Version
as at 8 August 2026

Children's Act 2014

Public Act	2014 No 40
Date of assent	30 June 2014
Commencement	see section 2

Act name: amended, on 21 December 2018, by section 5 of the Children's Amendment Act 2018 (2018 No 58).

Contents

		Page
1	Title	3
2	Commencement	4
2A	Transitional, savings, and related provisions	4
3	Act binds the Crown	4
	Part 1 **Strategy for improving children's well-being and oranga tamariki action plan**	
4	Purpose of this Part	5
4A	Treaty of Waitangi (Tiriti o Waitangi)	5
5	Interpretation	5
	Strategy for improving children's well-being	
6	Adoption of strategy	8
6A	Strategy and international obligations	8
6B	Policy-related principles Minister must have regard to before strategy adopted or changed	9

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.

This Act is administered by Oranga Tamariki—Ministry for Children and the Ministry of Education.

6C Child-related principles Minister must have regard to before strategy adopted or changed 9
6D Other consultation before strategy adopted or changed 9
6E Publication and status of strategy 10
7 Content of strategy 10
7A Duty to review strategy 11
7B Duty to prepare and publish annual report on progress in achieving strategy's outcomes 11
7C Annual report: analysis of identified populations 12

Oranga tamariki action plan

7D Purpose of plan 12
8 Preparation of plan 12
8A Publication and status of plan 13
9 Content of plan 13
10 Duration of plan 14
10A Review and amendment or replacement of plan 14
11 Implementation reports 15

Effect and accountabilities

12 Effect of strategy and plan 15
13 Accountabilities 16

Part 2
Child protection policies

14 Purpose of this Part 16
15 Interpretation 17
16 Prescribed State services to adopt, report on, and require child protection policies 19
17 Health New Zealand to adopt, report on, and require child protection policies 20
18 School boards to adopt and require child protection policies 20
19 Content of child protection policy 21
20 Effect of child protection policy 21

Part 3
Children's worker safety checking

21 Purpose of this Part 22
22 Application to Crown 22
23 Interpretation 22
24 Specified organisation defined 24

Obligations of specified organisations

25 Safety checks of new children's workers 25
26 Safety checks of existing children's workers 25
27 Periodic safety checks of children's workers 25

28 Core worker convicted of specified offence not to be employed or engaged 26

Defences

29 Defence of taking all reasonable steps 27
30 Defence relating to short-term emergencies 27

Safety checks

31 Requirements of safety checks 27

Regulations

32 Regulations prescribing requirements for safety checks 28
33 Other regulations 29
34 Transitional provision relating to local authorities, etc 30

Exemption for workers convicted of specified offence

35 Exemption for certain individuals 30
36 Application for exemption 30
37 Revocation of exemption 31
38 Appeal against decision not to grant, or to revoke, exemption 31

Monitoring compliance

39 Requirement to provide information to chief executives 31

Miscellaneous

40 Approval of screening services 32
41 Prosecution of offences 32

Consequential amendments to other enactments

42 Amendments to Crown Organisations (Criminal Liability) Act 2002 33
43 Amendment to Sentencing Act 2002 33
44 Amendment to Criminal Records (Clean Slate) Act 2004 33

Schedule 1AA
Transitional, savings, and related provisions 34

Schedule 1
Regulated services 35

Schedule 2
Specified offences 39

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Children's Act 2014.

Section 1: amended, on 21 December 2018, by section 5 of the Children's Amendment Act 2018 (2018 No 58).

2 Commencement

(1) This Act comes into force on the day after the date on which it receives the Royal assent, except as provided in subsections (2) and (3).

(2) Section 18 and Part 3 come into force on a date or dates to be appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made appointing different dates for different provisions.

(3) Any provision not brought into force earlier comes into force 2 years after the date on which this Act receives the Royal assent.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(2): Part 3 brought into force, on 1 July 2015, by section 2 of the Vulnerable Children Act Commencement Order 2015 (LI 2015/107).

Section 2(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2A Transitional, savings, and related provisions

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

Section 2A: inserted, on 21 December 2018, by section 6 of the Children's Amendment Act 2018 (2018 No 58).

3 Act binds the Crown

(1) This Act binds the Crown.

(2) Subsection (1) is subject to section 12 (effect of strategy and plan), section 20 (effect of child protection policy), and section 22 (application to Crown Organisations for offences relating to safety checking of children's workers).

Section 3(2): amended, on 21 December 2018, by section 7 of the Children's Amendment Act 2018 (2018 No 58).

Part 1
Strategy for improving children's well-being and oranga tamariki action plan

Part 1: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

4 Purpose of this Part

The purpose of this Part is to—

(a) require the Government to adopt, publish, and review a strategy for improving the well-being of children; and

(b) ensure that children's agencies work together to improve the well-being of particular groups of children.

Section 4: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

4A Treaty of Waitangi (Tiriti o Waitangi)

The duties of the responsible Minister set out in sections 6D(1)(d) and 7C(2)(a) are imposed in order to recognise and provide a practical commitment to the Treaty of Waitangi (te Tiriti o Waitangi).

Section 4A: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

5 Interpretation

(1) In this Part, unless the context otherwise requires,—

child means any of the following:

(a) a person who is under the age of 18 years:

(b) a person who is under the age of 21 years and has been in care (as defined in this subsection):

(c) a person who is under the age of 25 years and is receiving transition support from the department under Part 7 of the Oranga Tamariki Act 1989

children's agencies means those departments of State or instruments of the Crown that are, with the authority of the Prime Minister, for the time being responsible (alone, or with 1 or more other departments or instruments) for the administration of all or any provisions of 1 or more of the following Acts:

(a) Domestic Violence Act 1995:

(b) Education and Training Act 2020:

(c) Healthy Futures (Pae Ora) Act 2022:

(d) Oranga Tamariki Act 1989:

(e) Policing Act 2008:

(f) Social Security Act 2018:

(g) any other Act or Acts for the time being prescribed under subsection (2)

Children's Commissioner means the Commissioner holding that office under section 11 of the Children's Commissioner Act 2022

children's Ministers means the Ministers of the Crown who for the time being—

(a) have relevant portfolio responsibilities for 1 or more of the children's agencies (but excluding all related Associate Ministers of the Crown, if any); or

(b) are designated by the Prime Minister as children's Ministers for the purpose of this Part

core populations of interest to the department means the following groups of children:

(a) children who have early risk factors for future involvement in the statutory care, protection, and youth justice systems under the Oranga Tamariki Act 1989:

(b) children who are all or any of the following:

(i) children receiving assistance from the department (whether or not they are children in need of care or protection) under Part 2 of that Act (which relates to care and protection):

(ii) children who are subject to a custody order, an order appointing a person specified in section 110(1)(a) to (e) of that Act as their sole guardian, or an agreement for care, under Part 2 of that Act:

(iii) children who are subject to proceedings or orders under Part 4 of that Act (which relates to youth justice), or who are remanded in the custody of the chief executive of the department under section 173 or 174 of the Criminal Procedure Act 2011:

(iv) children receiving transition support from the department under Part 7 of the Oranga Tamariki Act 1989:

(c) children who are any persons who are under the age of 21 years and who have been in care (as defined in this subsection)

department means the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Oranga Tamariki Act 1989

financial year means a period of 12 months commencing on 1 July and ending with 30 June

household, for a child, has the same meaning as the term **child's household** in section 5 of the Child Poverty Reduction Act 2018

in care, for a child, means that the child is—

(a) placed or detained in the custody or care of the chief executive of the department, a person, a body, or an organisation under the Oranga Tamariki Act 1989; or

(b) remanded in the custody of the chief executive of the department 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

oranga tamariki action plan means the plan prepared, approved, published, and from time to time amended or replaced, under this Part

plan Minister means the Minister of the Crown for the time being designated by the Prime Minister as the responsible Minister for all purposes related to the oranga tamariki action plan (for example, approving it, or approving any amendment to it or replacement of it, or receiving any report in respect of it)

responsible Minister means the Minister of the Crown for the time being designated by the Prime Minister as the responsible Minister for the purposes of this Part (except all purposes related to the oranga tamariki action plan)

strategy means the strategy adopted, and from time to time changed, under this Part

UNCROC means the United Nations Convention on the Rights of the Child (a copy of the English text of which is set out in Schedule 2 of the Children's Commissioner Act 2022)

UNCRPD means the United Nations Convention on the Rights of Persons with Disabilities.

(2) The Governor-General may, by Order in Council, prescribe any other Act or Acts for the purposes of paragraph (g) of the definition of children's agencies in subsection (1).

(3) An order under subsection (2) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 5: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

Section 5(1) **Children and Young People's Commission**: repealed, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

Section 5(1) **children's agencies** paragraph (b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 5(1) **children's agencies** paragraph (c): replaced, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 5(1) **Children's Commissioner**: inserted, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

Section 5(1) **Children's Commissioner**: repealed, on 1 July 2023, by section 41 of the Children and Young People's Commission Act 2022 (2022 No 44).

Section 5(1) **UNCROC**: amended, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

Section 5(1) **UNCROC**: amended, on 1 July 2023, by section 41 of the Children and Young People's Commission Act 2022 (2022 No 44).

Section 5(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Strategy for improving children's well-being

Heading: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

6 Adoption of strategy

(1) The responsible Minister must, after consulting the children's Ministers, adopt a strategy to address—

(a) improving the well-being of all children; and

(b) improving, as a particular focus, the well-being of children with greater needs; and

(c) reducing child poverty and mitigating impacts of child poverty and of socio-economic disadvantage experienced by children; and

(d) improving the well-being of the core populations of interest to the department.

(2) The responsible Minister may, after consulting with the children's Ministers, change a strategy adopted under this section.

(3) Subsections (1) and (2) do not limit or affect consultation with any other Ministers that the responsible Minister considers it appropriate to consult on the strategy.

Section 6: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

6A Strategy and international obligations

(1) The strategy is intended to help New Zealand meet its international obligations relating to children.

(2) Those obligations include New Zealand's obligations relating to children under the UNCROC and the UNCRPD.

(3) However, this Part does not, in and of itself, give domestic legal effect to, or implement in New Zealand law, any of those obligations.

Section 6A: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

6B Policy-related principles Minister must have regard to before strategy adopted or changed

(1) Before adopting a strategy, or changing a strategy adopted, under section 6, the responsible Minister must have regard to the following policy-related principles:

(a) policies should be informed by evidence about their expected effectiveness in achieving the social and economic outcomes sought by the strategy:

(b) policies should prevent or minimise negative social outcomes and, if they do occur, should address them as early as possible:

(c) the Government should evaluate the effectiveness of policies.

(2) In this section, **policies** means policies implemented, or to be implemented, by the Government to achieve the outcomes sought by the strategy.

Section 6B: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

6C Child-related principles Minister must have regard to before strategy adopted or changed

Before adopting a strategy, or changing a strategy adopted, under section 6, the responsible Minister must have regard to the following child-related principles:

(a) children's intrinsic value and inherent dignity should be acknowledged:

(b) children's rights in New Zealand law (including children's rights in New Zealand law that are derived from the UNCROC or the UNCRPD) must be respected and upheld:

(c) children should be viewed in the context of their families, whānau, hapū, and iwi, other culturally recognised family groups, and communities.

Section 6C: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

6D Other consultation before strategy adopted or changed

(1) Before adopting a strategy, or changing a strategy adopted, under section 6, the responsible Minister must consult, on the proposed strategy or change to the strategy,—

(a) any children, or representatives of children, that the responsible Minister considers appropriate (in order to ensure that children's views on the proposed strategy or change are taken into account); and

(b) the Children's Commissioner; and

(c) the Minister of the Crown who is responsible for the Ministry of Māori Development; and

(d) any representatives of Māori (for example, of iwi, and of Māori organisations) that the responsible Minister considers appropriate.

(2) Subsection (1) does not limit or affect consultation with any other organisations, or any other individuals, that the responsible Minister considers it appropriate to consult on the strategy.

Section 6D: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

Section 6D(1)(b): amended, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

6E Publication and status of strategy

(1) A strategy, or changes to a strategy, adopted under section 6 (for example, after a review under section 7A), must—

(a) be notified in the *Gazette*; and

(b) be published on, and available at all reasonable times from, an Internet site maintained by or on behalf of the children's agencies.

(2) The *Gazette* notice required by subsection (1)(a) need not contain or set out the strategy or changes, but must specify details of the Internet site referred to in subsection (1)(b).

(3) *[Repealed]*

Section 6E: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

Section 6E(3): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

7 Content of strategy

(1) The strategy must include outcomes sought—

(a) under section 6(1)(a), (b), and (d); and

(b) in particular, under section 6(1)(c) (which relates to reducing child poverty and mitigating impacts of child poverty and of socio-economic disadvantage).

(2) The strategy must indicate—

(a) the extent to which the outcomes included in the strategy are measurable:

(b) how the measurable outcomes will be measured, including by analysing disparities of outcome for—

(i) children in poverty; and

(ii) children who, compared with all children, are children with socio-economic disadvantage:

(c) if 1 or more earlier strategies have been adopted under section 6, the policies that the Government has implemented, after the adoption of the last of those earlier strategies, to achieve the well-being outcomes sought by the last of those strategies, and any steps that the Government has taken to evaluate the effectiveness of those policies:

(d) the policies that the Government intends to implement, after the adoption of the strategy, to achieve the outcomes sought by that strategy, and any steps that the Government intends to take to evaluate the effectiveness of those policies.

(3) The strategy must include an assessment of the likely effect of Government policies whose aim is or includes all or any of the following:

(a) reducing child poverty:

(b) mitigating impacts of child poverty or of socio-economic disadvantage experienced by children.

(4) The assessment required by subsection (3) must address the following matters:

(a) economic changes likely to arise from the implementation of the policies:

(b) how the impact of the policies may be affected by any economic changes external to the policies.

Section 7: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

7A Duty to review strategy

The responsible Minister must, in consultation with the children's Ministers, complete a review of the strategy—

(a) within 3 years after the date of its first adoption under section 6; and

(b) thereafter within 3 years after the date of completion of the most recent review of it under this section.

Section 7A: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

7B Duty to prepare and publish annual report on progress in achieving strategy's outcomes

(1) The responsible Minister must, within 9 months after a financial year, prepare a report on achievement, during that year, of the outcomes that the strategy indicates are sought, during that year, for children identified in the strategy.

(2) Before finalising the report, the responsible Minister must consult the children's Ministers on a draft of the report.

(3) As soon as is reasonably practicable after the report is prepared, the responsible Minister must ensure that it is—

(a) presented to the House of Representatives; and

(b) published on 1 or more Internet sites maintained by or on behalf of the children's agencies.

Section 7B: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

7C Annual report: analysis of identified populations

(1) The report required by section 7B must include analysis of the identified populations.

(2) The **identified populations** are the following children who are living in households in New Zealand:

(a) Māori children; and

(b) any groups identified for the report under subsection (3).

(3) The responsible Minister may identify for the report 1 or more groups of other children, analysis of whom may help achieve outcomes sought by the strategy.

(4) Examples of groups of other children who may be identified are Pacific children, disabled children, and children with a disabled parent, guardian, or caregiver.

(5) However, this section does not require the report to include analysis of the identified populations if, or so far as, available data is not reasonably adequate to enable that analysis to be done using the relevant statistical methodology.

Section 7C: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

Oranga tamariki action plan

Heading: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

7D Purpose of plan

The purpose of the oranga tamariki action plan is to indicate how the chief executives of the children's agencies will work together to improve the well-being of the core populations of interest to the department.

Section 7D: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

8 Preparation of plan

(1) The chief executives of the children's agencies must, after the strategy is adopted or changed under section 6, work together, under the co-ordination of the chief executive of the department, to do both of the following no later than a date specified (under this subsection and, if applicable, section 10A(1)(b)) by the plan Minister:

(a) develop a draft oranga tamariki action plan; and

(b) submit it to the plan Minister for approval.

(2) The plan Minister must, after consulting the children's Ministers about the draft plan,—

(a) approve the draft plan; or

(b) refer it to the chief executives of the children's agencies for reconsideration, together with the Minister's reasons for referring it back to the chief executives.

(3) The chief executives, on receiving a referral under subsection (2)(b), must reconsider the draft plan and, as soon as is reasonably practicable, submit a revised draft plan to the plan Minister for approval under subsection (1).

Section 8: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

8A Publication and status of plan

(1) The oranga tamariki action plan must, after it is approved by the plan Minister,—

(a) be notified in the *Gazette*; and

(b) be published on, and available at all reasonable times from, an Internet site maintained by or on behalf of the children's agencies.

(2) The *Gazette* notice required by subsection (1)(a) need not contain or set out the oranga tamariki action plan, but must specify details of the Internet site referred to in subsection (1)(b).

(3) The oranga tamariki action plan may be published under subsection (1)(b) with, or without, any related reports accompanying the draft plan submitted for approval under section 8(1)(b).

(4) *[Repealed]*

Section 8A: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

Section 8A(4): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

9 Content of plan

(1) The oranga tamariki action plan (and any draft of it)—

(a) must set out the steps that the chief executives of the children's agencies will take to work together to achieve the outcomes that the strategy sets out for the core populations of interest to the department; and

(b) may set out any other steps that the chief executives have decided that they will take to work together to improve the well-being of those groups.

(2) The chief executives must consider how the steps to be set out in the plan will promote the best interests of the core populations of interest to the department (having regard to the whole of their lives), including (without limitation) by—

(a) protecting them from abuse and neglect:

(b) improving their physical and mental health and their cultural and emotional well-being:

(c) improving their education and training and their participation in recreation and cultural activities:

(d) strengthening their connection to their families, whānau, hapū, and iwi, or other culturally recognised family group:

(e) increasing their participation in decision making about them, and their contribution to, and participation in, society:

(f) improving their social and economic well-being (for example, by reducing, or mitigating the impacts of, poverty).

(3) The steps to improve the well-being of children specified in paragraph (b) of the definition in section 5(1) of core populations of interest to the department must include—

(a) participation by the children's agencies (and any contracted or related service providers, where appropriate) in assessment, planning, and decision making in relation to those children:

(b) the provision of services (including any contracted or related services where appropriate) to those children.

Section 9: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

10 Duration of plan

The oranga tamariki action plan—

(a) comes into effect on a date (after the date on which it is approved) specified in it for the purpose; and

(b) continues in force until it is amended or replaced under section 10A.

Section 10: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

10A Review and amendment or replacement of plan

(1) The chief executives of the children's agencies must, working together, review the plan, within a time specified by the plan Minister, if—

(a) the strategy adopted from time to time under section 6 changes; or

(b) the plan Minister so directs.

(2) When reviewing the oranga tamariki action plan, the chief executives must—

(a) consider whether the plan is still consistent with the current strategy adopted under section 6; and

(b) if the chief executives consider it appropriate, recommend to the plan Minister that he or she—

(i) approve amendments to the plan; or

(ii) approve a new plan.

(3) Sections 8(2) and (3) and 8A apply with any necessary modifications.

Section 10A: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

11 Implementation reports

Once the oranga tamariki action plan has come into effect, the chief executive of each children's agency must—

(a) report (jointly with each of the other chief executives of the children's agencies) to the plan Minister, by a date in each year specified by the plan Minister, on whether the agency has, or on the extent to which the agency has, before that date (and after the periods covered by all earlier reports, if any, under this paragraph), implemented the plan while it has been in force; and

(b) ensure that a copy of every implementation report required by paragraph (a) is included in the agency's next annual report (under section 43 of the Public Finance Act 1989 or another enactment) and is available on an Internet site maintained by or on behalf of the agency.

Section 11: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

Effect and accountabilities

Heading: inserted, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

12 Effect of strategy and plan

(1) The strategy and the oranga tamariki action plan do not—

(a) create legal rules; or

(b) create any legal right enforceable in a court of law; or

(c) affect or limit the way in which a person (for example, a Minister of the Crown or chief executive of a department of State) is required to exercise a statutory power of decision; or

(d) affect the interpretation of any enactment or the operation of a rule of law; or

(e) restrict the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability to—

(i) introduce legislation and change Government policy; and

(ii) interact with or consult a person the Crown considers appropriate; or

(f) restrict the responsibilities of a Minister of the Crown or a department of State.

(2) Subsection (1) overrides section 13(1).

Section 12: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

13 Accountabilities

(1) For the purposes of the operation of the legislative and executive branches of Government,—

(a) in the adopting and implementation of the strategy for improving the well-being of children, the responsible Minister is the Minister of the Crown who is accountable, both to Parliament and the Executive; and

(b) in any matter relating to the oranga tamariki action plan, the plan Minister is the Minister of the Crown who is accountable, both to Parliament and the Executive; and

(c) in any matter relating to the oranga tamariki action plan, the chief executive of each of the children's agencies is accountable to the plan Minister.

(2) Subsection (1)—

(a) does not limit or affect—

(i) section 12(1) of this Act; or

(ii) the operation of the Public Finance Act 1989; or

(iii) the independence of the Commissioner of Police (as affirmed by sections 8(e) and 16(2) of the Policing Act 2008); but

(b) overrides any other law to the contrary.

(3) A duty, function, or power of the responsible Minister or the plan Minister, or of the chief executive of a children's agency, is affected by this Part only to the extent necessary to give effect to subsection (1) (as overridden by section 12(1)).

Section 13: replaced, on 21 December 2018, by section 8 of the Children's Amendment Act 2018 (2018 No 58).

Part 2
Child protection policies

14 Purpose of this Part

The purpose of this Part is to require child protection policies (that must contain provisions on the identification and reporting of child abuse and neglect) to be—

(a) adopted and reported on by prescribed State services and the board of Health New Zealand; and

(b) adopted by school boards; and

(c) adopted by certain people with whom those services or boards enter into contracts or funding arrangements.

Section 14(a): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

15 Interpretation

(1) In this Part, unless the context otherwise requires,—

board, in relation to Health New Zealand, means the members of the board of that organisation (who number no less than the required quorum) acting together as a board

child means a person who is under the age of 18 years

children's services means services that are any of the following:

(a) services provided to 1 or more children:

(b) services to adults in respect of 1 or more children:

(c) services provided to adults living in households that include 1 or more children, and that—

(i) do or may affect significantly any 1 or more aspects of the well-being of those children; and

(ii) are for the time being prescribed under subsection (2):

(d) services provided in respect of children that are for the time being prescribed under subsection (3)

Health New Zealand has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

independent person, in relation to a prescribed State service and its chief executive, the board of Health New Zealand, or a school board, means a person who is neither of the following:

(a) a member of the board:

(b) an employee or officer of the service or its chief executive, or the board

prescribed State service means each of the following:

(aaa) the Integrity Sport and Recreation Commission established under section 8 of the Integrity Sport and Recreation Act 2023:

(a) the Ministry of Business, Innovation, and Employment:

(b) the Ministry of Education:

(c) the Ministry of Health:

(d) the Ministry of Justice:

(e) the Ministry of Māori Development:

(f) the Ministry of Social Development:

(g) the New Zealand Police:

(h) every other instrument for the time being prescribed under subsection (4)

school board means a board or body that is, or 1 or more managers who are,—

(a) a board as defined in section 10(1) of the Education and Training Act 2020; or

(b) the manager or managers of a private school that is registered under section 214 of that Act; or

(c) a sponsor as defined in section 10(1) of the Education and Training Act 2020.

(2) The Governor-General may, by Order in Council, prescribe, for the purposes of paragraph (c)(ii) of the definition of children's services in subsection (1), classes, descriptions, or kinds of services—

(a) provided to adults living in households that include 1 or more children; and

(b) that do or may affect significantly any 1 or more aspects of the well-being of those children.

(3) The Governor-General may, by Order in Council, prescribe, for the purposes of paragraph (d) of the definition of children's services in subsection (1), classes, descriptions, or kinds of services provided in respect of children.

(4) The Governor-General may, by Order in Council, prescribe, for the purposes of paragraph (h) of the definition of prescribed State service in subsection (1), other instruments of the Crown in respect of the Government of New Zealand (whether departments, corporations, agencies, or other instruments), being instruments of that kind that are neither—

(a) Health New Zealand; nor

(b) school boards.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 15(1) **board**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 15(1) **board**: amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 15(1) **child**: replaced, on 14 July 2017, by section 7 of the Vulnerable Children Amendment Act 2017 (2017 No 32).

Section 15(1) **DHB**: repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 15(1) **Health New Zealand**: inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 15(1) **Health New Zealand**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 15(1) **independent person**: amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 15(1) **Māori Health Authority**: repealed, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 15(1) **prescribed State service** paragraph (aaa): inserted, on 1 July 2024, by section 57 of the Integrity Sport and Recreation Act 2023 (2023 No 48).

Section 15(1) **school board**: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 15(1) **school board** paragraph (c): inserted, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Section 15(4)(a): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 15(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

16 Prescribed State services to adopt, report on, and require child protection policies

The chief executive of a prescribed State service must ensure that the service,—

(a) if, after the commencement (under section 2(1)) of this section, the service is or becomes a provider of children's services,—

(i) adopts, as soon as is practicable, a child protection policy; and

(ii) ensures that a copy of the policy is available on an Internet site maintained by or on behalf of the service; and

(iii) reviews the policy within 3 years of the date of its first adoption, or of its most recent review, under this section; and

(b) ensures that every contract, or funding arrangement, that after that commencement the chief executive or the service (in either case, acting on the Crown's behalf, or independently) enters into with an independent person requires the person as soon as is practicable to adopt (and to review in accordance with paragraph (a)(iii)) a child protection policy if, in the opinion of the chief executive of the State service,—

(i) the person is or becomes a provider of children's services; and

(ii) some or all of the contract or arrangement is about providing children's services; and

(c) reports in its annual report (under section 43 of the Public Finance Act 1989 or another enactment) on whether, or on the extent to which,—

(i) its operations have implemented any policy it is required to adopt under paragraph (a)(i); and

(ii) its contracts and funding arrangements have complied with paragraph (b).

17 Health New Zealand to adopt, report on, and require child protection policies

The board of Health New Zealand must—

(a) adopt, as soon as is practicable, a child protection policy; and

(b) ensure that a copy of the policy is available on an Internet site maintained by or on behalf of the board; and

(c) ensure that every contract, or funding arrangement, that after that commencement the board enters into with an independent person requires the person as soon as is practicable to adopt (and to review in accordance with paragraph (d)) a child protection policy if, in the opinion of the board,—

(i) the person is or becomes a provider of children's services; and

(ii) some or all of the contract or arrangement is about providing children's services; and

(d) review the policy within 3 years of the date of its first adoption, or of its most recent review, under this section; and

(e) report in its annual report (under section 150 of the Crown Entities Act 2004) on whether, or on the extent to which,—

(i) its operations have implemented the policy it is required to adopt under paragraph (a); and

(ii) its contracts and funding arrangements have complied with paragraph (c).

Section 17 heading: amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 17 heading: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 17: amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 17: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 17(a): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

18 School boards to adopt and require child protection policies

Every school board must—

(a) adopt, as soon as is practicable after the commencement (under section 2(2) or (3)) of this section, a child protection policy; and

(b) ensure that a copy of the policy is available on the Internet site (if any) maintained by or on behalf of the board or is available on school premises if requested; and

(c) ensure that every contract, or funding arrangement, that after that commencement the board enters into with an independent person requires the person as soon as is practicable to adopt (and to review in accordance with paragraph (d)) a child protection policy if, in the opinion of the board,—

(i) the person is or becomes a provider of children's services; and

(ii) some or all of the contract or arrangement is about providing children's services; and

(d) review the policy within 3 years of the date of its first adoption, or of its most recent review, under this section.

19 Content of child protection policy

Every child protection policy required by this Part must—

(a) apply to the provision of children's services by the service, board, or independent person that adopts the policy; and

(b) be written, and contain provisions (whether or not it contains provisions on any other matter or matters) on the identification and reporting of child abuse and neglect in accordance with section 15 of the Oranga Tamariki Act 1989.

Section 19(b): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

20 Effect of child protection policy

A child protection policy does not—

(a) create legal rules; or

(b) create any legal right enforceable in a court of law; or

(c) affect or limit the way in which a chief executive or other person is required to exercise a statutory power of decision; or

(d) affect the interpretation of any enactment or the operation of a rule of law.

Section 20: replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 3
Children's worker safety checking

21 Purpose of this Part

The purpose of this Part is to reduce the risk of harm to children by requiring people employed or engaged in work that involves regular or overnight contact with children to be safety checked.

22 Application to Crown

(1) A Crown organisation (as defined in the Crown Organisations (Criminal Liability) Act 2002) may be prosecuted for an offence against this Part only if—

(a) the offence is alleged to have been committed by the Crown organisation; and

(b) the proceedings are commenced—

(i) against the Crown organisation in its own name and the proceedings do not cite the Crown as defendant; and

(ii) in accordance with the Crown Organisations (Criminal Liability) Act 2002.

(2) However, section 8(4) of the Crown Organisations (Criminal Liability) Act 2002 (which provides that a court may not sentence a Crown organisation to pay a fine in respect of certain offences) does not apply in respect of offences under this Part, and the reference in section 12 of that Act to reparation, compensation, or costs must be taken to include a reference to any fine imposed as a consequence of a prosecution for an offence under this Part.

23 Interpretation

(1) In this Part, unless the context otherwise requires,—

child has the meaning given in section 15

children's worker 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

core worker means a children's worker whose work in or providing a regulated service requires or allows that, when the person is present with a child or children in the course of that work, the person—

(a) is the only children's worker present; or

(b) is the children's worker who has primary responsibility for, or authority over, the child or children present

key agency means any of the following:

(a) the Ministry of Social Development:

(b) the Ministry of Health:

(c) the Ministry of Education:

(d) the Ministry of Justice:

(e) the department responsible for the administration of the Oranga Tamariki Act 1989

local authority means a local authority, as defined in section 2(1) of the Local Government Official Information and Meetings Act 1987, to which Parts 1 to 6 of that Act apply

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Part

non-core worker means a children's worker who is not a core worker

regulated service means a service identified in Schedule 1

safety checked, in relation to a person at a particular time, means that a safety check that complies with section 31 has been completed for the person within the previous 3 years

screening service means a person or organisation that carries out, on behalf of a specified organisation, all or any part of a safety check of children's workers

specified offence means an offence identified in Schedule 2

specified organisation has the meaning given in section 24

State services has the meaning given in section 5 of the Public Service Act 2020

work means work that is—

(a) paid work; or

(b) unpaid work that is undertaken as part of an educational or vocational training course.

(2) A person's work involves **regular or overnight contact** with children if—

(a) the person has contact (other than merely incidental contact) with a child or children—

(i) overnight; or

(ii) at least once each week; or

(iii) on at least 4 days each month; and

(b) that contact is any of the following kinds:

(i) physical contact:

(ii) oral communication, whether in person or by telephone:

(iii) communication through any electronic medium, including by way of writing or visual images.

Section 23(1) **key agency** paragraph (e): inserted, on 14 July 2017, by section 8 of the Vulnerable Children Amendment Act 2017 (2017 No 32).

Section 23(1) **State services**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

24 Specified organisation defined

(1) In this Part, **specified organisation** means any of the following that employs or engages a children's worker to perform a regulated service:

(a) any of the State services:

(b) an individual or organisation that is funded (whether wholly or partly and whether directly or indirectly) by a State service to provide regulated services:

(c) on and after the date that is 2 years after the date on which this Part comes into force (or any earlier date specified in regulations made under section 33(1)(b)),—

(i) local authorities; and

(ii) individuals and organisations that are funded (whether wholly or partly and whether directly or indirectly) by a local authority to provide regulated services:

(d) a sponsor as defined in section 10(1) of the Education and Training Act 2020.

(2) Despite subsection (1), an individual or organisation is not a specified organisation if it is declared by regulations made under section 33(1)(c) not to be a specified organisation for the purposes of this Part.

(3) Despite subsection (1), the following are not specified organisations:

(a) an individual (**person A**) who, in relation to a child (**child A**),—

(i) is a parent or guardian, or has the care, of child A; and

(ii) receives funding (directly or indirectly) from a specified organisation for the purpose of securing the provision of particular regulated services to child A:

(b) an organisation that does not (except as provided in subparagraph (i) or (ii)) receive funding, directly or indirectly, from a specified organisation to provide specified regulated services, but—

(i) is paid by person A to provide some or all of the particular regulated services to child A; or

(ii) receives funding, pursuant to an entitlement of person A, to provide some or all of the particular regulated services to child A.

Section 24(1)(d): inserted, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Obligations of specified organisations

25 Safety checks of new children's workers

(1) A specified organisation must not employ or engage a person as a children's worker without ensuring that a safety check of the person that complies with section 31 is completed before the employment or engagement commences.

(2) The obligation in subsection (1) applies,—

(a) with respect to core workers, to employment or engagement that commences on or after the date on which this Part comes into force; and

(b) with respect to non-core workers, to employment or engagement that commences on or after the date that is 1 year after the date on which this Part comes into force.

(3) A specified organisation that, in relation to a person whom it employs or engages as a children's worker, fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000.

26 Safety checks of existing children's workers

(1) A specified organisation must, on or before the applicable date set out in subsection (2), ensure that a safety check that complies with section 31 is completed of every children's worker who is employed or engaged by the organisation before that date and who it intends will still be employed or engaged by the organisation on that date.

(2) The applicable dates are as follows:

(a) in the case of a core worker, the date that is 3 years after the date on which this Part comes into force:

(b) in the case of a non-core worker, the date that is 4 years after the date on which this Part comes into force.

(3) However, a specified organisation need not comply with subsection (1) if the organisation is satisfied that a safety check of the person that complies with section 31 was completed within 3 years before the relevant date described in subsection (2).

(4) A specified organisation that, in relation to a children's worker whom it continues to employ or engage, fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000.

27 Periodic safety checks of children's workers

(1) A specified organisation must ensure that each children's worker whom it employs or engages is safety checked within 3 years after the date of the latest safety check of the person that complied with section 31.

(2) A specified organisation that, in relation to a children's worker whom it employs or engages, fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000.

28 Core worker convicted of specified offence not to be employed or engaged

(1) This section applies to a person who—

(a) has been convicted of a specified offence; and

(b) does not hold an exemption granted under section 35.

(2) On and after the date on which this Part comes into force, a specified organisation must not employ or engage a person to whom this section applies as a core worker.

(3) On and after the date that is 1 year after the date on which this Part comes into force, a specified organisation must not continue to employ or engage a person to whom this section applies as a core worker, regardless of when that worker commenced employment or was engaged, except as provided in this section.

(4) On and after the date referred to in subsection (3), if a specified organisation believes that a worker whom it employs or engages is a person to whom this section applies, the organisation must immediately—

(a) suspend the worker from all duties that require or enable him or her to act as a core worker; and

(b) specify the period of suspension, which must be not less than 5 working days (but may be extended from time to time); and

(c) tell the worker the reason for the suspension and the grounds for the organisation's belief; and

(d) advise the worker that he or she may respond to the information provided under paragraph (c).

(5) If a worker is suspended under subsection (4), the employer must not terminate the worker's employment or engagement until at least 5 working days after the suspension begins (unless the person's employment or engagement is terminated sooner for reasons unrelated to that suspension).

(6) During the period of suspension, the employer must continue to pay the worker on whatever basis would apply to the worker had he or she been suspended on the grounds of serious misconduct.

(7) At the end of the period of suspension, the employer must terminate the worker's employment or engagement as a core worker if the employer believes on reasonable grounds that the person is a person to whom subsection (1) applies.

(8) If a worker's employment or engagement is terminated under subsection (7),—

(a) no compensation or other payment is payable in respect of the termination, despite anything to the contrary in any contract or agreement; and

(b) the termination is deemed to be a justifiable dismissal for the purposes of Part 9 of the Employment Relations Act 2000.

(9) A specified organisation that contravenes subsection (2) or (3), knowing that, or being reckless as to whether, the person is a person to whom this section applies, commits an offence and is liable on conviction to a fine not exceeding $50,000.

(10) A specified organisation that contravenes subsection (4), (5), (6), or (7) commits an offence and is liable on conviction to a fine not exceeding $50,000.

(11) Subsection (8)(a) does not limit or affect the Wages Protection Act 1983.

Defences

29 Defence of taking all reasonable steps

It is a defence to a charge for an offence against any of sections 25 to 27 that the specified organisation took all reasonable steps to ensure that a safety check of the person that complied with section 31 was completed as required by the relevant section.

30 Defence relating to short-term emergencies

It is a defence to a charge for an offence against sections 25 to 28 that all the following conditions applied:

(a) the specified organisation considered that an emergency had occurred, or unexpected conditions had arisen, that increased the risks to any children to whom it provides regulated services:

(b) in order to reduce the risks to those children, the organisation employed or engaged additional children's workers:

(c) any of those children's workers who were not safety checked were employed or engaged by the specified organisation for no more than 5 consecutive working days.

Safety checks

31 Requirements of safety checks

(1) Every safety check of a person must comply with the requirements for safety checks for core workers or for non-core workers (as appropriate) prescribed by this section and by regulations made under section 32.

(2) Every safety check of a person must include—

(a) confirmation of the identity of the person, carried out as prescribed by regulations made under section 32; and

(b) consideration of specific information prescribed by regulations made under section 32; and

(c) a risk assessment, carried out as prescribed by regulations made under section 32, that assesses the risk the person would pose to the safety of children if employed or engaged as a children's worker.

(3) Despite anything in the Criminal Records (Clean Slate) Act 2004, nothing in that Act authorises the concealment of a conviction for a specified offence of a person who is subject to a safety check in relation to employment or engagement as a core worker, even if the person is otherwise deemed to have no criminal record.

Regulations

32 Regulations prescribing requirements for safety checks

(1) The Governor-General may, by Order in Council, make regulations prescribing requirements for safety checks, including the following:

(a) prescribing the way or ways in which a person's identity must be confirmed:

(b) prescribing the information that must be considered in the course of a safety check:

(c) prescribing the manner in which a risk assessment must be carried out, and the content of a risk assessment:

(d) providing that certain forms of checking undertaken by the licensing body of any specified profession or occupation may be treated as satisfying the requirement for safety checking, or for satisfying any 1 or more prescribed requirements for safety checking:

(e) prescribing forms for use in safety checking:

(f) providing for any other matter contemplated by or necessary for giving effect to the provisions of this Act that relate to the requirements for safety checking.

(2) Regulations made under this section may provide that different requirements relating to safety checking do, or do not, apply to or in respect of different—

(a) classes of children's worker; and

(b) specified organisations or classes of specified organisation.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 32(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

33 Other regulations

(1) The Governor-General may, by Order in Council, make regulations for any of the following purposes:

(a) amending (subject to subsections (2) and (3)) Schedule 1 by—

(i) adding any new regulated service; or

(ii) omitting any regulated service; or

(iii) correcting or updating the description of any regulated service:

(b) specifying a date (being a date earlier than 2 years after the date on which this Part comes into force) on which local authorities, and the individuals and organisations referred to in section 24(1)(c), become specified organisations:

(c) providing that individuals or organisations, or classes of individuals or organisations, are not specified organisations (but *see* subsection (4)):

(d) prescribing the process, not inconsistent with this Part, for applying for, granting, and revoking exemptions under section 35:

(e) prescribing the processes and requirements for approving screening services under section 40, and the process and grounds on which any approval may be suspended or cancelled:

(f) providing for any other matter contemplated by this Part, necessary for its administration, or necessary for giving it full effect.

(2) Regulations may be made under subsection (1)(a)(i) only in accordance with a recommendation by the Minister that he or she is satisfied that the service proposed to be added to Schedule 1 employs or engages, or is likely to employ or engage, children's workers and that the requirements of this Part relating to the checking of children's workers should apply.

(3) Regulations may be made under subsection (1)(a)(ii) only in accordance with a recommendation by the Minister that he or she is satisfied that omitting the regulated service from Schedule 1 will not result in undue risk to the safety of children.

(4) Regulations may be made under subsection (1)(c) only in accordance with a recommendation by the Minister that he or she is satisfied that providing that individuals or organisations, or classes of individuals or organisations, identified in the regulations are not specified organisations will not result in undue risk to the safety of children.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 33(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

34 Transitional provision relating to local authorities, etc

(1) In this section,—

original specified organisation means an organisation referred to in section 24(1)(a) or (b) (being an organisation that is a specified organisation on the date on which this section comes into force)

later specified organisation means an organisation that becomes a specified organisation at any time after this section comes into force.

(2) In order to enable the obligations in sections 25, 26, and 28 to apply to a later specified organisation in the same, staggered, way that those sections apply to original specified organisations, references in those sections to the date on which this Part comes into force must be treated as references to the date on which the organisation became a later specified organisation.

Exemption for workers convicted of specified offence

35 Exemption for certain individuals

(1) The chief executive of any key agency may grant an exemption under this section to a person who has been convicted of a specified offence.

(2) An exemption may be granted only if the chief executive is satisfied that the person would not pose an undue risk to the safety of children if employed or engaged as a core worker.

(3) An exemption may be qualified or contain conditions.

36 Application for exemption

(1) An application for an exemption must be made by way of a statutory declaration signed by the person to whom it relates and set out the following:

(a) the person's full name and contact details:

(b) in respect of each specified offence of which the person has been convicted—

(i) a description of the offence (eg, sexual violation under section 128B of the Crimes Act 1961); and

(ii) the date of conviction; and

(iii) any sentence imposed; and

(iv) the sentence expiry date (if any):

(c) whether the person is subject to any conditions imposed under—

(i) the Parole Act 2002; or

(ii) the Sentencing Act 2002; or

(iii) the Criminal Justice Act 1985:

(d) any other information prescribed by regulations made under section 33:

(e) any other information the applicant wishes to place before the chief executive to whom the application is sent.

(2) A chief executive who receives an application may, with the agreement of the chief executive of a different key agency, refer the application to that other chief executive for decision.

(3) Before making a decision on an application, a chief executive must confirm—

(a) whether the person has previously applied for an exemption, and the outcome of that application; and

(b) whether the person has ever had an exemption revoked.

Section 36(1)(c): replaced, on 17 December 2016, by section 109 of the Statutes Amendment Act 2016 (2016 No 104).

37 Revocation of exemption

(1) The chief executive of the key agency that granted an exemption may revoke it at any time without notice.

(2) A chief executive may revoke an exemption only if the chief executive—

(a) becomes aware that the person has been charged with, or convicted of, a specified offence; or

(b) is satisfied on reasonable grounds that the person would pose an undue risk to the safety of children if employed or engaged as a core worker.

38 Appeal against decision not to grant, or to revoke, exemption

A person whose application for an exemption has been declined, and a person whose exemption has been revoked, may appeal to the High Court against the decision not to grant the application, or to revoke it, as appropriate.

Monitoring compliance

39 Requirement to provide information to chief executives

(1) The chief executive of any key agency may, for the purpose of monitoring compliance with this Part, require any specified organisation to provide to the chief executive, in the manner and within the time specified, information about the safety checking of children's workers employed or engaged by the organisation.

(2) The chief executive of any key agency may exercise the power in subsection (3) only if he or she believes on reasonable grounds that the information required is necessary to prevent or lessen a serious threat to the safety of any child or children.

(3) The chief executive may require any specified organisation to provide details to the chief executive of any safety check done on a named person and the person's work history, including—

(a) how the person's identity was confirmed; and

(b) all information provided about the person in the course of the safety check; and

(c) the risk assessment of the person; and

(d) the date or dates on which the person has been employed or engaged by the organisation and the nature of the work that he or she is or has been engaged in.

Miscellaneous

40 Approval of screening services

(1) The chief executive of any key agency may approve a screening service to carry out specified aspects of safety checks.

(2) Every approval—

(a) must specify the aspects of a safety check that the screening service is approved to provide; and

(b) may specify which specified organisations, and which kind of children's worker, the screening services may be used in relation to.

(3) If regulations are made under section 33(1)(e), approval of a screening service may be given, and may be suspended or cancelled, only in accordance with the processes, requirements, and grounds set out in those regulations.

(4) Notice of every approval, and of every suspension or cancellation, must be given in the *Gazette*.

41 Prosecution of offences

(1) A charging document for an offence against any provision of this Part may be filed by the chief executive of any key agency other than the Ministry of Justice.

(2) However, a chief executive may not file a charging document in respect of a specified organisation that is the key agency of which he or she is the chief executive.

Consequential amendments to other enactments

42 Amendments to Crown Organisations (Criminal Liability) Act 2002

(1) This section amends the Crown Organisations (Criminal Liability) Act 2002.

(2) After section 6(1)(d), insert:

(e) an offence against Part 3 of the Vulnerable Children Act 2014.

(3) In section 7(a), replace "or the Resource Management Act 1991" with "the Resource Management Act 1991, or Part 3 of the Vulnerable Children Act 2014".

43 Amendment to Sentencing Act 2002

(1) This section amends the Sentencing Act 2002.

(2) In section 4(4), replace "or the Resource Management Act 1991," with "the Resource Management Act 1991, or Part 3 of the Vulnerable Children Act 2014,".

44 Amendment to Criminal Records (Clean Slate) Act 2004

(1) This section amends the Criminal Records (Clean Slate) Act 2004.

(2) In section 6(1), after "The clean slate scheme applies", insert "(except as provided in section 31(3) of the Vulnerable Children Act 2014)".

Schedule 1AA
Transitional, savings, and related provisions

s 2A

Schedule 1AA: inserted, on 21 December 2018, by section 9 of the Children's Amendment Act 2018 (2018 No 58).

Part 1
Children's Amendment Act 2018

1 Strategy

A strategy is required by section 6 to be adopted before the first anniversary of the day on which the Children's Amendment Act 2018 comes into force.

2 Annual report on progress in achieving strategy's outcomes

(1) The annual report is required by section 7B only for and after the first full financial year after the date of the strategy's first adoption under section 6.

(2) However, the first annual report under section 7B may (as well as covering that first full financial year) also cover a period—

(a) on or after the date of the strategy's first adoption under section 6; and

(b) before that full financial year.

Schedule 1
Regulated services

s 23

The following are regulated services for the purposes of Part 3:

Welfare, support, and justice services

(1) 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 co-ordinator or youth justice co-ordinator:

(2) 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):

(3) services provided by any person, organisation, or body approved under section 396 or 403 of the Oranga Tamariki Act 1989:

(4) 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—

(i) the department responsible for the administration of the Oranga Tamariki Act 1989; or

(ii) any other person, organisation, or body:

(5) 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:

(6) services provided at prisons, secured facilities, and children's health camps:

(7) services provided as part of a condition of bail made under the Bail Act 2000:

(8) services and facilities of the kind referred to in sections 4(1)(a) and 7(2)(b)(i) of the Oranga Tamariki Act 1989:

(9) social or support services, including (but not limited to) victim support services, drug and alcohol rehabilitation services, and childcare services:

(10) mentoring and counselling services:

(11) youth services and youth work:

(12) participating in a telephone communication service that is likely to be used wholly or mainly by children:

(13) 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):

(14) services provided to escort, track, or transport children for the purposes of the Oranga Tamariki Act 1989:

(15) out-of-school care and recreational services:

Health services

(16) services provided at a public hospital:

(17) services provided at a publicly funded medical practice or facility, including blood and cancer centres, treatment centres, outreach clinics, and mental health services:

(18) services provided through medical practices belonging to primary health organisations (PHOs):

(19) services provided by health practitioners:

(20) Well Child Tamariki Ora (WCTO) services (eg, Plunket):

(21) home-based disability support services:

(22) residential disability support services:

(23) ambulance services:

(24) maternity services, including lead maternity carers and midwives:

Education services

(25) services provided at a registered school (as defined in section 10(1) of the Education and Training Act 2020):

(26) services provided at an early childhood service (as defined in section 10(1) of the Education and Training Act 2020):

(27) services provided by a trades academy, a service academy, or an alternative education provider for or on behalf of a school:

(28) 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:

(29) services provided to ensure enrolment and attendance at school in accordance with sections 35 and 36 of the Education and Training Act 2020:

(30) services provided at a playgroup (as defined in section 10(1) of the Education and Training Act 2020):

(31) 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):

(31A) services provided at a hostel (as defined in section 10(1) of the Education and Training Act 2020):

(31B) services provided at student accommodation (as defined in section 10(1) of the Education and Training Act 2020):

Transport services

(32) work driving a vehicle that is being used only for the purpose of conveying children and any persons supervising or caring for the children (for instance, school bus services):

Policing services

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

Local authority services

(34) social and support services, including (but not limited to) mentoring and counselling services and community outreach, advocacy, and engagement services:

(35) education services, including (but not limited to) learn-to-swim programmes and digital literacy programmes:

(36) services provided at community facilities, including (but not limited to) sports and recreation centres, libraries, swimming pools, galleries, and community centres:

(37) services provided in public environments, including (but not limited to) surf and beach patrols, skate park guardians, and road safety co-ordinators.

Schedule 1 heading: inserted, on 1 September 2016, by regulation 6 of the Vulnerable Children (Specified Organisations and Regulated Services) Regulations 2016 (LI 2016/164).

Schedule 1 item 1: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 item 2: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 item 3: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 item 4: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 item 4(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 item 5: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 item 8: amended, on 14 July 2017, by section 9 of the Vulnerable Children Amendment Act 2017 (2017 No 32).

Schedule 1 item 8: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 item 14: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 item 25: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 1 item 25: amended, on 1 May 2018, by regulation 4(1) of the Vulnerable Children (Regulated Services) Regulations 2018 (LI 2018/45).

Schedule 1 item 26: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 1 item 26: amended, on 1 May 2018, by regulation 4(2) of the Vulnerable Children (Regulated Services) Regulations 2018 (LI 2018/45).

Schedule 1 item 27: amended, on 1 May 2018, by regulation 4(3) of the Vulnerable Children (Regulated Services) Regulations 2018 (LI 2018/45).

Schedule 1 item 28: amended, on 1 May 2018, by regulation 4(5) of the Vulnerable Children (Regulated Services) Regulations 2018 (LI 2018/45).

Schedule 1 item 29: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 1 item 30: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 1 item 31A: inserted, on 1 May 2018, by regulation 4(6) of the Vulnerable Children (Regulated Services) Regulations 2018 (LI 2018/45).

Schedule 1 item 31A: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 1 item 31B: inserted, on 1 August 2022, by section 76 of the Education and Training Amendment Act 2022 (2022 No 38).

Schedule 1 item 34: inserted, on 1 September 2016, by regulation 6 of the Vulnerable Children (Specified Organisations and Regulated Services) Regulations 2016 (LI 2016/164).

Schedule 1 item 35: inserted, on 1 September 2016, by regulation 6 of the Vulnerable Children (Specified Organisations and Regulated Services) Regulations 2016 (LI 2016/164).

Schedule 1 item 36: inserted, on 1 September 2016, by regulation 6 of the Vulnerable Children (Specified Organisations and Regulated Services) Regulations 2016 (LI 2016/164).

Schedule 1 item 37: inserted, on 1 September 2016, by regulation 6 of the Vulnerable Children (Specified Organisations and Regulated Services) Regulations 2016 (LI 2016/164).

Schedule 2
Specified offences

s 23

1 An offence against any of the following sections of the Crimes Act 1961 is a specified offence for the purpose of Part 3:

(1) section 98 (dealing in slaves):

(2) section 98AA (dealing in people under 18 for sexual exploitation):

(2A) section 124A (indecent communication with young person under 16):

(3) section 128B (sexual violation):

(4) section 129 (attempted sexual violation and assault with intent to commit sexual violation):

(5) section 129A (sexual conduct with consent induced by certain threats):

(6) section 130 (incest):

(7) section 131 (sexual conduct with dependent family member):

(8) section 131B (meeting young person following sexual grooming, etc):

(9) section 132 (sexual conduct with child under 12):

(10) section 133 (indecency with girl under 12):

(11) section 134 (sexual conduct with young person under 16):

(12) section 135 (indecent assault):

(13) section 138 (sexual exploitation of person with significant impairment):

(14) section 139 (indecent act between woman and girl):

(15) section 140 (indecency with boy under 12):

(16) section 140A (indecency with boy between 12 and 16):

(17) section 141 (indecent assault on man or boy):

(18) section 142A (compelling indecent act with animal):

(19) section 143 (bestiality):

(20) section 144A (sexual conduct with children and young people outside New Zealand):

(21) section 144C (organising or promoting child sex tours):

(22) section 154 (abandoning child under 6):

(22A) section 171A (manslaughter by strike to head or neck):

(23) section 172 (punishment of murder):

(24) section 173 (attempt to murder):

(25) section 177 (punishment of manslaughter):

(26) section 178 (infanticide):

(27) section 182 (killing of unborn child):

(28) section 188 (wounding with intent):

(28A) section 188A (wounding with intent by strike to head or neck):

(29) section 189(1) (injuring with intent to cause grievous bodily harm):

(30) section 191 (aggravated wounding or injury):

(31) section 194(a) (assault on child):

(32) section 195 (ill-treatment or neglect of child or vulnerable adult):

(33) section 195A (failure to protect child or vulnerable adult):

(34) section 198 (discharging firearm or doing dangerous act with intent):

(35) section 204A (female genital mutilation):

(36) section 204B (further offences relating to female genital mutilation):

(37) section 208 (abduction for purposes of marriage or sexual connection):

(38) section 209 (kidnapping):

(39) section 210 (abduction of young person under 16).

Schedule 2 clause 1(2A): inserted, on 7 May 2015, by section 4 of the Vulnerable Children (Children's Worker Safety Checking—Indecency Offence) Amendment Act 2015 (2015 No 46).

Schedule 2 clause 1(22A): inserted, on 8 August 2026, by section 40 of the Crimes Amendment Act 2026 (2026 No 50).

Schedule 2 clause 1(28A): inserted, on 8 August 2026, by section 40 of the Crimes Amendment Act 2026 (2026 No 50).

Schedule 2 clause 1(31): replaced, on 17 December 2016, by section 110 of the Statutes Amendment Act 2016 (2016 No 104).

2 An offence that is equivalent to an offence against any section of the Crimes Act 1961 referred to in clause 1, but that was committed against a provision of the Crimes Act 1961 that has been repealed, is a specified offence.

3 An attempt to commit any offence referred to in clause 1 or 2, where the offence is not itself specified as an attempt and the provision does not itself provide that the offence may be completed on an attempt, is a specified offence.

4 A conspiracy to commit any offence referred to in clause 1 or 2 is a specified offence.

4A An accessory after the fact to any offence referred to in clause 1 or 2 is a specified offence.

Schedule 2 clause 4A: inserted, on 14 July 2017, by section 10 of the Vulnerable Children Amendment Act 2017 (2017 No 32).

5 An offence against any of the following sections of the Films, Videos, and Publications Classification Act 1993 is a specified offence for the purpose of Part 3:

(a) section 124 (offences relating to objectionable publications, involving knowledge):

(b) section 127(4) (exhibition to persons under 18):

(c) section 131A (offences relating to possession of objectionable publications, involving knowledge).

6 An offence against section 390 of the Customs and Excise Act 2018 is a specified offence for the purpose of Part 3.

Schedule 2 clause 6: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Notes

1 General

This is a consolidation of the Children's Act 2014 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

Crimes Amendment Act 2026 (2026 No 50): section 40

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34): section 25

Education and Training Amendment Act 2024 (2024 No 40): section 77

Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5): section 43

Integrity Sport and Recreation Act 2023 (2023 No 48): section 57

Children and Young People's Commission Act 2022 (2022 No 44): section 41

Education and Training Amendment Act 2022 (2022 No 38): section 76

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

Children's Amendment Act 2018 (2018 No 58)

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Vulnerable Children (Regulated Services) Regulations 2018 (LI 2018/45)

Vulnerable Children Amendment Act 2017 (2017 No 32)

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

Statutes Amendment Act 2016 (2016 No 104): Part 28

Vulnerable Children (Specified Organisations and Regulated Services) Regulations 2016 (LI 2016/164): regulation 6

Vulnerable Children Act Commencement Order 2015 (LI 2015/107)

Vulnerable Children (Children's Worker Safety Checking—Indecency Offence) Amendment Act 2015 (2015 No 46)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026