

Oranga Tamariki Act - supporting definitions for the information sharing provisions

Section 66

'Agency' — as listed in section 7(1) of the Privacy Act 2020 (replacing the Privacy Act 1993 on 1 December 2020)

This means:

(a) any person or body of persons, whether corporate or unincorporate, and whether in the public sector or the private sector; and, for the avoidance of doubt, includes a department; but

(b) does not include:

i. the Sovereign; or

ii. the Governor-General or the Administrator of the Government; or

iii. the House of Representatives; or

iv. a member of Parliament in his or her official capacity; or

v. the Parliamentary Service Commission; or

vi. the Parliamentary Service, except in relation to personal information about any employee or former employee of that agency in his or her capacity as such an employee; or

vii. in relation to its judicial functions, a court; or

viii. in relation to its judicial functions, a tribunal; or

ix. an Ombudsman; or

x. a Royal Commission; or

xi. a commission of inquiry appointed by an Order in Council made under the Commissions of Inquiry Act 1908; or

xii. a commission of inquiry or board of inquiry or court of inquiry or committee of inquiry appointed, pursuant to, and not by, any provision of an Act, to inquire into a specified matter; or

- xiii. in relation to its news activities, any news medium; or
- xiv. an inquiry to which section 6 of the Inquiries Act 2013 applies.

Section 66C

'Child welfare and protection agencies' — as listed in section 2 of the Oranga Tamariki Act 1989

These are:

- (a) the Department of Corrections
- (b) the Ministry of Health
- (c) the Ministry of Social Development
- (d) the Ministry of Education
- (e) the Ministry of Justice
- (f) the New Zealand Police
- (g) Housing New Zealand Corporation [now Kāinga Ora—Homes and Communities]
- (h) Oranga Tamariki—Ministry for Children
- (i) every registered community housing provider (as defined in section 2(1) of the Housing Restructuring and Tenancy Matters Act 1992)
- (j) every DHB
- (k) every school board (as defined in section 15(1) of the Children's Act 2014)
- (l) every early childhood service (as defined in section 309 of the Education Act 1989)
- (m) any person, body or organisation that provides regulated services (as specified in Schedule 1 of the Children's Act 2014)
- (n) any organisation or class of organisation designated as a child welfare and protection agency by regulations made under section 447(ga)(i).

'Regulated services' — as listed in the section 2 of the Oranga Tamariki Act 1989

These regulated services are specified in Schedule 1 of the Children's Act 2014. These services are:

Welfare, support, and justice services

- services provided (including the performance or exercise of functions and powers) under the Oranga Tamariki Act 1989 by the department responsible for the administration of that Act, or by any care and protection coordinator or youth justice coordinator
- services provided at, or in relation to the operation of, any residence within the meaning of section 2(1) or 364 of the Oranga Tamariki Act 1989 (excluding, for the avoidance of doubt, services provided by an individual with whom a child is placed under section 362 of that Act)
- services provided by any person, organisation, or body approved under section 396 or 403 of the Oranga Tamariki Act 1989
- services provided (including the performance or exercise of functions and powers) under any order, direction, or recommendation of a court made under the Oranga Tamariki Act 1989, the Care of Children Act 2004, or the Adoption Act 1955 by:
 - the department responsible for the administration of the Oranga Tamariki Act 1989; or
 - any other person, organisation, or body
- services provided by any person, body, or organisation pursuant to any decision, recommendation, or plan made by a family group conference under the Oranga Tamariki Act 1989
- services provided at prisons, secured facilities, and children's health camps
- services provided as part of a condition of bail made under the Bail Act 2000
- services and facilities of the kind referred to in sections 4(1) (a) and 7(2) (b) (i) of the Oranga Tamariki Act 1989
- social or support services, including (but not limited to) victim support services, drug and alcohol rehabilitation services, and childcare services
- mentoring and counselling service
- youth services and youth work
- participating in a telephone communication service that is likely to be used wholly or mainly by children
- moderating an electronic interactive communication service that is likely to be used wholly or mainly by children (but a person does not moderate a public electronic interactive communication service unless he or she has access to the content of the matter or contact with users of the service)
- services provided to escort, track, or transport children for the purposes of the Oranga Tamariki Act 1989
- out-of-school care and recreational services.

Health services

- services provided at a public hospital
- services provided at a publicly funded medical practice or facility, including blood and cancer centres, treatment centres, outreach clinics, and mental health services
- services provided through medical practices belonging to primary health organisations (PHOs)
- services provided by health practitioners
- Well Child Tamariki Ora (WCTO) services, such as Plunket.
- home-based disability support services
- residential disability support services

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- ambulance services
- maternity services, including lead maternity carers and midwives.

Education services

- services provided at a registered school (as defined in section 2(1) of the Education Act 1989)
- services provided at an early childhood service (as defined in section 309 of the Education Act 1989)
- services provided by a trades academy, a service academy, or an alternative education provider for or on behalf of a school
- services provided at any off-site location for or on behalf of a registered school or early childhood service, including teen parent units, school camps, and learning centres
- services provided to ensure enrolment and attendance at school in accordance with sections 20 and 25 of the Education Act 1989
- services provided at a playgroup (as defined in section 309 of the Education Act 1989)
- services provided at any location on behalf of a limited child care centre (as defined in section 2(1) of the Health and Safety in Employment Act 1992)
- services provided at a hostel (as defined in section 2(1) of the Education Act 1989).

Transport services

- work driving a vehicle that is being used only for the purpose of conveying children and any persons supervising or caring for the children, such as school bus services.

Policing services

- specialist child and family policing services provided by Police employees (as defined in section 4 of the Policing Act 2008).

Local authority services

- social and support services, including (but not limited to) mentoring and counselling services and community outreach, advocacy, and engagement services
- education services, including (but not limited to) learn-to-swim programmes and digital literacy programme
- services provided at community facilities, including (but not limited to) sports and recreation centres, libraries, swimming pools, galleries, and community centre
- services provided in public environments, including (but not limited to) surf and beach patrols, skate park guardians, and road safety coordinators.

'Independent person' — as listed in section 2 of the Oranga Tamariki Act 1989

This means:

- (a) A practitioner registered under the Health Practitioners Competence Assurance Act 2003 who provides health or disability support services

(b) A children's worker as defined in section 23(1) of the Children's Act 2014

(c) A person or class of persons designated as an independent person by regulations made under section 447(ga)(ii).

'Children's Worker' — as listed in section 23(1) of the Children's Act 2014

This means:

a person who works in, or provides, a regulated service, and the person's work:

(a) may or does involve regular or overnight contact with a child or children (other than with children who are co-workers); and

(b) takes place without a parent or guardian of the child, or of each child, being present.