Version
as at 4 September 2026

Oranga Tamariki (Residential Care) Regulations 1996

(SR 1996/354)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 2nd day of December 1996

Present:
The Right Hon J B Bolger presiding in Council

Pursuant to section 447 of the Oranga Tamariki Act 1989, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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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.

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Regulations

1 Title and commencement

(1) These regulations may be cited as the Oranga Tamariki (Residential Care) Regulations 1996.

(2) These regulations shall come into force on 1 February 1997.

2 Interpretation

In these regulations, unless the context otherwise requires,—

absconding, in relation to a child or young person, means—

(a) the child or young person leaves or is taken without authority from a residence; or

(b) the child or young person refuses or neglects to return to a residence

the Act means the Oranga Tamariki Act 1989

admission register means the admission register maintained in each residence pursuant to regulation 52

authorised person means a person approved by the chief executive under regulation 14C(1)

authorised prescriber has the meaning given in section 2(1) of the Medicines Act 1981

behaviour management programme means a programme—

(a) in which the behaviour of a child or young person in a residence is managed by a system of rewards and sanctions; and

(b) which is for the purpose of improving behaviour of that child or young person—

(i) that is anti-social; or

(ii) that is or may be harmful to the proper development of that child or young person

care plan means a plan formulated in accordance with regulation 3(2)

chief executive means the chief executive of the responsible department

community liaison committee means a committee established under regulation 34

complaints register means the register of complaints required to be maintained in each residence pursuant to regulation 55

daily log means the daily log maintained in each residence pursuant to regulation 54

dentist means a health practitioner who is, or is deemed to be, registered with the Dental Council established by section 114(2) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of dentistry

Director-General of Health means the chief executive of the Ministry of Health

emergency management plan means a plan relating to the management of emergencies affecting the residence prepared in accordance with regulation 33

grievance panel means a grievance panel appointed under regulation 29

grievance procedure, in relation to a residence, means the grievance procedure operative in that residence pursuant to regulation 15

injectable emergency medication means any medication approved under regulation 14C(2)

lay advocate does not include any person who is a barrister or a solicitor

mail includes—

(a) a facsimile communication; and

(b) electronic mail

manager means the person for the time being in charge of a residence

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

member of staff, in relation to a residence, means every person employed as a member of the staff of the residence; and includes the manager of the residence

National Code of Practice means the National Code of Practice for the time being in force pursuant to regulation 26

nurse—

(a) means a health practitioner who is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing whose scope of practice permits the performance of general nursing functions; but

(b) does not include a nurse who is employed in the residence principally or exclusively in any capacity other than as a nurse; and

(c) does not include a nurse practitioner

nurse practitioner has the meaning given in section 2(1) of the Medicines Act 1981

optometrist means a health practitioner who is, or is deemed to be, registered with the Optometrists and Dispensing Opticians Board continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of optometry

psychologist means a health practitioner who is, or is deemed to be, registered with the Psychologists Board continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of psychology

residence means a residence established pursuant to section 364 of the Act

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

school age, in relation to a child or young person, means an age at which the child or young person is required to be enrolled in a school under the Education and Training Act 2020

secure care, in relation to a child or young person in a residence, means containment in that residence within a locked room or enclosure with visible physical barriers

secure care unit, in relation to a residence, means the part of that residence that is for the time being designated under regulation 46 for the provision of secure care

security, in relation to a residence, means—

(a) the keeping safe of—

(i) the children and young persons in the residence and the members of staff of the residence; and

(ii) the residents of the community in which the residence is situated; and

(b) the prevention of absconding from the residence

security management plan means a plan relating to security of a residence prepared in accordance with regulation 32

social worker means a person employed by the responsible department as a social worker.

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

Regulation 2 **authorised person**: inserted, on 30 April 2026, by regulation 4(1) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 2 **authorised prescriber**: inserted, on 30 April 2026, by regulation 4(1) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 2 **chief executive**: inserted, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 2 **dentist**: inserted, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 2 **Director-General**: repealed, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 2 **Director-General of Health**: inserted, on 30 April 2026, by regulation 4(1) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 2 **injectable emergency medication**: inserted, on 30 April 2026, by regulation 4(1) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 2 **internal examination**: revoked, on 20 October 2000, by regulation 3 of the Children, Young Persons, and their Families (Residential Care) Amendment Regulations 2000 (SR 2000/205).

Regulation 2 **medical practitioner**: inserted, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 2 **nurse**: replaced, on 30 April 2026, by regulation 4(2) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 2 **nurse practitioner**: inserted, on 30 April 2026, by regulation 4(1) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 2 **optometrist**: inserted, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 2 **pat down search**: revoked, on 18 July 2002, by regulation 3 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 2 **psychologist**: inserted, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Regulation 2 **responsible department**: inserted, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 2 **scanner search**: revoked, on 18 July 2002, by regulation 3 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 2 **school age**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Regulation 2 **social worker**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Regulation 2 **social worker**: amended, on 1 October 1999, pursuant to section 11(6) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 2 **strip search**: revoked, on 18 July 2002, by regulation 3 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 2 **unauthorised item**: revoked, on 18 July 2002, by regulation 3 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Part 1
Rights of children and young persons in residences

General

3 Right to professional and planned standards of care

(1) Every child or young person in a residence is entitled to be afforded a high standard of professional care consistent with—

(a) the National Code of Practice; and

(ab) the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018; and

(b) the purposes and principles set out in sections 4A, 5, 13, and 208 of the Act (as inserted, substituted, or amended) by sections 10, 11, 16, and 101 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017; and

(c) any plan approved by a court for the child or young person under—

(i) section 128 or section 135 of the Act; or

(ii) section 335 of the Act; and

(d) in the absence of any such plan, any plan for the care of the child or young person—

(i) made or formulated by a family group conference under the Act; and

(ii) that the chief executive is required to give effect to under section 34 or section 268 of the Act; and

(e) a care plan for the child or young person formulated in accordance with subclause (2).

(2) The manager shall ensure that, for every child or young person in a residence (other than one who is likely to be in the residence for less than 5 days), there is formulated a plan for the care of the child or young person while he or she is in the residence.

(3) Every care plan formulated in respect of a child or young person shall—

(a) be prepared in consultation with,—

(i) the child or young person; and

(ii) where practicable, the parent or guardian (other than the chief executive) of the child or young person, or the person who would otherwise have the care of the child or young person:

(ab) be consistent with the other plan prepared for the child or young person under regulations 16 to 25 of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 and the requirements for that plan under those regulations:

(b) specify the objectives sought to be achieved for the child or young person while in the residence:

(c) contain details of the services and assistance and the programmes to be provided for the child or young person while in the residence:

(d) state the responsibilities of the child or young person:

(e) state personal objectives for the child or young person:

(f) state details of the contacts the child or young person ought to have with members of the child's or young person's family, whanau, or family group and how those contacts will be achieved:

(g) contain such other matters relating to the education, employment, recreation, and welfare of the child or young person as are relevant.

Regulation 3(1)(ab): inserted, on 1 July 2019, by regulation 4(1) of the Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112).

Regulation 3(1)(b): replaced, on 1 July 2019, by regulation 4(2) of the Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112).

Regulation 3(1)(d)(ii): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 3(3)(a)(ii): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 3(3)(ab): inserted, on 1 July 2019, by regulation 4(3) of the Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112).

4 Right to be informed of certain matters

(1) The manager of every residence shall ensure that the following matters are explained from time to time to every child or young person in the residence:

(a) the provisions of these regulations and sections 384A to 384K of the Act:

(b) the rules of the residence, and any punishments or sanctions that may be imposed for a breach of those rules:

(c) the grievance procedure operative in the residence for dealing with complaints by children or young persons in the residence, and the means by which a complaint may be lodged under that procedure:

(d) the provisions of the care plan formulated in respect of the child or young person.

(2) The explanation required by subclause (1) shall be given to a child or young person,—

(a) except for the explanation required by subclause (1)(d), on the admission of the child or young person to the residence; and

(b) from then on, at intervals of not more than 1 month; and

(c) at any other time, if the child or young person so requests.

(3) The explanation required by subclause (1) shall be given in such language (including a language other than English), and in such a manner, as is appropriate in the circumstances, having due regard to—

(a) the age of the child or young person; and

(b) his or her—

(i) ethnic or cultural background; and

(ii) capacity to understand what is being explained.

(4) A copy of the rules of the residence and the grievance procedure operative in the residence shall be given to a child or young person on the admission of the child or young person to the residence.

(5) A copy of these regulations and a copy of sections 384A to 384K of the Act shall be kept in every residence, and shall be made available for inspection by any child or young person in the residence, or any other person visiting the residence, who so requests.

(6) The manager of every residence shall ensure that there is displayed prominently in a public area of the residence—

(a) a notice referring to the existence of these regulations and sections 384A to 384K of the Act, and to their availability for inspection on request; and

(b) a copy of the rules of the residence; and

(c) a copy of the grievance procedure operative in the residence.

Regulation 4(1)(a): amended, on 18 July 2002, by regulation 4(1) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 4(5): amended, on 18 July 2002, by regulation 4(2) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 4(6)(a): amended, on 18 July 2002, by regulation 4(3) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

5 Right to use personal effects

(1) Subject to subclause (2), every child or young person in a residence is entitled to use his or her own personal effects and other articles for his or her own entertainment or recreation.

(2) Any member of staff of the residence may seize any personal effect or other article belonging to, or in the possession of, any child or young person in that residence if that member of staff believes, on reasonable grounds, that the personal effect or article—

(a) could be harmful to that child or young person or to any other person in that residence; or

(b) is being used in a manner or to an extent that is not consistent with the comfort and convenience of others; or

(c) may not lawfully be possessed by that child or young person; or

(d) could unreasonably interfere with—

(i) the management or security of the residence; or

(ii) any behaviour management programme or treatment programme applied to the child or young person.

(3) Any personal effect or article seized pursuant to subclause (2) that is of the kind referred to in paragraph (a) or paragraph (c) of that subclause may, after consultation with the child or young person,—

(a) subject to subclause (4), be destroyed, if the manager so directs; or

(b) be handed to a constable; or

(c) be dealt with under subclause (5); or

(d) be sent or delivered to the child's or young person's parent or guardian or any other person previously having the care of the child or young person.

(4) No direction given pursuant to subclause (3)(a) to destroy any personal effect or article shall be carried out,—

(a) unless the child or young person from whom it is seized is informed—

(i) of that direction; and

(ii) of the child's or young person's right to make a complaint about that direction under the grievance procedure; and

(b) until the child or young person has had a reasonable opportunity to make such a complaint; and

(c) if the child or young person makes such a complaint, until that complaint is determined or is sooner withdrawn.

(5) Any personal effect or article seized pursuant to subclause (2) shall, unless otherwise disposed of under subclause (3), be retained in the residence and returned to the child or young person—

(a) when he or she is discharged from the residence; or

(b) at such earlier time as the member of staff concerned, or the manager, thinks fit.

(6) Where any personal effect or article is seized by any member of staff of a residence pursuant to subclause (2), that member of staff shall record the details of the seizure, and the action taken, in the daily log.

(7) If there is any inconsistency between this regulation and the provisions of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018, this regulation prevails.

Regulation 5(3)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Regulation 5(7): inserted, on 1 July 2019, by regulation 5 of the Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112).

6 Right to wear own clothing and articles of adornment

(1) Subject to subclauses (5) to (7), every child or young person in a residence is entitled—

(a) to wear his or her own clothes if those clothes are adequate and suitable; and

(b) to wear his or her own articles of adornment.

(2) Every child or young person in a residence who does not have adequate and suitable clothes of his or her own shall be provided with adequate and suitable clothes to wear in the residence and on discharge from the residence.

(3) In determining, for the purposes of subclauses (1)(a) and (2), whether clothes are adequate and suitable for any particular child or young person, due regard shall be had to the personal preferences of that child or young person as to the style of clothes he or she wishes to wear.

(4) The clothes of any child or young person admitted to a residence may be removed, inspected, and, if necessary, cleaned before being returned to that child or young person.

(5) A child or young person in a residence may be required, during school hours, and at school functions outside school hours at which the wearing of school uniforms is required by the school,—

(a) to wear the school uniform of any school that he or she attends while at the residence; and

(b) to abide by the rules of that school in relation to the wearing of articles of adornment.

(6) Subclauses (2) to (6) of regulation 5 shall apply to any article of adornment belonging to or in the possession of a child or young person in the same manner and to the same extent as those subclauses apply to any other personal effects.

(7) No child or young person who is in secure care in a residence shall be required to wear any particular uniform, item of clothing, or other thing, which identifies that child or young person as being in secure care.

(8) If there is any inconsistency between this regulation and the provisions of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018, this regulation prevails.

Regulation 6(8): inserted, on 1 July 2019, by regulation 6 of the Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112).

7 Right to personal privacy

(1) No child or young person in a residence shall be required to be naked in the presence of any member of staff of the residence or any other person for any purposes other than—

(a) to undergo an examination by a medical practitioner, nurse practitioner, or nurse; or

(b) to enable that member of staff or other person to assist the child or young person to wash, perform bodily functions, and generally attend to the daily needs of that child or young person, where that child or young person is unable to attend to those matters unaided.

(2) Except where it is necessary to secure the safety of any child or young person, no child or young person in a residence shall be required to use a toilet in the presence of any other person.

(3) Where a child or young person in a residence is required to be naked, or to use a toilet, in the presence of a member of staff,—

(a) where practicable, that member of staff shall be of the same sex as the child or young person; and

(b) subject to subclause (4), details of that requirement shall be recorded in the daily log.

(4) Nothing in subclause (3)(b) applies where the requirement is of a kind that is—

(a) permitted by subclause (1)(b) or subclause (2); and

(b) contemplated by, and set out in, the child's or young person's care plan.

Regulation 7(1): amended, on 25 October 2025, by section 31(2) of the Responding to Abuse in Care Legislation Amendment Act 2025 (2025 No 57).

Regulation 7(1)(a): amended, on 30 April 2026, by regulation 5 of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 7(1)(a): amended, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

8 Meals

(1) No child or young person in a residence shall be required to eat meals separately from other children and young persons in that residence, unless the child or young person—

(a) needs to eat separately on account of illness or injury; or

(b) is in secure care and is confined to any room pursuant to regulation 48.

(2) Any requirement that a child or young person in a residence eat separately from other children or young persons in the residence shall be recorded in the daily log.

9 Right to be given instructions verbally

(1) Any direction, order, or other instruction given to any child or young person in a residence by any member of staff of the residence shall, where practicable, be given in words, and, except where it is necessary or appropriate that it be given in writing, shall be given orally.

(2) Nothing in subclause (1) prevents the use of any picture or graphic display for the purposes of explanation or instruction, including any explanation required to be given to any child or young person pursuant to regulation 4 or regulation 17(3) or regulation 18(4) or section 384F of the Act.

Regulation 9(2): amended, on 18 July 2002, by regulation 6 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

10 Rights to visits and communications with family and other persons

(1) Subject to subclauses (2) to (4), every child or young person in a residence shall be permitted at all reasonable times to receive visits from, and to communicate freely and (at the discretion of the manager) in private with, the following persons:

(a) any parent or guardian of that child or young person, or any person who would otherwise have the care of that child or young person:

(b) the members of the whanau or other culturally recognised family group of that child or young person:

(c) any person with whom that child or young person has formed a significant psychological attachment:

(d) any person in whose favour an order has been made under section 121 or section 313 of the Act granting access to that child or young person:

(e) the minister of religion, medical practitioner, nurse practitioner, psychologist, barrister or solicitor, or social worker, or any teacher, of that child or young person:

(f) any barrister or solicitor appointed under section 159 of the Act to represent the child or young person:

(g) any lay advocate appointed under section 163 or section 326 of the Act for the child or young person:

(h) any youth advocate appointed to represent the child or young person:

(i) any barrister or solicitor appointed under section 160 of the Act to assist the court in any proceedings relating to the child or young person:

(j) any care and protection co-ordinator or youth justice co-ordinator:

(k) any Ombudsman, or any member of staff of the Office of the Ombudsman:

(l) a Human Rights Commissioner, the Privacy Commissioner, the Children's Commissioner, the Health and Disability Commissioner, or any member of staff of their respective offices:

(m) any person involved in the operation of the grievance procedures established within the residence, including—

(i) an advocate nominated or appointed under regulation 16; and

(ii) any member of the grievance panel; and

(iii) any person conducting an investigation into a complaint made by the child or young person under the grievance procedure:

(n) any other person, unless visits from that person, or communication with that person, or both, are for the time being prohibited by the manager.

(2) In exercising the discretion referred to in subclause (1), the manager shall allow the child or young person to communicate with any such person in

private, unless the manager is satisfied that there is a good reason for not allowing such private communication.

(3) A child or young person shall not be permitted to receive visits from, or to communicate with, a person if contact with the child or young person would contravene the terms of any order made by any court of competent jurisdiction that prevents or restricts that person from having access to, or contact with, the child or young person.

(4) For the purposes of this regulation, **to communicate** includes to communicate by telephone, but nothing in this regulation requires the department to meet—

(a) the costs of any telephone call made to a child or young person in a residence; or

(b) any costs other than the costs of any telephone call made by a child or young person in a residence, where the telephone call—

(i) is made with the approval of the manager; and

(ii) is of a reasonable duration, as determined by the manager.

(5) The details of any refusal to permit a child or young person to communicate in private with any person, or to permit a child or young person to receive a visit from, or to communicate with, or to meet the costs of any telephone call to, any person, pursuant to this regulation, and the reasons for that refusal, shall—

(a) be given orally and, where practicable, in writing,—

(i) in the case of a refusal given to a child or young person in a residence, to that child or young person; and

(ii) in the case of a refusal given to any other person, to that person; and

(b) be recorded in the daily log.

Regulation 10(1)(e): amended, on 30 April 2026, by regulation 6 of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 10(1)(l): amended, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

Regulation 10(1)(l): amended, on 1 January 2002, by section 71(2) of the Human Rights Amendment Act 2001 (2001 No 96).

11 Rights to send and receive mail

(1) Subject to subclause (3) and to section 384B of the Act, every child or young person in a residence shall be permitted to send and to receive unopened mail.

(2) Every child or young person in a residence shall be provided with such materials (including the means to pay for postage), and such assistance, as may reasonably be necessary to enable the child or young person to exercise the right conferred by subclause (1).

(3) Nothing in subclause (2) requires the department to make available to any child or young person in a residence any computer or facsimile device for the purpose of sending or receiving any mail.

(4) The manager may intercept any mail intended to be sent by a child or young person in a residence and return it unopened to the child or young person, and shall also advise the child or young person of the reason for returning it, if that mail is addressed to a person—

(a) with whom a court has ordered the child or young person not to associate; or

(b) who is subject to an order or an interim order made under section 87 or section 88 of the Act restraining that person's conduct in respect of that child or young person; or

(c) whom the manager believes on reasonable grounds to be a person with whom it is undesirable for the child or young person to associate; or

(d) who was a victim of—

(i) an offence proved to have been committed by the child or young person; or

(ii) admitted or proven behaviour of the child or young person that would constitute an offence.

(5) Subclause (4) does not apply to any mail addressed to a person referred to in any of paragraphs (e) to (m) of regulation 10(1).

(6) The manager shall ensure that a record is made in the daily log of the details of the interception of any mail under subclause (4).

Regulation 11(1): amended, on 18 July 2002, by regulation 7 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

12 Right of access to services

Every child or young person in a residence shall have access to adequate legal, recreational, spiritual, and social services and facilities, having regard to the culture and background of that child or young person.

13 Right to educational and vocational training

(1) Every child or young person in a residence shall, where practicable, have access for not less than 5 hours per day (except on a Saturday, a Sunday, or on any day on which State schools in the district are normally closed),—

(a) in the case of children and young persons of school age, to educational activities both inside and outside the residence; or

(b) to vocational training opportunities outside the residence; or

(c) in the event that no such activities or opportunities are available, to regular, structured, learning activities facilitated by members of the staff of the residence.

(2) Every child or young person in a residence has the right to participate in regular social, recreational, sporting, and cultural activities for not less than 2 hours each day.

(3) Nothing in subclause (1)(a) applies to any child or young person who is—

(a) enrolled at and attending any school outside the residence; or

(b) attending any educational institution (other than a school), or any other educational or vocational training activity, outside the residence for an equivalent period (whether or not for the same number of hours each day).

(4) Nothing in this regulation applies to a child or young person who is detained in secure care.

14 Right to medical examinations and treatment

(1) Every child or young person in a residence is entitled to prompt, adequate, and appropriate health services and health care.

(2) Every child or young person in a residence is entitled to—

(a) be medically examined by a medical practitioner or nurse practitioner within 1 week after being admitted to a residence; and

(b) choose to specify whether the examination will be performed by a medical practitioner or nurse practitioner.

(3) No child or young person in a residence may be required to undergo any medical or dental examination or treatment without that child's or young person's consent, except—

(a) where, pursuant to any enactment or rule of law,—

(i) a parent or guardian of that child or young person; or

(ii) any person who has been acting in the place of a parent of the child or young person; or

(iii) a court or any Judge; or

(iv) the chief executive—

is authorised to and has consented to such examination or treatment on behalf of that child or young person; or

(b) pursuant to any enactment or rule of law whereby in any circumstances the consent of that child or young person to such examination or treatment is not required.

(4) No injection may be administered to a child or young person in a residence unless it is administered by—

(a) a medical practitioner; or

(b) a nurse practitioner; or

(c) a nurse—

(i) on, and in accordance with, the prescription of an authorised prescriber; or

(ii) in accordance with regulation 14B; or

(d) a dentist in connection with any dental treatment; or

(e) an authorised person in accordance with regulation 14A or 14B.

(5) No prescription medicine or restricted medicine may be administered to a child or young person in a residence unless that medicine is—

(a) both—

(i) prescribed for that child or young person by an authorised prescriber; and

(ii) administered in accordance with the directions of that authorised prescriber; or

(b) adrenaline that is administered in accordance with regulation 14B.

(6) In this regulation and regulations 14A to 14C,—

administer has the meaning given in section 2(1) of the Medicines Act 1981

prescription medicine and **restricted medicine** have the meanings given in section 3(3) of the Medicines Act 1981.

Regulation 14(2): replaced, on 30 April 2026, by regulation 7(1) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 14(3): amended, on 30 April 2026, by regulation 7(2) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 14(3)(a)(iv): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 14(4): replaced, on 30 April 2026, by regulation 7(3) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 14(5): replaced, on 30 April 2026, by regulation 7(4) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 14(6): replaced, on 30 April 2026, by regulation 7(5) of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

14A Administration of adrenaline, glucagon, or injectable emergency medication with prescription

An authorised person may administer an injection to a child or young person in a residence if—

(a) the injection is of—

(i) adrenaline; or

(ii) glucagon; or

(iii) an injectable emergency medication; and

(b) the injection has been prescribed to the child or young person by an authorised prescriber; and

(c) the authorised person believes on reasonable grounds that the child or young person is experiencing a medical emergency that is a serious and immediate risk to their life; and

(d) the injection is intended to treat that emergency until medical advice can be sought.

Regulation 14A: inserted, on 30 April 2026, by regulation 8 of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

14B Administration of adrenaline without prescription

(1) A person listed in subclause (2) may administer adrenaline by injection to a child or young person in a residence without a prescription if—

(a) the strength of the adrenaline means that it is a restricted medicine and not a prescription medicine; and

(b) the person administering the adrenaline believes on reasonable grounds that the child or young person is experiencing a medical emergency that is a serious and immediate risk to their life; and

(c) the injection of adrenaline is intended to treat that emergency until medical advice can be sought.

(2) For the purpose of subclause (1), the persons are—

(a) an authorised person:

(b) a medical practitioner:

(c) a nurse practitioner:

(d) a nurse:

(e) a dentist in connection with any dental treatment.

Regulation 14B: inserted, on 30 April 2026, by regulation 8 of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

14C Approval of authorised person and injectable emergency medication

(1) The chief executive may approve a person as an authorised person if—

(a) the person is a member of staff; and

(b) the person has received adequate training in the administration by injection of the relevant medication, including receiving refresher training at least once a year; and

(c) the approval is in relation to 1 or more of the following medications by injection:

(i) adrenaline:

(ii) glucagon:

(iii) an injectable emergency medication.

(2) The chief executive may approve an injection as an injectable emergency medication if—

(a) the injection is a prescription medicine or restricted medicine; and

(b) they have consulted—

(i) the chief executive of Health New Zealand; and

(ii) the Director-General of Health; and

(c) they have considered the advice of clinical experts on whether—

(i) any health risk could be caused by a member of staff administering that medicine; and

(ii) there would be a serious and immediate risk to the life of a child or young person if that medicine was not administered in a medical emergency.

(3) The chief executive must, as soon as practicable after approving an injection as an injectable emergency medication, publish notice of that approval on an internet site maintained by or on behalf of the department.

Regulation 14C: inserted, on 30 April 2026, by regulation 8 of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Grievances

15 Right of access to grievance procedure

(1) Every child or young person in a residence has a right,—

(a) to lodge a complaint under the grievance procedure operative in the residence; and

(b) except where the complaint is referred directly to the grievance panel, to have decisions made under the grievance procedure reviewed by a grievance panel.

(2) The manager of every residence shall ensure—

(a) that there is operative within the residence a grievance procedure for dealing with complaints by children and young persons in the residence; and

(b) that the procedure complies with the provisions set out in the Schedule; and

(c) that every child or young person for the time being in the residence has access to the procedure.

(3) If a complaint from a child or young person concerns the proposed imposition of a punishment or sanction on the child or young person, the complaint shall be treated as an objection to that punishment or sanction made under regulation 19, and subject to subclause (2)(c) of that regulation, that regulation rather than the grievance procedure shall apply to that objection.

16 Right to advocacy for grievance

(1) The manager of every residence shall establish procedures to ensure that any child or young person in the residence who makes a complaint under the grievance procedure operative in the residence has reasonable access to a person who may advocate for or represent the child or young person in relation to that complaint and who is—

(a) a barrister or solicitor or youth advocate appointed under section 159 or section 323 of the Act to represent the child or young person; or

(b) a person nominated by the child or young person.

(2) An advocate nominated by a child or young person under subclause (1)(b) may be—

(a) a member of the child's or young person's family, whanau, or family group:

(b) a kai awhina or kai arahi:

(c) a barrister or solicitor or youth advocate:

(d) any other person approved by the manager.

(3) The manager shall not refuse under subclause (2)(d) to approve any person nominated by a child or young person as an advocate unless the manager believes, on reasonable grounds, that the person—

(a) would, as advocate for the child or young person, have a conflict of interest with the child or young person in relation to the subject matter of the complaint; or

(b) has put himself or herself forward as an advocate predominantly for an interest or interests other than the interests of the child or young person; or

(c) would attempt, or be likely to attempt, to pervert the course of justice; or

(d) is, by the terms of any order made by any court of competent jurisdiction, prevented or restricted from having access to, or contact with, the child or young person.

(4) Where the manager refuses to approve a person nominated by the child or young person as an advocate, the child or young person shall be given the opportunity to nominate some other person as advocate.

(5) Any person acting as an advocate for a child or young person under this regulation shall be afforded reasonable assistance and access to records concerning the child or young person that are relevant to the complaint.

(6) Nothing in this regulation or in regulation 12 requires the department to pay or contribute to the costs or expenses of—

(a) any barrister or solicitor or youth advocate nominated by the child or young person under subclause (1)(b), if another barrister or solicitor

or youth advocate has been appointed to represent the child or young person under section 159 or section 323 of the Act; or

(b) any other person providing advocacy services to the child or young person on the complaint; or

(c) the child or young person, or his or her parent or guardian, or any other person, engaging any person to provide advocacy services to the child or young person on the complaint.

Part 2
Limitations on powers of punishment and discipline

17 Behaviour management programmes

(1) The manager of every residence shall notify the chief executive of—

(a) the commencement date and details of any behaviour management programme proposed for general use in that residence; and

(b) any decision to discontinue a behaviour management programme in general use at that residence.

(2) Every behaviour management programme shall comply with the National Code of Practice.

(3) Where it is proposed to apply any general or specific behaviour management programme to any child or young person in a residence, the manager shall ensure there is given to that child or young person an explanation of—

(a) that programme, including the behaviour expected of that child or young person under that programme; and

(b) any rewards and sanctions that may be used under that programme.

(4) The explanation required by subclause (3) shall be given in such language (including a language other than English), and in such a manner, as is appropriate in the circumstances, having due regard to the age of the child or young person, his or her ethnic or cultural background, and his or her capacity to understand what is being explained.

(5) Except as expressly provided by these regulations, nothing in this regulation permits anything expressly forbidden by these regulations.

Regulation 17(1): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

18 Punishments and sanctions

(1) The chief executive may from time to time, in respect of any residence, issue to the manager a written notice prescribing—

(a) the punishments that members of staff of the residence may impose on children and young persons in the residence; and

(b) the sanctions that may be used under behaviour management programmes at the residence.

(2) No member of staff of a residence shall punish or sanction any child or young person in the residence unless that punishment or sanction is—

(a) reasonable in all the circumstances; and

(b) one of the punishments or sanctions prescribed by the chief executive under subclause (1).

(3) Nothing in subclause (1) or subclause (2) authorises the imposition of any punishment or sanction that is prohibited by any of regulations 20 to 24.

(4) Before a member of staff of a residence imposes any punishment or sanction on a child or young person in the residence, that person shall explain to the child or young person, in a manner and in language that can be understood by the child or young person,—

(a) the reasons for the punishment or sanction; and

(b) the nature of the punishment or sanction; and

(c) where appropriate, the duration of the punishment or sanction; and

(d) the right of the child or young person to object to the imposition of the punishment or sanction, or to its nature or duration, or both.

(5) Any punishment or sanction imposed on a child or young person in a residence shall be administered in accordance with any standards set out in the National Code of Practice.

(6) Where any member of staff of a residence administers any punishment or sanction to a child or young person in the residence, that member of staff shall record in the daily log—

(a) the full name of the child or young person; and

(b) the name of the person who imposed the punishment or sanction; and

(c) the details of the punishment or sanction, including its nature and duration, and the reasons for its imposition.

Regulation 18(1): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 18(2)(b): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

19 Review of punishment or sanction

(1) Where any member of staff of a residence proposes to impose any punishment or sanction on a child or young person in the residence, and that child or young person objects to the imposition of that punishment or sanction or to its nature or duration, that member of staff shall—

(a) record in the daily log—

(i) the full name of the child or young person; and

(ii) the name of the person who proposes to impose the punishment or sanction; and

(iii) the details of the proposed punishment or sanction, including its nature and duration, and the reasons for its imposition; and

(iv) the substance of the child's or young person's objection; and

(b) forthwith refer the objection to,—

(i) the manager; or

(ii) where the manager is proposing to impose the punishment or sanction, the grievance panel; and

(c) inform the child or young person of his or her right to consult an advocate in relation to the objection.

(2) Where, pursuant to subclause (1), an objection to the imposition of any punishment or sanction, or to the nature or duration of any punishment or sanction, is referred to the manager or the grievance panel, the manager or, as the case requires, the grievance panel shall, as soon as reasonably practicable, review the proposed punishment or sanction, and may,—

(a) confirm, vary, or rescind the decision to impose the punishment or sanction; or

(b) rescind the decision to impose the punishment or sanction and substitute any other punishment or sanction that could have been imposed when that decision was made; or

(c) after consultation with the child or young person and his or her advocate (if any), treat the objection as a complaint to be dealt with under the grievance procedure operative in the residence under regulation 15.

(3) No punishment or sanction shall be administered to a child or young person while a determination of an objection under subclause (1) to that punishment or sanction is pending.

20 Corporal punishment not to be used

(1) No member of staff of a residence shall use physical force to punish any child or young person in the residence.

(2) No member of staff of a residence shall punish any child or young person in the residence by any means which requires that child or young person to adopt any particular physical position or to perform any excessive physical activity.

(3) In this regulation, **punish** includes applying a sanction.

21 Torture, cruelty, and inhuman, humiliating, or degrading discipline and treatment prohibited

No member of staff of a residence shall discipline or treat or speak to any child or young person in the residence in a manner which—

(a) inflicts on the child or young person any torture or cruelty, or is inhuman; or

(b) degrades or humiliates that child or young person; or

(c) is likely to induce an unreasonable amount of fear or anxiety in that child or young person.

22 Use of force in dealing with child or young person

(1) No member of staff of a residence shall use physical force in dealing with a child or young person in the residence unless that member of staff has reasonable grounds for believing that the use of physical force is reasonably necessary—

(a) in self defence, or in the defence of another person, or to protect that child or young person from injury; or

(b) to prevent that child or young person from damaging any property; or

(c) to prevent that child or young person from leaving the residence if not authorised to do so; or

(d) to secure the containment of that child or young person in secure care; or

(e) subject to section 384H of the Act, for the purpose of carrying out any search authorised by section 384C of the Act.

(2) Any person who uses physical force for any of the purposes referred to in subclause (1) shall—

(a) use no more than the minimum amount of force that is reasonably necessary in the circumstances; and

(b) record in the daily log the details of the use of such force, and of the circumstances giving rise to its use.

(3) No member of staff of a residence shall in any circumstances threaten to use physical force against any child or young person in the residence unless the actual use of physical force by that member of staff against that child or young person in those circumstances would be permissible pursuant to subclauses (1) and (2).

Regulation 22(1)(e): substituted, on 18 July 2002, by regulation 8(1) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 22(1)(e): amended, on 25 October 2025, by section 31(2) of the Responding to Abuse in Care Legislation Amendment Act 2025 (2025 No 57).

Regulation 22(2)(a): amended, on 18 July 2002, by regulation 8(2) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

23 Silence not to be used as punishment or sanction

No child or young person in a residence shall be required to remain silent for any period of time as a punishment or sanction.

24 Confinement to room restricted

(1) Subject to subclauses (2) and (3), no child or young person in a residence shall by way of punishment or sanction or otherwise be confined on his or her own in any room in that residence for any continuous period of more than 1 hour between the hours of 7 am and 8 pm each day.

(2) Where a child or young person is confined to his or her own room for a purpose other than punishment or sanction, the confinement under subclause (1) shall be for no longer than is necessary to fulfil that purpose.

(3) No child or young person in a residence shall at any time be locked in any room in that residence.

(4) Nothing in—

(a) subclause (1) applies to any child or young person who—

(i) is in secure care; or

(ii) is required, on account of illness or injury, to remain in any room in a residence:

(b) subclause (3) applies to any child or young person in secure care.

Part 3
Management and inspection of residences

General

25 Chief executive to provide facilities and training

It shall be the duty of the chief executive to provide—

(a) the facilities, equipment and personnel necessary to give effect to these regulations; and

(b) adequate training and resources to the staff of residences to enable them to carry out their functions and duties under these regulations.

Regulation 25 heading: amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 25: amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

26 National Code of Practice

(1) The chief executive shall cause to be prepared a National Code of Practice relating to the management of residences.

(2) The National Code of Practice shall—

(a) set out the philosophy of, and the objectives for, the care of children and young persons in residences; and

(b) set out the practices and procedures through which that philosophy is to be implemented and those objectives achieved; and

(c) set out appropriate standards to be met in the implementation of those practices and procedures, and the procedures for evaluating whether or not those standards are attained in each residence; and

(d) set out matters to be included in the security management and emergency management plans of residences; and

(e) be prepared having regard to, and shall contain provisions reflecting, the principles in sections 5, 6, 13, and 208 of the Act.

(3) The chief executive shall ensure that the National Code of Practice is reviewed from time to time at intervals of not more than 2 years.

Regulation 26(1): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 26(3): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

27 Professional standards of care to be provided in residences

(1) High standards of professional care consistent with the matters referred to in regulation 3(1) shall be provided at all times for children and young persons in residences.

(2) The relationship between members of the staff of a residence and the children and young persons in that residence shall be maintained on a professional basis, having due regard for the well-being, culture, and needs of those children and young persons, and to the need to ensure their proper care and control.

28 Compliance with regulations

(1) The manager of every residence shall—

(a) monitor the compliance with these regulations in that residence; and

(b) establish appropriate procedures by which that monitoring may be carried out.

(2) Every member of staff of a residence shall comply with every obligation expressly or impliedly imposed on him or her by these regulations.

Grievance panels

29 Grievance panels

(1) There shall be a grievance panel for every residence.

(2) Every grievance panel shall consist of 3 persons appointed by the Minister on the nomination of the chief executive made after consultation with—

(a) the Principal Youth Court Judge; and

(b) the Principal Family Court Judge; and

(c) the Children's Commissioner.

(3) In appointing members of a grievance panel for a residence, the Minister shall, so far as practicable, appoint persons who are, by reason of personality, cultural background, training, and experience, suitable to act as members of a grievance panel and able to relate to children and young persons.

(4) Every grievance panel shall include at least 1 member who is a member of the tangata whenua of the area in which the residence for which the panel is appointed is situated.

Regulation 29(2): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 29(2)(c): replaced, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

30 Further provisions relating to membership of grievance panels

(1) Every member of a grievance panel—

(a) shall hold office at the Minister's pleasure; and

(b) may be paid, out of the department's Bank Account from money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951; and that Act shall apply accordingly.

(2) No person who is appointed to be a member of a grievance panel shall by reason only of that appointment be deemed to be employed in the service of the Crown for the purposes of the Public Service Act 2020 or the Government Superannuation Fund Act 1956.

(3) The powers of a grievance panel are not affected by any vacancy in its membership.

Regulation 30(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

31 Functions and duties of grievance panels

(1) The grievance panel for a residence shall have the following functions:

(a) to conduct a review of the decision of the manager on any matter—

(i) that is the subject of a complaint by a child or young person in the residence in accordance with the grievance procedure; and

(ii) that has been referred to the grievance panel in accordance with that procedure:

(b) to monitor compliance with the grievance procedure:

(c) any other functions imposed on it by the grievance procedure:

(d) to review, in accordance with regulation 19, any punishment or sanction that the manager proposes to impose on a child or young person.

(2) In carrying out its functions, every grievance panel shall observe the principles of natural justice.

(3) Subject to these regulations, every grievance panel may regulate its own procedure.

(4) Every grievance panel shall report in writing to the persons set out in subclause (5) on—

(a) the reviews carried out by the panel during the previous quarter pursuant to the grievance procedure; and

(b) whether, in its opinion, there has been compliance with the grievance procedure, and the reasons for that opinion.

(5) The persons referred to in subclause (4) are—

(a) the chief executive; and

(b) the Principal Youth Court Judge; and

(c) the Principal Family Court Judge; and

(d) the Children's Commissioner; and

(e) the Chief Ombudsman; and

(f) the Independent Monitor of the Oranga Tamariki System.

(6) Nothing in subclause (4) prevents a grievance panel from making a report on such other matters relating to its functions as it sees fit.

(7) Every report under subclause (4) shall be made not later than the 15th day of the month following the end of the quarter to which the report relates.

(8) Nothing in subclauses (4) and (7) prevents a grievance panel from making a report at any other time.

Regulation 31(5)(a): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 31(5)(d): replaced, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

Regulation 31(5)(e): inserted, on 1 May 2023, by section 78 of the Oversight of Oranga Tamariki System Act 2022 (2022 No 43).

Regulation 31(5)(f): inserted, on 1 May 2023, by section 78 of the Oversight of Oranga Tamariki System Act 2022 (2022 No 43).

Plans

32 Security management plan

(1) The manager of every residence shall be responsible for preparing and maintaining a security management plan in relation to the residence.

(2) Every security management plan shall be prepared in accordance with the requirements in that regard of the National Code of Practice, and shall include—

(a) details of the members of staff of the residence who are responsible for security in the residence and the reporting requirements on security matters:

(b) an identification of the security issues relating to the residence:

(c) written procedures to deal with such security issues:

(d) such other matters relating to the maintenance of the security of the residence as the manager thinks fit.

(3) The manager of every residence shall ensure that the security management plan is periodically reviewed at intervals of not more than 6 months.

33 Emergency management plan

(1) The manager of every residence shall be responsible for preparing and maintaining an emergency management plan in relation to the residence.

(2) Every emergency management plan shall be prepared in accordance with the requirements in that regard of the National Code of Practice, and shall include—

(a) a prioritised identification of hazards that could affect the residence:

(b) written procedures to deal with any such hazards, including procedures relating to the evacuation of children and young persons and staff from the residence:

(c) an emergency command structure:

(d) liaison and aid arrangements with emergency management personnel, Police, ambulance and fire services, and local authorities:

(e) such other matters relating to management of the residence in an emergency as the manager thinks fit.

(3) The manager of every residence shall ensure that—

(a) the emergency management plan is periodically reviewed at intervals of not more than 6 months; and

(b) evacuation and assembly exercises involving members of staff and children and young persons in the residence are carried out at least once every 3 months.

Regulation 33(2)(d): amended, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

Community liaison committee

34 Community liaison committee

(1) The manager of every residence shall establish a community liaison committee.

(2) In establishing a community liaison committee under subclause (1), the manager shall endeavour to ensure the committee has the following membership:

(a) 2 persons resident in and representative of the community in which the residence is situated:

(b) 2 persons appointed by the local authority having jurisdiction over the area in which the residence is situated:

(c) 2 persons representing the tangata whenua of the area in which the residence is situated:

(d) a constable:

(e) the manager of the residence, or a senior member of staff of the residence to attend meetings of the committee in the absence of the manager:

(f) a representative of the members of staff of the residence:

(g) a representative of the children and young persons in the residence:

(h) such other person or persons as the committee invites to be members of the committee.

(3) The manager shall—

(a) invite nominations for appointment to the committee, when establishing the committee, and from time to time when there is a vacancy in its membership; and

(b) appoint members of the committee (other than the members referred to in paragraph (b) or paragraph (c) or paragraph (h) of subclause (2)) from such nominations.

(4) The functions and powers of the committee shall not be affected by any vacancy in its membership.

(5) No person shall be entitled to any remuneration from the Crown by way of fees, allowances, travelling allowances or expenses, salary, wages or other remuneration in respect of his or her membership of the committee unless he or she is a person referred to in paragraph (d) or paragraph (e) or paragraph (f) of subclause (2).

Regulation 34(2)(d): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

35 Functions of community liaison committee

A community liaison committee shall have the following functions:

(a) to promote positive relationships between the residence and the surrounding community:

(b) to monitor the effects of the residence on the surrounding community:

(c) to monitor the effectiveness of the measures adopted to mitigate any adverse effects on the surrounding community:

(d) to monitor the effectiveness of the security management plan of the residence and to review abscondings from the residence:

(e) to review any changes to internal management practices at the residence in relation to specified actions designed to mitigate adverse effects on the community:

(f) to respond to concerns raised by residents of the surrounding community:

(g) to make recommendations to the manager on any of the matters referred to in paragraphs (a) to (f).

36 Meetings of community liaison committee

(1) Every community liaison committee shall meet at least 4 times a year at a venue provided by the chief executive.

(2) The committee shall from time to time appoint one of its members to be the chairperson of the committee.

(3) The chief executive shall furnish such secretarial services as are reasonably required for the committee to keep a record of its meetings.

Regulation 36(1): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 36(3): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Inspection of residences

37 Inspection of residences

(1) For the purposes of ensuring that the provisions of these regulations, the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018, and sections 384B to 384K of the Act are complied with, every residence shall be inspected at least once each calendar year by an employee of the department appointed for the purpose by the chief executive.

(2) An inspection under subclause (1) may be made upon reasonable notice to the manager of the residence, but nothing in this subclause requires any such notice to be given.

(3) The manager of a residence shall notify the children and young persons in the residence of any inspection about which he or she has received notice.

(4) Every person who inspects a residence under subclause (1) shall furnish a report in writing on that inspection to the chief executive, forthwith after making that inspection.

(5) Every such report shall contain—

(a) a statement as to whether, in the opinion of the person making the report, the provisions of these regulations, the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018, and sections 384B to 384K of the Act are being complied with in the residence; and

(b) details of any circumstances or matter in respect of which, in the opinion of that person, there has been a failure to comply with these regulations, the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018, or sections 384B to 384K of the Act; and

(c) any recommendations in relation to any such circumstances or matter.

(6) Every person who furnishes a report to the chief executive under subclause (4) in respect of a residence shall forthwith supply a copy of that report to the manager, and to the Children's Commissioner.

Regulation 37(1): amended, on 1 July 2019, by regulation 7(1) of the Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112).

Regulation 37(1): amended, on 18 July 2002, by regulation 9(1) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 37(1): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 37(4): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 37(5)(a): amended, on 1 July 2019, by regulation 7(2) of the Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112).

Regulation 37(5)(a): amended, on 18 July 2002, by regulation 9(2) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 37(5)(b): amended, on 1 July 2019, by regulation 7(2) of the Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112).

Regulation 37(5)(b): amended, on 18 July 2002, by regulation 9(3) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 37(6): amended, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

Regulation 37(6): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

38 Powers of person conducting inspection

(1) Every person appointed to inspect any residence under regulation 37 may, in the course of the inspection,—

(a) enter and inspect any part of the residence:

(b) observe and comment on the state and condition of any child or young person in the residence:

(c) communicate with—

(i) any child or young person in the residence; and

(ii) any member of staff of the residence; and

(iii) any other person whom the person inspecting the residence considers may be able to provide any relevant information:

(d) subject to subclause (4), examine any document or record that is held in the residence and that relates to any child or young person in the residence:

(e) subject to subclauses (4) and (5), require any member of staff of the residence to furnish such information or particulars as are reasonably necessary for the purpose of the inspection.

(2) No entry or inspection of the room or sleeping area assigned to a child or young person in the residence shall be made unless—

(a) the person inspecting the residence believes on reasonable grounds that the inspection cannot properly be carried out without making that entry or inspection; and

(b) prior notice of the inspection is given to the child or young person, in which the purpose of the inspection is explained; and

(c) the child or young person is present during the inspection.

(3) Nothing in—

(a) paragraphs (b) and (c) of subclause (2) applies where the child or young person is absent from the residence:

(b) subclause (2)(c) applies where compliance with its provisions would be impracticable because the child or young person is ill or is in secure care.

(4) Nothing in subclause (1)(d) or (e) permits any person to inspect any document, or requires the furnishing of any information, that records any communications between a child or young person and any person providing counselling to the child or young person.

(5) Where a requirement is made under subclause (1)(e), the member of staff concerned shall have the same privileges in relation to the furnishing of information or particulars and the answering of questions as witnesses have in courts of law.

Part 4
Searches

39 Inspection of mail

(1) The manager of a residence may exercise the powers in subclause (2) when causing an inspection of mail to be undertaken under section 384B of the Act.

(2) The powers referred to in subclause (1) are—

(a) the manager may require the mail to be opened, or, in the case of a facsimile or electronic mail, read, by the child or young person in the presence of a member of staff of the residence, or by a member of staff of the residence, or by a member of staff of the residence in the presence of the child or young person; and

(b) if the mail contains any such article, drug, substance, or material, the member of staff may seize that article, drug, or substance, or that material.

(3) Any article, drug, substance, or material seized pursuant to this regulation may, after consultation with the child or young person,—

(a) subject to subclause (5), be destroyed, if the manager so directs; or

(b) be handed to a constable; or

(c) be retained in the residence and returned to the child or young person when he or she is discharged from the residence or at such earlier time as the member of staff concerned, or the manager, thinks fit.

(4) Nothing in subclause (1)—

(a) requires a child or young person to be present if any mail is believed on reasonable grounds to contain any explosive or destructive substance or device; or

(b) entitles a member of staff of a residence to read any mail intended to be sent or received by the child or young person unless,—

(i) he or she is invited to do so by the child or young person; or

(ii) because of the child's or young person's attitude or responses to a behaviour management programme or a treatment programme being applied to the child or young person, a member of staff believes on reasonable grounds that the mail is likely to contain material of the kind referred to in section 384B(c) or (d) of the Act.

(5) No direction given pursuant to subclause (3)(a) to destroy any article, drug, substance, or material intended to be sent or received by a child or young person shall be carried out,—

(a) unless the child or young person is informed—

(i) of that direction; and

(ii) of the child's or young person's right to make a complaint about that direction under the grievance procedure; and

(b) until the child or young person has had a reasonable opportunity to make such a complaint; and

(c) if the child or young person makes such a complaint, until that complaint is determined or is sooner withdrawn.

(6) The manager shall ensure that a record is made in the daily log of the details of—

(a) the inspection of any mail under subclause (2):

(b) the seizure of any article, drug, substance, or material under subclause (2)(b) and of the action taken in respect of it under subclause (3).

Regulation 39(1): substituted, on 18 July 2002, by regulation 10(1) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 39(3)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Regulation 39(4)(b)(ii): amended, on 18 July 2002, by regulation 10(2) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

40 Child or young person may be searched to detect unlawful or harmful items

[Revoked]

Regulation 40: revoked, on 18 July 2002, by regulation 11 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

41 Child or young person may be strip searched

[Revoked]

Regulation 41: revoked, on 18 July 2002, by regulation 11 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

42 Internal examinations

[Revoked]

Regulation 42: revoked, on 20 October 2000, by regulation 6 of the Children, Young Persons, and their Families (Residential Care) Amendment Regulations 2000 (SR 2000/205).

43 Restrictions on searches and examinations

[Revoked]

Regulation 43: revoked, on 18 July 2002, by regulation 11 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

44 Use of dogs for searching

[Revoked]

Regulation 44: revoked, on 18 July 2002, by regulation 11 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

45 Power to seize articles, etc, found on search or examination

(1) Any article, drug, or substance found during any search or examination conducted under section 384C of the Act may be seized under section 384K(1) of the Act by a member of staff of the residence referred to in that section if either or both of the conditions set out in subclause (3)(a) or (b) applies to that article, drug, or substance.

(2) *[Revoked]*

(3) The conditions referred to in subclause (1) are that the member of staff believes, on reasonable grounds, that the article, drug, or substance—

(a) could be harmful to that child or young person or to any other person in the residence; or

(b) may not lawfully be retained in the possession of that child or young person.

(4) Any article, drug, or substance seized pursuant to subclause (1) may, after consultation with the child or young person,—

(a) subject to subclause (5), be destroyed, if the manager so directs; or

(b) handed to a constable; or

(c) retained in the residence and returned to the child or young person when he or she is discharged from the residence or at such earlier time as the member of staff concerned, or the manager, thinks fit; or

(d) returned to its rightful owner, if it belongs to some person other than the child or young person searched or examined.

(5) No direction given pursuant to subclause (4)(a) to destroy any article, drug, or substance shall be carried out,—

(a) unless the child or young person from whom it is seized is informed—

(i) of that direction; and

(ii) of the child's or young person's right to make a complaint about that direction under the grievance procedure; and

(b) until the child or young person has had a reasonable opportunity to make such a complaint; and

(c) if the child or young person makes such a complaint, until that complaint is determined or is sooner withdrawn.

(6) The manager shall ensure that a record is made in the daily log of the details of the seizure of any article, drug, or substance under subclause (1) and of the action taken in respect of it under subclause (4).

Regulation 45(1): substituted, on 18 July 2002, by regulation 12(1) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 45(1): amended, on 25 October 2025, by section 31(2) of the Responding to Abuse in Care Legislation Amendment Act 2025 (2025 No 57).

Regulation 45(2): revoked, on 18 July 2002, by regulation 12(2) of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

Regulation 45(4)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Part 5
Secure care

46 Areas for provision of secure care to be designated

The manager of every residence established for the purpose of section 364(2)(d) of the Act shall designate one part of the residence to be used for the provision of secure care, and every such part shall be indicated by signs or

other means so as to be readily identifiable to children and young persons in that residence.

47 Review of placement in secure care

(1) Subject to subclause (4), the member of staff of a residence who is for the time being in charge of the secure care unit in that residence shall review daily the case of every child or young person who is being kept in secure care in that residence in order to determine whether or not the child or young person should continue to be kept in secure care.

(2) At every daily review carried out pursuant to subclause (1), the child or young person to whom the review relates is entitled to be present at and to participate in that review.

(3) Subject to subclause (4), where a child's or young person's continued placement in secure care has been reviewed pursuant to subclause (1), that child or young person shall be discharged from secure care unless the member of staff of the residence who carried out that review certifies in the secure care register that he or she is satisfied—

(a) that—

(i) the ground specified in section 368 of the Act on which that child or young person was placed in secure care continues to apply; or

(ii) the continued placement of that child or young person in secure care is justified on the other ground specified in that section on which that child or young person might be placed in secure care; and

(b) that adequate management of that child or young person cannot reasonably be undertaken except in secure care.

(4) No child or young person for whose continued detention in secure care there is in force an approval granted under section 376 of the Act, or renewed under section 377 of the Act, shall be kept in secure care for a continuous period of more than 7 days unless, before the expiry of that period, the manager, or some other senior member of staff of the residence designated by the manager for that purpose,—

(a) has carried out a review of the case of the child or young person pursuant to subclause (1); and

(b) has certified in the secure care register that he or she is satisfied as to the matters on which a member of staff of the residence is required to be satisfied under subclause (3).

(5) Where any review is carried out under this regulation in respect of the continued detention of a child or young person in secure care, the details of the decision made, on that review, in respect of that detention shall be recorded in the secure care register.

48 Confinement to rooms of children and young persons in secure care

(1) No child or young person placed in secure care shall be confined in his or her own room between the hours of 8 am and 8 pm on any day unless such confinement is necessary—

(a) on account of any illness, injury, or extreme emotional disturbance suffered by that child or young person; or

(b) in any case of emergency, or in order to maintain and restore order in the residence; or

(c) in the case of a confinement between 5 pm and 8 pm on any day to enforce a sanction under a specific behaviour management programme being applied to the child or young person.

(2) Any confinement under subclause (1) shall be for no longer than is reasonably necessary for the purpose.

(3) The manager shall ensure that the details of the confinement of any child or young person in any room pursuant to subclause (1), and the reasons for it, are recorded in the daily log.

49 Contact with other children and young persons

Subject to regulation 48, every child or young person placed in secure care shall be permitted to communicate freely at all reasonable times between the hours of 8 am and 8 pm each day with any other child or young person placed in secure care.

50 Meals of children and young persons in secure care

(1) No child or young person placed in secure care shall be required to eat meals in his or her room unless the child or young person is confined to that room pursuant to regulation 48.

(2) No child or young person shall be required to eat meals in any room in which there is any toilet facility.

51 Range of planned, purposeful, and varied activities to be provided

(1) Subject to the need to maintain the security of the children and young persons in a residence placed in secure care, every child or young person placed in secure care, including a child or young person who is confined to any room pursuant to regulation 48, shall have access to a range of planned, purposeful, and varied activities which are designed to enhance the life skills, social skills, and competency skills of the child or young person.

(2) The activities specified in subclause (1)—

(a) shall include (where practicable) cultural, recreational, social, sporting, and educational activities; and

(b) shall be made available at all reasonable times during a child's or young person's placement in secure care.

Part 6
Records

52 Admission register

(1) Every residence shall maintain an admission register.

(2) The following particulars shall be entered in the admission register for every child or young person admitted to the residence:

- (a) the full name of the child or young person:
- (b) the date of birth of the child or young person:
- (c) if known, details sufficient to identify any iwi or tribal affiliations of the child or young person:
- (d) if known, details sufficient to identify any affiliations of the child or young person with any other ethnic or cultural group:
- (e) the authority for the admission, and, where appropriate, the name and office of the person authorising the admission:
- (f) if known, the date on which the child or young person is to be discharged from the residence:
- (g) if known or ascertainable, the full name, address, and contact telephone number of—
  - (i) any parent or guardian (other than the chief executive) of the child or young person; and
  - (ii) the person previously having the care of the child or young person:
- (h) the full name, address, and contact telephone number of any person whom the child or young person wishes to be notified concerning any significant matter affecting that child or young person which occurs in the residence.

Regulation 52(2)(g)(i): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

53 Personal files

(1) Every residence shall maintain a personal file for every child or young person admitted to the residence.

(2) Each personal file shall include the following information:

- (a) the authority for the admission to the residence of the child or young person:
- (b) particulars of the level of formal education attained by the child or young person:
- (c) particulars of any tribal, ethnic, or cultural affiliations of the child or young person:

(d) particulars of any religious belief and any church association of the child or young person:

(e) the name of the social worker involved with the child or young person before admission to the residence:

(f) the name, address, and contact telephone numbers of—

(i) any barrister or solicitor or youth advocate who represents the child or young person:

(ii) any lay advocate appointed under section 163 or section 326 of the Act for the child or young person:

(iii) the medical practitioner, nurse practitioner, dentist, and optometrist attending the child or young person:

(iv) any psychologist treating the child or young person:

(g) particulars of any illness or injury currently suffered by the child or young person and the prescribed treatment for it:

(h) particulars of any physical or other disability or handicap.

(3) Nothing in subclause (2) requires the inclusion, in any personal file, of any information that members of staff of the residence do not have available to them and which they cannot reasonably ascertain.

Regulation 53(2)(f)(iii): amended, on 30 April 2026, by regulation 9 of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 53(2)(f)(iii): amended, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

54 Daily log

(1) Every residence shall maintain a daily log.

(2) Brief details of the following matters shall be entered in the daily log:

(a) the arrival of any child or young person at the residence, and the departure of any child or young person from the residence:

(b) any illness or injury suffered by any child or young person in the residence:

(c) any serious breach of discipline or disruptive or destructive behaviour by a child or young person in the residence:

(d) the introduction of a child or young person in the residence to a behaviour management programme, and the removal of any child or young person from such a programme:

(e) any absconding by any child or young person from the residence, and the return of that child or young person to the residence:

(f) those matters the details of which are required by section 384I or section 384K of the Act or any of regulations 5(6), 7(3), 8(2), 10(5), 11(6), 18(6), 19(1), 22(2), 39(6), 45(6), 48(3):

(g) any other significant event occurring in the residence.

Regulation 54(2)(f): substituted, on 18 July 2002, by regulation 13 of the Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171).

55 Complaints register

(1) Every residence shall maintain a register of complaints made by children and young persons in the residence.

(2) The following particulars shall be entered in the register:

(a) the date (if any) on which a complaint form was issued to a child or young person in the residence:

(b) the name of the child or young person making the complaint:

(c) the date—

(i) on which the complaint was made by the child or young person (if that complaint was made other than by completion of a complaint form); or

(ii) on which a completed complaint form was received from a child or young person:

(d) an identifying number (being the number on the complaint form) assigned by the manager to the complaint:

(e) the name of the member of staff to whom the complaint was made (if the complaint was not made by the child or young person completing a complaint form):

(f) the date the child or young person was notified of receipt of the complaint by the manager or, as the case requires, the grievance panel:

(g) if the complaint is withdrawn by the child or young person, the date of that withdrawal:

(h) the action taken on the complaint by the manager and the date or dates of that action:

(i) the findings of the manager on the complaint:

(j) the date the child or young person is notified of those findings by the manager:

(k) whether the child or young person is satisfied or dissatisfied with those findings:

(l) the date (if any) on which the child or young person requested the complaint to be referred to the grievance panel:

(m) the date on which the manager referred the complaint to the grievance panel:

(n) the findings of the grievance panel on the complaint and the date of those findings:

(o) the date the child or young person was notified of those findings by the grievance panel or the manager.

56 Secure care register

(1) Every residence established for the purpose of section 364(2)(d) of the Act shall maintain a secure care register.

(2) The following particulars shall be entered in the secure care register for every child or young person in the residence placed in secure care:

(a) the full name of the child or young person and the age of that child or young person at the time of placement:

(b) the date and time of placement:

(c) the ground under section 368 of the Act for placing the child or young person in secure care, and the reasons in support of that ground:

(d) the full name, address, and contact telephone number of any person who is nominated by the child or young person for the purposes of section 369(1)(b) of the Act:

(e) the full name of each person who is notified under section 369 of the Act that the child or young person has been placed in secure care:

(f) details of the plan proposed for the child or young person while he or she is in secure care:

(g) the name of any medical practitioner, nurse practitioner, psychiatrist, psychologist, or other person providing specialist medical, psychiatric, psychological, or other services to the child or young person:

(h) the apparent physical and mental health of the child or young person at the time of the placement:

(i) such details as are required by regulation 47 to be certified or recorded in the secure care register:

(j) brief details of the decision of any court or, as the case may be, any Registrar on any application made under section 371 or section 372 or section 377 or section 379 or section 380 or section 383 of the Act for the detention of that child or young person in secure care:

(k) if known or ascertainable, the full name, address, and contact telephone number of—

(i) any parent or guardian (other than the chief executive) of the child or young person; and

(ii) any person previously having the care of the child or young person.

Regulation 56(2)(g): amended, on 30 April 2026, by regulation 10 of the Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63).

Regulation 56(2)(k)(i): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

57 Computerisation of records

Each of the types of record required to be maintained under this Part may be maintained in computerised form, but each type of record so maintained shall be separately identified within the computer system.

58 Access, use, and retention of records

(1) Each of the types of record required to be maintained under this Part shall be kept securely and treated as confidential subject to—

(a) any provision of the Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018 and any other enactment under or by virtue of which access may be obtained or given to records or information concerning a child or young person:

(b) any court order for access to records or information concerning a child or young person:

(c) subclause (2).

(2) The following persons may have access to any part of those records that relates to a particular child or young person:

(a) any member of staff of the residence who requires such access for any purpose directly relating to his or her functions or duties as the manager or a member of staff of the residence:

(b) any person conducting an investigation into a complaint made by the child or young person under the grievance procedure of the residence:

(c) any member of a grievance panel in the course of conducting a review under regulation 31:

(d) any person conducting an inspection of the residence pursuant to regulation 37:

(e) the child or young person:

(f) any barrister or solicitor or youth advocate or lay advocate—

(i) representing the child or young person; or

(ii) in any proceedings, appointed to assist the court:

(g) any person (being the chief executive, or a person acting under the authority of the chief executive, or a constable) who requires such access—

(i) to take any criminal, civil, or disciplinary action against another person (being a person who is or was a member of staff of the residence, or a person engaged to provide services to the residence, or an employee of any such person so engaged) arising out of any alleged act or omission of that other person in relation to the child or young person; or

(ii) to conduct any investigation into whether any such action should be taken:

(h) any person (being a person who is or was a member of staff of the residence, or a person engaged to provide services to the residence, or an employee of any such person so engaged) who requires such access to defend any such action:

(i) the chief executive, or a person acting under the authority of the chief executive, or any social worker or care and protection co-ordinator or youth justice co-ordinator who requires such access for any purpose directly relating to the chief executive's, or that social worker's or that co-ordinator's functions or duties under the Act:

(j) any barrister or solicitor (including a barrister or solicitor who is an employee of the department) who is engaged to advise or represent a person mentioned in any of paragraphs (a) to (d) or paragraphs (g) to (i) in relation to the purpose for which that person may have access to the records.

(3) The records referred to in subclause (1) shall be retained for a period of at least 25 years from the date of birth of the child or young person to whom they relate, and shall then be dealt with in accordance with the provisions of the Public Records Act 2005.

Regulation 58(1)(a): amended, on 1 July 2019, by regulation 8 of the Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112).

Regulation 58(2)(g): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Regulation 58(2)(g): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 58(2)(i): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 58(3): amended, on 21 April 2005, by section 67(2) of the Public Records Act 2005 (2005 No 40).

Part 7
Revocations

59 Revocations

The following regulations are hereby revoked:

(a) Children and Young Persons (Residential Care) Regulations 1986 (SR 1986/306):

(b) Children and Young Persons (Residential Care) Regulations 1986, Amendment No 1 (SR 1989/297).

Schedule
Grievance procedure

r 15

Complaints

1 Where any child or young person makes a complaint to a member of staff of a residence, that member of staff shall—

(a) listen to the complaint without interrupting the child or young person except for the purpose of assisting the child or young person to make the complaint; and

(b) assist the child or young person to write down the details of the complaint on a form provided by the manager for the purpose; and

(c) advise the child or young person of the right to an independent advocate for the complaint, in accordance with regulation 16; and

(d) forthwith deliver the written complaint, together with an oral explanation of that member of staff's understanding of the complaint,—

(i) to the manager; or

(ii) if the complaint is about a decision or action of the manager, to the grievance panel.

2 Where a child or young person in a residence wishes to complain about any decision or action of the manager, the child or young person may make the complaint, in writing, to the grievance panel.

3 Subject to regulation 15(3), on receiving a written complaint from a child or young person in a residence, the manager or, as the case requires, the grievance panel shall forthwith,—

(a) inform the child or young person who made the complaint that it has been so received; and

(b) where the complaint concerns the conduct of any member of staff of the residence, inform that member of staff of the nature and substance of the complaint; and

(c) record the receipt of the complaint.

4(1) A child or young person may at any time, after discussion with—

(a) the manager or, in the case of a complaint made to the grievance panel, that panel; and

(b) the child's or young person's advocate (if any),—

withdraw a complaint.

(2) Where a complaint is withdrawn by a child or young person, the complaint form relating to that complaint shall be endorsed accordingly.

(3) Nothing in this clause requires a manager or the chief executive or any other person, by reason only of the withdrawal of a complaint, to cease any investigation into, or disciplinary action taken in respect of, the conduct of any member of staff of the residence whose conduct was the subject matter of the complaint.

Schedule clause 4(3): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Decisions on complaints to manager

5(1) As soon as practicable after receiving a written complaint pursuant to clause 1, the manager shall investigate or arrange for the investigation of the complaint.

(2) If, as a result of the investigation into a complaint, the manager finds that the complaint is justified, the manager shall meet with the child or young person who made the complaint and inform him or her—

(a) of that finding; and

(b) of the action (if any) that the manager proposes to take as a result of that finding.

6 If a child or young person is satisfied with the action that the manager proposes to take, the manager shall—

(a) take that action; and

(b) notify the child or young person in writing of the finding on the complaint and of the action taken.

7(1) Where,—

(a) as a result of the investigation into a complaint, the manager finds that the child's or young person's complaint is not justified or is trivial or vexatious; or

(b) the manager finds that the complaint is justified, but the child or young person is not satisfied with the action the manager proposes to take as a result of that finding,—

the manager shall inform the child or young person of his or her right to have the matter reviewed by a grievance panel if the child or young person so requests within 7 days.

(2) If, within 7 days of being notified under subclause (1) of the right to request a review, the child or young person does not request a review by a grievance panel, the manager shall,—

(a) where subclause (1)(a) applies in relation to the complaint, take no further action in relation to the complaint:

(b) where the complaint was found to be justified, take the action that the manager proposes to take as a result of that finding.

(3) If, within the period referred to in subclause (2), the child or young person requests a review by a grievance panel, the manager shall, within 3 days of receiving that request, refer the request to the grievance panel.

(4) Every request referred to a grievance panel pursuant to subclause (3) shall be accompanied by a written report, prepared by the manager, specifying—

(a) the nature and substance of the complaint; and

(b) the facts found upon the investigation into the complaint; and

(c) the name of the person who conducted the investigation; and

(d) the manager's finding on the complaint; and

(e) the action (if any) that the manager proposes to take as a result of that finding.

Decisions on complaints or reviews referred to grievance panel

8(1) As soon as practicable after receiving a written complaint made, pursuant to clause 1(d)(ii) or clause 2, about a decision or action of the manager, the grievance panel shall proceed to review that decision or action.

(2) As soon as practicable after receiving a request for a review pursuant to clause 7(3), the grievance panel shall proceed to review the manager's finding on the complaint or, as the case requires, the appropriateness of the action that the manager proposes to take as a result of the manager's finding on the complaint.

(3) Where the panel considers it necessary to conduct an investigation into the circumstances of the complaint in order to review the manager's decision or action or, as the case requires, the manager's finding, the panel shall designate 1 member of the panel to conduct that investigation.

(4) Notwithstanding anything in subclause (1) or subclause (2), where the panel considers it appropriate to do so, the panel may arrange for the matter to be discussed informally between—

(a) the child or young person who made the complaint or, as the case requires, requested the review; and

(b) a member of the panel nominated by the child or young person or (if no person is so nominated) by the panel—

with a view to reaching a settlement on the matter under review.

(5) Any informal discussion arranged pursuant to subclause (4) may at any time be terminated by the panel member or the child or young person concerned, and in any such case the matter, or, as the case may be, any outstanding matter shall be referred to the panel.

9 While participating in any review, the child or young person whose complaint is the subject of the review shall be entitled to have with him or her—

(a) at least 1 of the following persons:

(i) a parent of the child or young person:

(ii) a guardian (other than the chief executive) of the child or young person:

(iii) any other person previously having the care of the child or young person:

(b) any advocate of the child or young person appointed or nominated pursuant to regulation 16.

Schedule clause 9(a)(ii): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

10(1) On completing a review, the grievance panel shall make a decision on the complaint or, as the case may require, the appropriateness of the action that the manager proposes to take as a result of the manager's finding on the complaint.

(2) The grievance panel shall forthwith give written notice of that decision to—

(a) the child or young person who made the complaint; and

(b) the manager; and

(c) the chief executive, in the case of a complaint about a decision or action of the manager.

(3) In the case of a review requested pursuant to clause 7(3), the manager shall ensure that the child or young person who made the complaint is also advised orally of the decision.

(4) Where it appears to the manager that the child or young person is not satisfied with the outcome of the review by the grievance panel, the manager shall inform the child or young person of his or her right to request an Ombudsman to investigate—

(a) the manager's or, as the case may require, the panel's decision on the complaint; or

(b) the appropriateness of the action that the manager proposes to take.

Schedule clause 10(2)(c): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Schedule clause 10(4): amended, on 1 July 2023, by section 40 of the Children and Young People's Commission Act 2022 (2022 No 44).

11(1) Where the grievance panel makes a decision in accordance with clause 10, the manager shall forthwith give effect to that decision or, as the case requires, abide by that decision.

(2) Nothing in this clause requires a manager or the chief executive or any other person to give effect to any decision or recommendation of the panel that—

(a) is not directly about the child or young person; or

(b) affects the child or young person but only as one of the children and young persons in the residence.

Schedule clause 11(2): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Miscellaneous provision

12 No details shall be recorded on the personal file of the child or young person of—

(a) any complaint made by a child or young person in a residence; or

(b) the findings of the manager and the grievance panel (if any) on the complaint.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
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Notes

1 General

This is a consolidation of the Oranga Tamariki (Residential Care) Regulations 1996 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

Emergency Management Act 2026 (2026 No 53): section 235

Oranga Tamariki (Residential Care) Amendment Regulations 2026 (SL 2026/63)

Responding to Abuse in Care Legislation Amendment Act 2025 (2025 No 57): section 31(2)

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

Children and Young People's Commission Act 2022 (2022 No 44): section 40

Oversight of Oranga Tamariki System Act 2022 (2022 No 43): section 78

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

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

Oranga Tamariki (Residential Care) Amendment Regulations 2018 (LI 2018/112)

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

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Public Records Act 2005 (2005 No 40): section 67(2)

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(3)

Children, Young Persons, and Their Families (Residential Care) Amendment Regulations 2002 (SR 2002/171)

Human Rights Amendment Act 2001 (2001 No 96): section 71(2)

Children, Young Persons, and their Families (Residential Care) Amendment Regulations 2000 (SR 2000/205)

Department of Child, Youth and Family Services Act 1999 (1999 No 82): section 11(3), (6)

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