

House of Representatives

Supplementary Order Paper

Wednesday, 5 July 2017

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

Proposed amendment

Marama Fox, in Committee, to move the following amendment:

Clause 38: new section 65A

In *clause 38, new section 65A*, replace *subsection (2)* (page 37, line 29 to page 38, line 3) with:

- (2) Persons carrying out functions under **sections 66 to 660** must have regard to the principles that,—
 - (a) because the well-being and best interests of a child or young person are the first and paramount consideration, the well-being and best interests of any child or young person, in general, take precedence over any duty of confidentiality owed by any person in relation to—
 - (i) the child or young person; or
 - (ii) any person who is a family member of that child or young person or in a domestic relationship with that child or young person (within the meaning of section 4 of the Domestic Violence Act 1995); but
 - (b) preserving the confidentiality of any person that discloses information may be essential to encourage people to disclose information that allows the well-being and best interests of a child or young person to be protected.

Explanatory note

This Supplementary Order Paper amends *clause 38* in the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill. We continue to have concerns about the sharing of information relating to children. We are concerned that the new provisions as drafted will have the unintended consequence of people not coming forward to seek help.

Maintaining an appropriate balance between protecting the confidentiality of persons who disclose information and recording and sharing information between appropriately qualified professionals is at the heart of our concerns.