replace “Commission’s” with “Commissioner’s”.

**Section 30**

In section 30, replace “Commission” with “Commissioner” in each place.

**Section 31**

In section 31(1) and (3), replace “Commission” with “Commissioner” in each place.

In section 31(2), replace “Commission’s” with “Commissioner’s”.

**Section 32**

In section 32, replace “Commission” with “Commissioner” in each place.

**Section 33**

In section 33, replace “Commission” with “Commissioner” in each place.

In section 33(2)(a), replace “its” with “their”.

**Section 34**

In the heading to section 34, replace “**Commission**” with “**Commissioner**”.

In section 34, replace “Commission” with “Commissioner” in each place.

In section 34(1)(a), replace “Commission’s” with “Commissioner’s”.

**Section 35**

In section 35, replace “Commission” with “Commissioner” in each place.

In section 35(3)(b), replace “Commission’s” with “Commissioner’s”.

**Section 36**

In section 36, replace “Commission” with “Commissioner” in each place.

In section 36(9), replace the definition of **officeholder** with:

**officeholder** means the Commissioner or the Deputy Commissioner.

**Section 37**

In section 37, replace “Commission” with “Commissioner” in each place.

In section 37(1)(a), replace “a board member” with “the Commissioner”.

In section 37(1)(b), replace “Commission’s” with “Commissioner’s”.

In section 37(1)(c) and (d), replace “its” with “their”.

**Section 39 and cross-heading above section 39**

Repeal section 39 and the cross-heading above section 39.

**Section 40**

Repeal section 40.

**Schedule 1**

In Schedule 1, repeal clause 10 and the cross-heading above clause 10.

## Schedule 6

### Consequential amendments to other legislation

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#### Part 1

#### Amendments to Acts

##### **Children's Act 2014 (2014 No 40)**

In section 5(1), repeal the definition of **Children and Young People's Commission**.

In section 5(1), insert in its appropriate alphabetical order:

**Children's Commissioner** means the Commissioner holding that office under section 11 of the Children's Commissioner Act 2022

In section 5(1), definition of **UNCROC**, replace "Children and Young People's Commission Act 2022" with "Children's Commissioner Act 2022".

In section 6D(1)(b), replace "Children and Young People's Commission" with "Children's Commissioner".

##### **Corrections Act 2004 (2004 No 50)**

In section 3(1), definition of **official agency**, paragraph (f), replace "Commissioner for Children" with "Children's Commissioner".

##### **Crimes of Torture Act 1989 (1989 No 106)**

In section 16, definition of **National Preventive Mechanism**, paragraph (c), replace "Children and Young People's Commission" with "Children's Commissioner".

##### **Crown Entities Act 2004 (2004 No 115)**

In Schedule 1, Part 3, repeal the item relating to the Children and Young People's Commission.

In Schedule 1, Part 3, insert in its appropriate alphabetical order:

Children's Commissioner

##### **Health and Disability Commissioner Act 1994 (1994 No 88)**

In section 14(2)(b), replace "Children and Young People's Commission" with "Children's Commissioner".

In section 23(b), replace "Children and Young People's Commission" with "Children's Commissioner".

##### **Human Assisted Reproductive Technology Act 2004 (2004 No 92)**

In section 34(5), replace "be a board member, representative, or employee of the Children and Young People's Commission" with "hold the office of Children's Commissioner or be a representative or employee of the person who holds that office".

**Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (2003 No 116)**

In section 58(3)(g), replace “Commissioner for Children” with “Children’s Commissioner”.

**Ombudsmen Act 1975 (1975 No 9)**

In Schedule 1, Part 2, repeal the item relating to the Children and Young People’s Commission.

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

Children’s Commissioner

**Oranga Tamariki Act 1989 (1989 No 24)**

In section 2(1), repeal the definition of **Children and Young People’s Commission**.

In section 2(1), insert in its appropriate alphabetical order:

**Children’s Commissioner** means the Commissioner holding that office under section 11 of the Children’s Commissioner Act 2022

In section 66M(1)(b), replace “Children and Young People’s Commission” with “Children’s Commissioner”.

In section 447(1)(ga), replace “Children and Young People’s Commission” with “Children’s Commissioner”.

**Oversight of Oranga Tamariki System Act 2022 (2022 No 43)**

In section 7, replace “Children and Young People’s Commission” with “Children’s Commissioner” in each place.

In section 8(1), repeal the definition of **Children and Young People’s Commission**.

In section 8(1), insert in its appropriate alphabetical order:

**Children’s Commissioner** means the Commissioner holding that office under section 11 of the Children’s Commissioner Act 2022

In section 28(e), replace “Children and Young People’s Commission” with “Children’s Commissioner”.

In section 48(1)(i), replace “Children and Young People’s Commission Act 2022” with “Children’s Commissioner Act 2022”.

In section 56(5)(b), replace “Children and Young People’s Commission” with “Children’s Commissioner”.

**Public Safety (Public Protection Orders) Act 2014 (2014 No 68)**

Replace section 53(2)(c)(vii) with:

(vii) the Children’s Commissioner; or

**Remuneration Authority Act 1977 (1977 No 110)**

In Schedule 4, repeal the item relating to the board members of the Children and Young People’s Commission.

In Schedule 4, insert in its appropriate alphabetical order:

The Children’s Commissioner and the Deputy Children’s Commissioner

**Social Workers Registration Act 2003 (2003 No 17)**

In section 59(3)(b), replace “Commissioner for Children” with “Children’s Commissioner”.

In section 71(2)(b)(i), replace “Commissioner for Children” with “Children’s Commissioner”.

**Substance Addiction (Compulsory Assessment and Treatment) Act 2017 (2017 No 4)**

In section 63(2)(g), replace “a board member of the Children and Young People’s Commission” with “the Children’s Commissioner”.

**Part 2**  
**Amendments to secondary legislation**

**Education (Hostels) Regulations 2005 (SR 2005/332)**

In regulation 70(2), replace “Children and Young People’s Commission” with “Children’s Commissioner”.

**Oranga Tamariki (Residential Care) Regulations 1996 (SR 1996/354)**

In regulation 10(1)(l), replace “a board member of the Children and Young People’s Commission” with “the Children’s Commissioner”.

Replace regulation 29(2)(c) with:

(c) the Children’s Commissioner.

Replace regulation 31(5)(d) with:

(d) the Children’s Commissioner; and

In regulation 37(6), replace “Children and Young People’s Commission” with “Children’s Commissioner”.

**Oranga Tamariki Rules 1989 (SR 1989/295)**

In rule 9(1)(g), replace “Commissioner for Children” with “Children’s Commissioner”.

**Schedule 7**  
**New Part 2 inserted into Schedule 1 of Children and Young People’s  
Commission (Relevant Agencies) Regulations 2023**

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**Part 2**  
**Provision relating to Oversight of Oranga Tamariki System  
Legislation Amendment Act 2025**

**1 References to previous Title**

On and after 1 August 2025, every reference in any legislation and in any document to the Children and Young People’s Commission (Relevant Agencies) Regulations 2023 must, unless the context otherwise requires, be read as a reference to the Children’s Commissioner (Relevant Agencies) Regulations 2023.

**Legislative history**

31 October 2024	Introduction (Bill 92–1)
5 November 2024	First reading and referral to Social Services and Community Committee
6 March 2025	Reported from Social Services and Community Committee (Bill 92–2)
24 June 2025	Second reading, committee of the whole House, third reading
30 June 2025	Royal assent

This Act is administered by the Ministry for Social Development.