

Version  
as at 8 April 2025



# Oversight of Oranga Tamariki System Regulations 2023

(SL 2023/36)

Cindy Kiro, Governor-General

## Order in Council

At Wellington this 20th day of March 2023

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 57 of the Oversight of Oranga Tamariki System Act 2022 on the advice and with the consent of the Executive Council.

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### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Ministry of Social Development.**

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## Regulations

### 1 Title

These regulations are the Oversight of Oranga Tamariki System Regulations 2023.

### 2 Commencement

These regulations come into force on 1 May 2023.

### 3 Interpretation

In these regulations, **Act** means the Oversight of Oranga Tamariki System Act 2022.

### 4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

#### *Notification of certain matters by Monitor*

### 5 Notifications under section 55 of Act

(1) For the purposes of section 55 of the Act, the Monitor must notify the following persons if they become aware of any non-compliance with national care standards regulations or any other matter that places a child or young person in care or custody at immediate risk of suffering, or being likely to suffer, serious harm:

- (a) the chief executive of Oranga Tamariki; and
- (b) a constable.

(2) *See section 14AA of the Oranga Tamariki Act 1989, which provides that a child or young person suffers, or is likely to suffer, serious harm—*

- (a) *in the circumstances described in subsection (1) of that section; or*
- (b) *having regard to the circumstances in subsection (2) of that section.*

*Minimum content of Monitor's reports*

**6 Matters that must be contained in State of Oranga Tamariki system report**

(1) The State of the Oranga Tamariki system report prepared by the Monitor under section 22 of the Act must, at a minimum, contain a report on the following matters:

- (a) the number of children and young people who have received services or support under the Oranga Tamariki Act 1989; and
- (b) compliance with the Oranga Tamariki Act 1989, national care standards regulations, and other regulations made under that Act; and
- (c) the quality and impact of service delivery by Oranga Tamariki or approved providers; and
- (d) an assessment of outcomes being achieved for Māori children and young people and their whānau; and
- (e) how the services or support provided under the Oranga Tamariki Act 1989 interface with other systems and Ombudsmen; and
- (f) how the Oranga Tamariki system is supporting disabled children and young people, including (without limitation) a report on the provision of reasonable accommodations to ensure inclusive care of disabled children and young people; and
- (g) areas of good practice and areas for improvement in relation to services or support provided in the Oranga Tamariki system; and
- (h) any complaints received by Oranga Tamariki in relation to the performance of duties of the chief executive of Oranga Tamariki under the Oranga Tamariki Act 1989, including (without limitation)—
  - (i) the numbers of complaints received;
  - (ii) the procedures followed to resolve the complaints;
  - (iii) whether and how those complaints have been resolved; and
- (i) the efficacy of practice by Oranga Tamariki, as required under section 17(1)(c) of the Oranga Tamariki Act 1989, to inform persons who have made a report of concern whether that report has been investigated and whether any further action has been taken; and
- (j) any identified incidents of abuse or neglect found to have occurred in care or custody, and the procedures followed to resolve those incidents.

(2) The report must contain specific information or results relating to the matters set out in subclause (1)(f) for Māori disabled children and young people.

Regulation 6(1)(d): replaced, on 8 April 2025, by section 11 of the Oranga Tamariki (Repeal of Section 7AA) Amendment Act 2025 (2025 No 20).

## **7 Matters that must be contained in annual report on compliance with national care standards regulations**

(1) The annual report on compliance with national care standards regulations prepared by the Monitor under section 23 of the Act must, at a minimum, contain a report on the following matters:

- (a) the number of children and young people in care or custody, the length of the time spent by each child or young person in care or custody, and a summary of the reasons why each child or young person is in care or custody; and
- (b) a profile of the characteristics of children and young people in care or custody, including by gender, ethnicity, age, disability, and health needs; and
- (c) the number of times children or young people in care or custody have had a change of placement, including a summary of the reasons for the change of placement; and
- (d) any complaints received by Oranga Tamariki in relation to the duties of the chief executive of Oranga Tamariki under the Oranga Tamariki Act 1989, including (without limitation)—
  - (i) the number of complaints received;
  - (ii) the procedures followed to resolve the complaints;
  - (iii) whether and how those complaints have been resolved; and
- (e) areas of good practice and areas for improvement in relation to services or support provided to children and young people in care or custody; and
- (f) the state of systems for self-monitoring and continuous improvement operated by the chief executive of Oranga Tamariki and care or custody providers; and
- (g) any identified incidents of abuse or neglect found to have occurred in care or custody, and the procedures followed to resolve those incidents.

(2) The report must contain specific information or results relating to the level and degree of compliance with national care standards regulations—

- (a) for Māori children and young people and the impact of this on Māori children and young people and their whānau;
- (b) for disabled children and young people.

## **8 Matters that must be contained in annual report for Māori children and young people and their whānau**

- (1) The annual report on outcomes for Māori children and young people and their whānau prepared by the Monitor under section 24 of the Act must, at a minimum, contain a report on the following matters:
  - (a) an assessment of the outcomes being achieved by the chief executive of Oranga Tamariki for Māori children and young people and their whānau; and
  - (b) the impact of measures taken by the chief executive of Oranga Tamariki in improving outcomes for Māori children and young people who come to the attention of Oranga Tamariki under the Oranga Tamariki Act 1989; and
  - (c) the extent to which practices within the Oranga Tamariki system have regard to mana tamaiti and the whakapapa of Māori children and young people and the whanaungatanga responsibilities of their whānau, hapū, and iwi; and
  - (d) the strategic partnerships Oranga Tamariki has with iwi and Māori organisations.
- (2) The report must contain specific information or results—
  - (a) for Māori disabled children and young people;
  - (b) relating to the impact that the matters referred to in subclause (1) have had on measurable outcomes that have been set to reduce disparities for Māori children and young people.

Regulation 8(1)(a): replaced, on 8 April 2025, by section 12 of the Oranga Tamariki (Repeal of Section 7AA) Amendment Act 2025 (2025 No 20).

Regulation 8(1)(b): replaced, on 8 April 2025, by section 12 of the Oranga Tamariki (Repeal of Section 7AA) Amendment Act 2025 (2025 No 20).

### *Time frame for publishing reports and responses*

## **9 Time frame for publishing Monitor's final reports and responses to final reports**

- (1) This regulation applies in relation to—
  - (a) a final report prepared by the Monitor under section 22, 23, 24, 25, or 26 of the Act; and
  - (b) a response to the final report prepared by the chief executive of the relevant agency under section 30 of the Act.
- (2) The Monitor must publish a copy of the final report and the response to the final report no later than 10 working days after the date on which a response falls due under section 30(3) or (4).

## **Schedule 1**

### **Transitional, savings, and related provisions**

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#### **Part 1**

##### **Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions in these regulations as made.

Rachel Hayward,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 23 March 2023.

## Notes

### **1 General**

This is a consolidation of the Oversight of Oranga Tamariki System Regulations 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2 Legal status**

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3 Editorial and format changes**

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4 Amendments incorporated in this consolidation**

Oranga Tamariki (Repeal of Section 7AA) Amendment Act 2025 (2025 No 20): Part 2 subpart 2