

House of Representatives

Supplementary Order Paper

Wednesday, 5 July 2017

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill

Proposed amendments

Jacinda Ardern, in Committee, to move the following amendments:

Clause 2

After *clause 2(1)* (page 10, after line 8), insert:

(1A) **Section 93(2)** comes into force on 1 December 2018.

Clause 93

Replace *clause 93(2)* (page 57, line 38 to page 58, line 4) with:

(2) Repeal section 238(1)(e).

Clause 94

In *clause 94*, after *the heading* (page 58, after line 6), insert:

(1AA) Repeal section 239(2).

Clause 96

In *clause 96(1)*, after *subclause (1)* (page 58, after line 27), insert:

(1A) Repeal section 242(2).

Explanatory note

This Supplementary Order Paper amends the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill to remove the ability of Youth Court judges to remand a young person in police cells under section 238(1)(e) of the Children, Young Persons, and Their Families Act 1989 (the **principal Act**). It also re-

moves amendments to section 238(1)(e) proposed by the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill.

There are already provisions within the principal Act for police cells to be used for young persons in the case of emergency or where no other accommodation can be found. Under section 238(1) and section 242 of the principal Act, a young person detained in the custody of the chief executive can be accommodated in a police cell for up to 24 hours on the recommendation of the Ministry and a sworn police officer who is of or above the rank of inspector. Labour believes that this provision is adequate.

Young persons in police cells are likely to receive inadequate support and for periods of time mix with adult detainees, the latter of which is a breach of the United Nations Convention on the Rights of the Child regarding age-mixing while persons are being held in detention. Furthermore, extended detention in police cells has the potential to lead to considerably more harm for the young person in question.