

Version
as at 1 August 2022



Care of Children (Counselling) Regulations 2013 (SR 2013/432)

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 21st day of October 2013

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 147(2) of the Care of Children Act 2004, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, 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.

These regulations are administered by the Ministry of Justice.

Counsellors

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Regulations**1 Title**

These regulations are the Care of Children (Counselling) Regulations 2013.

2 Commencement

These regulations come into force on the day after the date of their notification in the *Gazette*.

3 Interpretation

In these regulations, the **Act** means the Care of Children Act 2004.

*Counselling organisations***4 Criteria for approving counselling organisations**

In deciding whether to approve an organisation under section 46H(1) of the Act as an approved counselling organisation, the Secretary must be satisfied that—

- (a) there is (in the Secretary's opinion) a need for an organisation of the organisation's size and other characteristics (including its location) to be available as an approved counselling organisation; and
- (b) the organisation will nominate under section 46J(a) of the Act only counsellors who satisfy the requirements of regulation 6 and are not disqualified under regulation 8.

5 Grounds for suspension or cancellation of organisation's approval

The following are grounds on which the Secretary may suspend or cancel the approval of an organisation as an approved counselling organisation:

- (a) that the organisation was approved on the basis of false or misleading information supplied by or on behalf of the organisation;
- (b) that the organisation does not meet the ministry's reporting requirements;
- (c) that the organisation does not have appropriate record-keeping protocols, and quality and service-delivery systems;
- (d) that the organisation has asked for its approval to be suspended or cancelled:

- (e) that the organisation has been wound up or dissolved, or has otherwise ceased to exist:
- (f) that the organisation has ceased to provide counsellors:
- (g) that the organisation does not nominate under section 46J(a) of the Act only counsellors who satisfy the requirements of regulation 6 and are not disqualified under regulation 8:
- (h) that the organisation has failed to comply with a term of a contract with the Ministry of Justice.

Counsellors

6 Qualification and competency requirements

The following qualification and competency requirements must be applied by the Secretary in deciding whether a person meets the criteria in section 46K(1) of the Act:

- (a) the person must be a member of or affiliated to an appropriate professional body:
- (b) the person must hold a counselling qualification at level 6 or higher in the New Zealand Qualifications and Credentials Framework:
- (c) the person must have enough experience in counselling to provide reasonable assurance of competence in providing counselling in the context of Family Court processes:
- (d) the person must be culturally aware, in particular of Māori values and concepts:
- (e) the person must be able to address diversity in people being counselled:
- (f) the person must be able to—
 - (i) assess people being counselled, and their circumstances and history, for factors (in particular, in relation to possible family violence) indicating risks that may arise during, or in the context of, counselling sessions; and
 - (ii) manage any risks likely to arise.

Regulation 6(b): amended, on 1 August 2022, by section 74 of the Education and Training Amendment Act 2022 (2022 No 38).

Regulation 6(f)(i): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

7 Transitional qualification and competency requirements

- (1) At any time before the day 9 months after the date on which these regulations are notified in the *Gazette*, the Secretary may apply the following requirements in place of those prescribed by regulation 6:

- (a) the person must have been, immediately before the commencement of these regulations, a counsellor within the meaning of the Family Proceedings Act 1980:
 - (b) there must be no information in the Secretary's possession that (in the Secretary's opinion) suggests that the person is not qualified and competent to provide counselling services under the Act.
- (2) Subclause (1) overrides regulation 6.

8 Matters disqualifying people from appointment as counsellors

The following are matters disqualifying a person from appointment as a Family Court counsellor:

- (a) not being of good character:
- (b) not being a fit and proper person to be a Family Court counsellor.

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 24 October 2013.

Notes

1 *General*

This is a consolidation of the Care of Children (Counselling) Regulations 2013 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*

Education and Training Amendment Act 2022 (2022 No 38): section 74

Family Violence Act 2018 (2018 No 46): section 259(2)