



Children, Young Persons, and Their Families (Advocacy, Workforce, and Age Settings) Amendment Act 2016

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Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Children, Young Persons, and Their Families (Advocacy, Workforce, and Age Settings) Amendment Act 2016.

2 Commencement

This Act comes into force on 1 April 2017.

3 Principal Act

This Act amends the Children, Young Persons, and Their Families Act 1989 (the **principal Act**).

4 Section 2 amended (Interpretation)

(1) In section 2(1), replace the definition of **young person** with:

young person,—

- (a) in Parts 2 to 3A, means a person of or over the age of 14 years but under the age of 18 years:
- (b) in Parts 4 and 5, means a person of or over the age of 14 years but under the age of 17 years:
- (c) in every other provision in this Act, means a person to whom the provision applies because he or she is or was a young person within the meaning of either paragraph (a) or (b):
- (d) in any provision in any other enactment that defines the term young person by reference to this section or the meaning in this Act,—
 - (i) has the meaning given in paragraph (b) if the provision relates to—
 - (A) a criminal investigation, the commission of an offence, or criminal proceedings; or
 - (B) any process associated with a criminal investigation, the commission of an offence, or criminal proceedings; or

- (C) Parts 4 and 5 of this Act; or
- (ii) in any other case, has the meaning given in paragraph (a):
- (e) does not include a person who is or has been married or in a civil union

(2) After section 2(1), insert:

(1A) In this Act, any reference to the chief executive includes a person who is a delegate of the chief executive or a subdelegate of that delegate irrespective of whether the provision in which the chief executive is referred to contains a reference to a delegate of the chief executive.

5 Section 2A replaced (Transitional and savings provisions relating to amendments to this Act)

Replace section 2A with:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

6 Section 7 amended (Duties of chief executive)

(1) In section 7(2), replace “shall” with “must”.

(2) After section 7(2)(ba), insert:

- (bb) ensure that services are available to children and young persons who are subject to any action or receiving any service under Parts 2 to 7 (with particular consideration to be given to the needs of those in care) that provide them with an opportunity and support to express their views about—
 - (i) matters that are important to them in relation to that action or service; and
 - (ii) the operation and effectiveness of processes and services under this Act, for the purpose of contributing to the improvement of these:

(3) After section 7(2)(c)(ii), insert:

- (iia) have regard to the views of children and young persons, including the views received by the services referred to in subsection (2)(bb):

(4) After section 7(2), insert:

(3) The services referred to in subsection (2)(bb) must operate independently from other services provided under this Act.

(4) In this section, **in care** means—

- (a) placed or detained in the custody or care of the chief executive, a person, a body, or an organisation under this Act; or

- (b) remanded in the custody of the chief executive under section 173 or 174 of the Criminal Procedure Act 2011; or
- (c) detained in a residence under section 34A of the Corrections Act 2004.

7 New sections 7A to 7G inserted

After section 7, insert:

7A Delegations made under section 41 of State Sector Act 1988 to social workers

- (1) A delegation made under section 41 of the State Sector Act 1988 by the chief executive of any of the functions or powers in the Act to a social worker is subject to this section.
- (2) Despite section 41(2) of that Act, a social worker may not subdelegate any functions or powers delegated to him or her.
- (3) Section 7F applies to any delegation made to a social worker.

7B Delegations made under section 41 of State Sector Act 1988 to persons who are not social workers

A delegation made under section 41 of the State Sector Act 1988 by the chief executive of any of the functions or powers in the Act to a person who is not a social worker is subject to section 7D, and sections 7F and 7G apply to the delegation.

7C Delegation of functions and powers conferred by court order or warrant

- (1) The chief executive may delegate his or her functions and powers under all or any of sections 39, 40, 122, 157, 181, 205, or 386 to a social worker or to any other person, even though those functions and powers are conferred by a court order or a warrant that is made or issued after the delegation is made.
- (2) The following apply to a delegation referred to in this section:
 - (a) section 41 of the State Sector Act 1988, as if the delegation were made under that section; and
 - (b) if the delegation is to a social worker, sections 7A and 7F; and
 - (c) if the delegation is to a person who is not a social worker, sections 7B, 7D, 7F, and 7G.

7D Requirements for delegation to persons who are not social workers

- (1) This section applies to a delegation referred to in section 7B or 7C.
- (2) Before making a delegation to a person who is not a social worker, the chief executive must be satisfied that, in addition to any relevant requirements of section 41 of the State Sector Act 1988 being met,—

- (a) the person is appropriately qualified to perform the function or exercise the power, taking into account the person's training, experience, and interpersonal skills; and
 - (b) if the person is outside the State services, the person will be bound by contractual obligations that are sufficient to support the appropriate exercise of the delegation.
- (3) The chief executive may make a delegation to a person who does not meet the requirement in subsection (2)(a) if the delegation is made for the sole purpose of that delegate subdelegating the function or power to a person—
- (a) who works under the management or supervision of the delegate; and
 - (b) who is a social worker or meets the requirement in subsection (2)(a).

7E Subdelegation of functions and powers by delegates who are not social workers

- (1) This section applies if a delegation referred to in section 7B or 7C is made to a person—
- (a) for the sole purpose of subdelegation (*see* section 7D(3)); or
 - (b) to whom the chief executive otherwise gives approval to subdelegate.
- (2) A subdelegation by the delegate of a function or power under section 41(2) of the State Sector Act 1988 is subject to subsection (3).
- (3) Before subdelegating any function or power to a person, the delegate must be satisfied that the person is a social worker or meets the requirement in section 7D(2)(a).

7F Delegations and subdelegations to be publicly notified

- (1) The delegations referred to in sections 7A to 7C and a subdelegation referred to in section 7E must be publicly notified, and information about all delegations and subdelegations must be made available on an Internet site maintained by the department and be available for inspection at the head office of the department, free of charge, until, in any case, the delegation or subdelegation is revoked.
- (2) The information required to be made available must include, in each case,—
- (a) a description of the delegate or subdelegate, although the description need not identify any particular individual to whom the delegation or subdelegation is made but may instead give other identifying particulars, for example, the name of the specified office to which the delegation or subdelegation is made; and
 - (b) a description of the function or power that has been delegated or subdelegated; and
 - (c) a reference to the provision in this Act that provides for the function or power that has been delegated or subdelegated.

- (3) A failure to notify a delegation or a subdelegation does not affect its validity.

7G Immunity for delegates outside Public Service

Section 86 of the State Sector Act 1988 applies to a person outside the Public Service acting under a delegation referred to in section 7B or 7C as if the person were a Public Service employee.

8 Section 11 replaced (Duty of court and counsel to encourage and assist child or young person to participate in proceedings)

Replace section 11 with:

11 Child's or young person's participation and views

- (1) This section applies to the following proceedings and processes:
- (a) proceedings under this Act in a District Court, Family Court, or Youth Court (all being first instance courts) and proceedings in the High Court, Court of Appeal, or Supreme Court on an appeal (other than on a point of law only) against a decision, finding, or order under this Act of a first instance court;
 - (b) the process for convening, and the proceedings of, a family group conference convened under this Act;
 - (c) the preparation or review of a plan for a child or young person (a **planning process**) under this Act;
 - (d) the taking of any other action or making of any other decision (any **other process**) under this Act that would or does significantly affect a child or young person who is the subject of that process.
- (2) In proceedings or a process to which this section applies,—
- (a) the child or young person must be encouraged and assisted to participate in the proceedings or process to the degree appropriate for his or her age and level of maturity unless, in the view of a person specified in subsection (3), that participation is not appropriate, having regard to the matters to be heard or considered; and
 - (b) the child or young person must be given reasonable opportunities to freely express his or her views on matters affecting him or her; and
 - (c) if a child or young person has difficulties in expressing his or her views or being understood (for example, because of his or her age or language, or because of a disability), support must be provided to assist him or her to express his or her views and to be understood; and
 - (d) any views that the child or young person expresses (either directly or through a representative) must be taken into account.
- (3) The following persons must either perform the duties imposed by subsection (2)(a) to (c) or be satisfied, before undertaking any proceeding or process in-

volving the child or young person, that those duties have been performed by another person:

- (a) for proceedings before a court, the Judge or other person presiding and the barrister or solicitor representing the child or young person:
 - (b) for the process for convening, and the proceedings of, a family group conference, the person responsible for convening the conference:
 - (c) for a planning process, the person directed by the court to prepare or review the plan:
 - (d) for any other process, the person responsible for taking the action or making the decision.
- (4) Despite anything to the contrary in this Act and subject to subsection (5), a person providing support to a child or young person under subsection (2)(c) is entitled to be present at a proceeding or a meeting relating to a process referred to in subsection (1) at which the child or young person is present, to continue to provide that support to him or her but for no other purpose.
- (5) If the person responsible for a proceeding or process referred to in subsection (1) considers it is impracticable or inappropriate for the person providing support to be present at the proceeding or meeting, that person may not be present.
- (6) This section is not limited by section 5(d) (which sets out a principle relating to ascertaining, considering, and giving weight to the wishes of the child or young person).
- (7) In this section, **support** includes support from a member of the child's or young person's family group or other person supporting the child or young person, a specialist service provider, or any other service under this Act.

9 Schedule 1AA amended

- (1) Replace the Schedule 1AA heading with:

Schedule 1AA
Transitional, savings, and related provisions

s 2A

- (2) In Schedule 1AA, replace clauses 1 and 2 with the Parts 1 and 2 set out in Schedule 1 of this Act.

10 Consequential amendments to principal Act

Amend the principal Act as set out in Schedule 2.

11 Consequential amendments to other Acts

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

Schedule 1
Schedule 1AA amended

s 9

Part 1

**Provisions relating to Children, Young Persons, and Their Families
Amendment Act (No 2) 2013**

1 Application of sections 311, 314, and 317 (supervision with residence orders: early release from custody)

Sections 311, 314, and 317, as those sections are amended by the Children, Young Persons, and Their Families Amendment Act (No 2) 2013, apply to a supervision with residence order under section 311(1)—

- (a) made, and that had not expired, before that Act's commencement; or
- (b) made after that Act's commencement.

2 Adjournment date of pre-commencement supervision with residence orders

Section 314 as amended by the Children, Young Persons, and Their Families Amendment Act (No 2) 2013 applies to an order specified in clause (1)(a) as if the adjournment date under section 311(2A)(a) (as in force before that Act's commencement) were the adjournment date under section 311(2A)(a) (as in force after that commencement).

Part 2

**Provisions relating to Children, Young Persons, and Their Families
(Advocacy, Workforce, and Age Settings) Amendment Act 2016**

3 Process or proceeding commenced but not completed before commencement date

- (1) In this clause, **commencement date** means the date on which this clause comes into force.
- (2) This clause applies to a process or proceeding that has been commenced by a social worker under the Act but has not been completed before the commencement date.
- (3) On and after the commencement date, a process or proceeding to which this clause applies must be treated as if it were commenced by the chief executive.
- (4) However, for the purposes of continuing and completing the process or proceeding, any provision relating to the process or proceeding that, immediately before the commencement date, contained any of the references listed in sub-

clause (5) must be read as if those references had not been affected by the commencement of the Children, Young Persons, and Their Families (Advocacy, Workforce, and Age Settings) Amendment Act 2016.

- (5) The references are to—
- (a) a social worker's belief:
 - (b) a decision by a social worker:
 - (c) a social worker being satisfied or not satisfied of something:
 - (d) an assessment by a social worker:
 - (e) a social worker considering something:
 - (f) a social worker suspecting something:
 - (g) any reference similar to those in paragraphs (a) to (f).

Schedule 2

Consequential amendments to principal Act

s 10

Section 14

In section 14(1)(ba), replace “a social worker” with “the chief executive”.

Section 15

In section 15, replace “a social worker” with “the chief executive”.

Section 17

Replace section 17 with:

17 Investigation of report of ill-treatment or neglect of child or young person

- (1) If the chief executive or a constable receives a report under section 15 relating to a child or young person, he or she must,—
 - (a) as soon as practicable after receiving the report, if it appears that an investigation is necessary or desirable, commence an investigation or arrange for an investigation to be commenced into the matters contained in the report to the extent that an investigation is necessary or desirable; and
 - (b) as soon as practicable after an investigation has commenced, consult a care and protection resource panel in relation to the investigation; and
 - (c) unless it is impracticable or undesirable to do so, as soon as practicable after a decision is made not to investigate or the investigation has concluded, inform the person who made the report—
 - (i) whether the report has been investigated; and
 - (ii) if so, whether any further action has been taken.
- (2) If, after an investigation, the chief executive or constable reasonably believes that the child or young person is in need of care or protection, he or she must, as soon as practicable, notify a care and protection co-ordinator in accordance with section 18.

Section 18

In the heading to section 18, delete “**by social workers or constables**”.

Replace section 18(1) and (2) with:

- (1) If the chief executive or a constable believes, after inquiry, that any child or young person is in need of care or protection (otherwise than on the ground specified in section 14(1)(ba) or (e)), he or she must immediately report the matter to a care and protection co-ordinator, who must convene a family group conference under section 20.

Section 18—*continued*

- (2) If the chief executive suspects that any child is in need of care or protection on the ground specified in section 14(1)(e), the chief executive may refer the matter to the appropriate enforcement agency.

Section 18A

In section 18A(2), replace “a social worker” with “the chief executive”.

In section 18A(2), replace “social worker” with “chief executive”.

In section 18A(4)(a) and (b), replace “social worker” with “chief executive”.

In section 18A(5), replace “social worker” with “chief executive” in each place.

In section 18A(7)(a), delete “by a social worker”.

In section 18A(7)(a)(ii), replace “social worker” with “chief executive”.

Section 18C

In section 18C(1)(b), replace “, signed by the social worker,” with “by the person making the application”.

In section 18C(1)(b), replace “social worker’s” with “person’s”.

In section 18C(4)(a), replace “social worker’s” with “chief executive’s”.

In section 18C(4)(b), replace “social worker’s” with “chief executive’s”.

In section 18C(4)(d), replace “social worker” with “chief executive”.

In section 18C(5), replace “a social worker” with “the chief executive”.

Section 18D

In section 18D, replace “a social worker’s” with “the chief executive’s”.

In section 18D(a), delete “made by the chief executive”.

In section 18D(a), delete “, as if leave of the court had been granted under section 68(c)”.

Section 19

In section 19(3), replace “a social worker” with “the chief executive”.

Section 22

Replace section 22(1)(d) with:

- (d) if the conference was convened on the basis of a report under section 18(1),—
- (i) the person who made the report (A); or
 - (ii) if A was a delegate of the chief executive, a person acting for A (who must also be a person who has been delegated the chief executive’s power to make reports under section 18(1)); or

Section 22—*continued*

- (iii) if A was a constable, another constable acting for him or her:

Section 30

Replace section 30(1)(a) with:

- (a) if the conference was convened on the basis of a report under section 18(1),—
 - (i) communicate that decision, recommendation, or plan to—
 - (A) the person who made the report (A); or
 - (B) if A was a delegate of the chief executive, a person acting for A (who must also be a person who has been delegated the chief executive’s power to make reports under section 18(1)); or
 - (C) if A was a constable, another constable acting for him or her; and
 - (ii) communicate that decision, recommendation, or plan to every person who will be directly involved in its implementation; and
 - (iii) seek the agreement of the persons described in paragraph (a)(i)(A), (B), or (C) (as relevant in any case) and paragraph (a)(ii) to that decision, recommendation, or plan:

Section 31

Replace section 31(1)(c) with:

- (c) must,—
 - (i) if the conference was convened on the basis of a report under section 18(1), make a report on the matter to the person who made the report; or
 - (ii) in any other case, report the matter to the chief executive:

Replace section 31(2) with:

- (2) If a care and protection co-ordinator makes a report under subsection (1)(c)(i) or (ii), the person to whom that report is made may take any action under this Act that he or she considers appropriate.

Section 33

In section 33(2)(c), replace “any social worker” with “the chief executive”.

Section 34

In section 34(1), replace “to which the agreement of a social worker” with “for which agreement of a delegate of the chief executive”.

Section 36

In section 36(1)(b), replace “a social worker” with “the chief executive”.

In section 36(1A)(a), replace “social worker” with “chief executive”.

In section 36(1B), replace “A social worker” with “The chief executive”.

In section 36(1B), replace “social worker” with “chief executive”.

Section 39

In section 39(1), replace “any constable or a social worker, either by name or generally,” with “any constable, either by name or generally, or the chief executive”.

After section 39(1), insert:

(1A) The function of executing a warrant issued in the name of the chief executive may be performed by a social worker or any other person authorised under a delegation to carry out that function (*see* section 7C).

In section 39(2), replace “a social worker” with “the chief executive”.

In section 39(3), replace “Any person authorised by warrant under this section” with “Any person executing a warrant”.

Section 40

In section 40(1), replace “any constable or a social worker, either by name or generally,” with “any constable, either by name or generally, or the chief executive”.

After section 40(1), insert:

(1A) The function of executing a warrant issued in the name of the chief executive may be performed by a social worker or any other person authorised under a delegation to carry out that function (*see* section 7C).

In section 40(2), replace “a social worker” with “the chief executive”.

In section 40(4), replace “Any person authorised by warrant under this section” with “Any person executing a warrant”.

Section 43

In section 43(1)(d), replace “a social worker” with “the chief executive”.

Section 47

In the heading to section 47, replace “**Social worker or constable to furnish report**” with “**Report to be furnished**”.

In section 47(1), replace “social worker or constable” with “person”.

In section 47(2)(f), replace “social worker or constable” with “person who placed the child or young person in that custody”.

Section 48

In section 48(1), replace “a social worker” with “the chief executive (acting through his or her delegate)”.

In section 48(2), replace “a social worker” with “the delegate”.

In section 48(3), replace “17 years” with “18 years”.

Section 49

In section 49(2), replace “a social worker” with “the chief executive”.

Section 53

In the heading to section 53, replace “**social worker**” with “**chief executive**”.

In section 53(2), replace “A social worker” with “The chief executive”.

In section 53(3), replace “a social worker” with “the chief executive” in each place.

Section 54

In section 54(a), replace “a social worker” with “the chief executive”.

Section 56

In section 56, replace “social worker by whom the examination was arranged or required, as the case may be” with “person who arranged or required the examination”.

Section 57

Replace the heading to section 57 with “**Report to chief executive following medical examination**”.

In section 57, replace “social worker” with “delegate of the chief executive”.

Section 59

Replace section 59(1) with:

- (1) Subject to subsection (4), the chief executive or a constable may apply to the court for an order requiring a person to produce a document for inspection by the chief executive or that constable if—
 - (a) he or she believes on reasonable grounds that any person has, in that person’s possession, custody, or power, any document that contains, or he or she thinks is likely to contain, information necessary or relevant for the purpose of determining whether any child or young person is in need of care or protection (otherwise than on the ground specified in section 14(1)(e)); and
 - (b) that person has refused to allow that document to be inspected.

Section 63

In section 63, replace “social worker or constable” with “person”.

Section 64

In section 64, replace “social worker or constable” with “person”.

Section 65

In section 65(1), replace “to any social worker or constable shall be” with “is”.

Section 66

In section 66(1), replace “every care and protection co-ordinator, social worker, or” with “a care and protection co-ordinator, the chief executive, or a”.

Section 68

In section 68(a), replace “a social worker” with “the chief executive”.

Section 69

In section 69, replace “a social worker or constable” with “the chief executive or a constable”.

Section 82

Replace section 82(6) with:

- (6) If a person gives a direction under subsection (4),—
- (a) the chief executive (acting through his or her delegate) may—
 - (i) remove the child or young person to whom the direction relates, using such force as is reasonably necessary for the purpose; and
 - (ii) place the child or young person with a person or, if the person giving the direction is the chief executive, in a residence, as the person giving the direction thinks appropriate; and
 - (b) section 105(2) and (3) applies (as applicable and with all necessary modifications) to the removal of the child or young person.

Section 85

In section 85(1)(a), replace “a social worker” with “the chief executive”.

Section 94

Repeal section 94.

Section 95

Replace section 95 with:

95 Conditions of support order or interim support order

- (1) If a court makes an order under section 91 or 92 directing that support be provided to a child or young person, the following conditions apply:

Section 95—*continued*

- (a) the support person may, at all reasonable times, visit and enter the building or place in which the child or young person is living:
 - (b) the child or young person must not reside at an address at which, or with a person with whom, the support person has directed him or her not to reside:
 - (c) the parent or guardian or other person having the care of the child or young person and with whom the child or young person is residing must ensure that the support person knows at all times the address at which the child or young person is residing:
 - (d) in the case of a child or young person who is the subject of a declaration made on a ground in section 14(1)(d) or (e), he or she must not associate with any specified person or any specified class of persons that the support person has, in writing, warned him or her not to associate with.
- (2) For the purposes of this section and section 97, **support person** means any of the following people who are to provide or are providing support to a child or young person:
- (a) a person who has been delegated the chief executive's functions or powers under section 93:
 - (b) a person named in the order:
 - (c) a person acting on behalf of an organisation named in the order.

Section 97

Replace section 97(1) with:

- (1) If a court makes an order under section 91 or 92 directing that support be provided to a child or young person of or over the age of 14 years and under 16 years, the court may impose any conditions the court thinks fit for the purposes of—
- (a) assisting any parent or guardian or other person having the care of the child or young person, or any other person residing with the child or young person, to carry out his or her duties and responsibilities; and
 - (b) promoting co-operation between the parents or guardians or other persons, the child or young person, and the support person.

Section 99

Replace section 99 with:

99 Person or organisation providing support to child or young person to report to court

If, under section 91, the chief executive or any other person or organisation is directed to provide support to a child or young person, the chief executive, per-

Section 99—*continued*

son, or organisation must, on the expiry of the period stated in the order in which the direction is made, provide a written report to the court containing—

- (a) an assessment of the effectiveness of the order; and
- (b) a description of the child’s or young person’s response to it; and
- (c) any other information that he, she, or it considers relevant.

Section 104

In section 104(2), replace “any social worker” with “the chief executive (acting through his or her delegate)”.

Section 105

In section 105(1)(b), replace “any social worker, acting with the specific or general authority of the chief executive,” with “the chief executive”.

In section 105(1)(c), replace “any social worker, acting with the specific or general authority of the chief executive,” with “the chief executive (acting through his or her delegate)”.

In section 105(1)(c), replace “the social worker” with “the delegate”.

In section 105(1)(d), replace “any social worker, acting with the specific or general authority of the chief executive,” with “the chief executive (acting through his or her delegate)”.

In section 105(1)(d), replace “the social worker” with “the delegate”.

In section 105(2), replace “a social worker” with “a delegate”.

In section 105(3), replace “The social worker” with “A delegate”.

Section 106

Replace section 106(1)(b) with:

- (b) may request the chief executive or any constable to assist in carrying out any direction given under paragraph (a).

After section 106(1), insert:

- (1A) Any delegate of the chief executive or any constable who is providing assistance under subsection (1)(b) may use such force as is reasonably necessary to do so.

In section 106(2), replace “social worker” with “delegate”.

Section 108

In section 108(c), replace “17 years” with “18 years”.

Section 113B

In section 113B(5)(a), replace “a social worker” with “the chief executive”.

Section 122

In section 122(1), replace “any social worker” with “the chief executive”.

After section 122(1), insert:

(1A) The function of executing a warrant issued in the name of the chief executive may be performed by a social worker or any other person authorised under a delegation to carry out that function (*see* section 7C).

Section 123

In section 123, replace “social worker” with “delegate of the chief executive”.

Section 125

In section 125(1A)(a), delete “a social worker”.

Section 128

In section 128(4)(e)(i), delete “or a social worker”.

Section 129

In section 129(1A)(b), replace “a social worker” with “the chief executive (acting through his or her delegate)”.

Section 157

In section 157(2), replace “any social worker” with “the chief executive”.

After section 157(2), insert:

(2A) The function of executing a warrant issued in the name of the chief executive may be performed by a social worker or any other person authorised under a delegation to carry out that function (*see* section 7C).

Section 166

In section 166(1)(l), replace “any social worker” with “the chief executive”.

Section 179

In section 179(4)(a), replace “a social worker” with “the chief executive”.

Section 181

In section 181(4)(a), replace “a social worker” with “the chief executive”.

After section 181(4), insert:

(5) The power to detain a child or young person may be exercised by a social worker or any other person authorised under a delegation by the chief executive to exercise that power (*see* section 7C).

Section 187

In section 187(2)(f), replace “any social worker” with “the chief executive”.

Section 205

Replace section 205(2)(b) with:

- (b) may, in addition, issue a warrant directing the chief executive or any constable to take possession of the child or young person and place the child or young person in the custody of the chief executive pending the order or further order of the court.

After section 205(2), insert:

- (2A) The function of executing a warrant issued in the name of the chief executive may be performed by a social worker or any other person authorised under a delegation to carry out that function (*see* section 7C).
- (2B) A delegate or a constable executing a warrant may use such reasonable force as may be necessary to do so.

Section 206A

Repeal section 206A(4)(b)(ii).

Section 207B

In section 207B, definition of **young person**, paragraph (a), replace “17 years” with “18 years”.

Section 207F

In section 207F(1)(c), delete “or a social worker”.

Section 235

In section 235(2)(a), replace “a social worker” with “the chief executive (acting through his or her delegate)”.

In section 235(2)(b), replace “social worker” with “delegate”.

In section 235(3), replace “a social worker” with “a delegate” in each place.

Section 236

In section 236(1), replace “a senior social worker” with “the chief executive (acting through his or her delegate)”.

In section 236(1), replace “that senior social worker” with “the delegate”.

In section 236(2), replace “Where a senior social worker and a constable issue a joint certificate” with “If a joint certificate is issued”.

In section 236(2), replace “the senior social worker” with “the delegate”.

After section 236(2), insert:

- (3) Any delegation by the chief executive of a function or power under this section must be made to a senior employee or senior employees of the department.

Section 238

In section 238(1)(c), replace “a social worker” with “the chief executive”.

Section 242

In section 242(1)(b), replace “a senior social worker” with “the chief executive (acting through his or her delegate)”.

After section 242(2), insert:

- (3) Any delegation by the chief executive of a function or power under this section must be made to a senior employee or senior employees of the department.

Section 251

In section 251(1)(h), replace “a social worker” with “the chief executive”.

In section 251(1)(n), replace “social worker” with “chief executive”.

Section 266

In section 266(2)(c), replace “any social worker” with “the chief executive”.

Section 270

In section 270(1A)(a), replace “a social worker” with “the chief executive”.

In section 270(1B), replace “A social worker” with “The chief executive”.

Section 295

In section 295(1), replace “a social worker or constable” with “the chief executive or a constable”.

Section 296B

In section 296B(1)(a), replace “a social worker” with “the chief executive”.

In section 296B(1)(d), replace “a social worker” with “the chief executive”.

Section 296E

In section 296E(2)(b), replace “a social worker” with “the chief executive”.

In section 296E(2)(d), replace “a social worker” with “the chief executive”.

Section 296H

Replace section 296H with:

296H Duty of chief executive to provide supervision under intensive supervision order

If a young person is placed under the supervision of the chief executive by an order under section 296G, the chief executive must provide supervision for that young person.

Section 296I

In section 296I(b), replace “social worker or person or organisation” with “supervisor”.

In section 296I(b)(ii), replace “social worker or person or a representative of the organisation” with “supervisor”.

In section 296I, insert as subsection (2):

- (2) In this section, **supervisor** means any of the following people who are to provide or are providing supervision of a young person:
- (a) a person who has been delegated the chief executive’s functions or powers under section 296H:
 - (b) the person named in the order:
 - (c) a person who is acting on behalf of the organisation named in the order.

Section 296L

In section 296L(1), replace “social worker may” with “the chief executive (acting through his or her delegate) may”.

In section 296L(1), replace “social worker believes” with “delegate believes”.

Section 298

In section 298(2)(b)(i), replace “a social worker” with “the chief executive”.

Section 304

Replace section 304 with:

304 Duty of chief executive to provide supervision

If a young person is placed under the supervision of the chief executive by an order under section 283(k) or 307(1), the chief executive must provide supervision for that young person.

Section 305

Replace section 305 with:

305 Conditions of supervision order

- (1) If the court makes an order under section 283(k), the following conditions apply:
- (a) the supervisor may, at all reasonable times, visit and enter the building or place in which the young person is living:
 - (b) the young person must report to the supervisor as and when he or she is required to do so by the supervisor:
 - (c) the young person must not reside at an address at which the supervisor has directed him or her not to reside:

Section 305—*continued*

- (d) the young person may only continue in employment, or continue to engage in any occupation, approved by the supervisor:
 - (e) the young person must ensure that the supervisor knows at all times the address at which he or she is residing:
 - (f) the young person must not associate with any specified person or any specified class of persons that the supervisor has, in writing, warned him or her not to associate with.
- (2) For the purposes of this section and section 306, **supervisor** means any of the following people who are to provide or are providing supervision of a young person:
- (a) a person who has been delegated the chief executive’s functions or powers under section 283(k):
 - (b) the person named in the order:
 - (c) a person who is acting on behalf of the organisation named in the order.

Section 306

In section 306(1)(a), replace “social worker or person or organisation” with “supervisor”.

Section 308B

In section 308B(2), replace “a social worker or constable” with “the chief executive or a constable”.

Section 308C

In section 308C(1), replace “a social worker” with “the chief executive”.

In section 308C(3)(b), replace “social worker” with “chief executive”.

In section 308C(4), replace “social worker” with “chief executive”.

Section 312

In section 312(2), replace “any social worker” with “the chief executive (acting through his or her delegate)”.

Section 318

In section 318(1), replace “any social worker” with “the chief executive (acting through his or her delegate)”.

In section 318(2), replace “Every constable or social worker or other person” with “A person”.

Section 320

In section 320(1), replace “social worker” with “chief executive”.

Section 329

In section 329(1)(i), replace “any social worker” with “the chief executive”.

Section 335

In section 335(2)(b), replace “a social worker” with “the chief executive”.

Section 373

In section 373(1)(j), replace “any social worker” with “the chief executive”.

Section 385

In section 385(2), replace “a social worker” with “the chief executive (acting through his or her delegate)”.

In section 385(4), replace “a social worker” with “the chief executive”.

Section 386

In section 386(1), replace “a social worker” with “the chief executive”.

In section 386(1), replace “or social worker” with “or the chief executive”.

After section 386(1), insert:

(1A) The function of executing a warrant issued in the name of the chief executive may be performed by a social worker or any other person authorised under a delegation to carry out that function (*see* section 7C).

Section 400

In section 400(1), replace “Any social worker or other officer of the department authorised by the” with “The”.

In section 400(2), replace “Every social worker or officer of the department” with “The chief executive’s delegate”.

Section 401

In section 401(1), replace “a social worker or other officer” with “the chief executive’s delegate or an officer”.

In section 401(2), replace “Every social worker or officer shall give reasonable notice of that person’s intention to enter any premises pursuant to subsection (1)(a)” with “A person intending to enter any premises must give reasonable notice of his or her intention to do so”.

In section 401(3), replace “Every social worker or officer shall, on entering any premises under this section, and when requested” with “The person must on entering any premises, and if requested”.

In section 401(4), replace “Any social worker or officer” with “The person”.

Section 408

In section 408(1), replace “Any social worker or other officer of the department authorised by the” with “The”.

In section 408(2), replace “Every social worker or officer of the department” with “The chief executive’s delegate”.

Section 409

In section 409(1), replace “a social worker or other officer” with “the chief executive’s delegate or an officer”.

Replace section 409(2) with:

- (2) A person intending to enter any premises must give reasonable notice of his or her intention to do so to the service concerned.

In section 409(3), replace “Every social worker or officer shall” with “The person must”.

In section 409(4), replace “Any social worker or officer” with “The person”.

Section 429

Replace section 429(a) with:

- (a) to provide advice to social workers, other delegates of the chief executive, subdelegates, care and protection co-ordinators, and constables on the exercise or performance, by those persons, of the functions, powers, and duties conferred or imposed on them by or under Part 2 or 3, a delegation referred to in sections 7A to 7C, or a subdelegation referred to in section 7E:

Section 438

In section 438(2)(a)(ii), after “social workers”, insert “, or other delegates of the chief executive or subdelegates”.

Section 445A

In section 445A, replace “Every social worker, constable, or other person” with “Any person”.

Section 446

In section 446(2)(d), after “any social worker or other officer of the department”, insert “or delegate of the chief executive or subdelegate”.

Schedule 3

Consequential amendments to other Acts

s 11

Crown Proceedings Act 1950 (1950 No 54)

After section 6(4A)(a), insert:

- (ab) in relation to delegates performing functions or exercising powers of the chief executive under the Children, Young Persons, and Their Families Act 1989, a court may find the Crown liable in tort for the actions or omissions of those delegates; and

Search and Surveillance Act 2012 (2012 No 24)

In the Schedule, item relating to the Children, Young Persons, and Their Families Act 1989, replace “social worker” with “chief executive” in each place.

Vulnerable Children Act 2014 (2014 No 40)

In section 15(1), definition of **child**, replace paragraph (b) with:

- (b) a young person as defined in paragraphs (a) and (e) of the definition of young person in section 2(1) of the Children, Young Persons, and Their Families Act 1989 (because the person is,—
 - (i) for the purposes of Parts 2 to 3A of that Act, a person of or over the age of 14 years but under the age of 18 years; and
 - (ii) not a person who is or has been married or in a civil union)

Legislative history

1 June 2016	Introduction (Bill 142–1)
15 June 2016	First reading and referral to Social Services Committee
14 October 2016	Reported from Social Services Committee (Bill 142–2)
1 November 2016	Second reading
16 November 2016	Committee of the whole House
6 December 2016	Third reading
12 December 2016	Royal assent

This Act is administered by the Ministry of Social Development.