

DRAFT FOR CONSULTATION

Oranga Tamariki (Suitable Accommodation on Leaving Care) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill will amend the Oranga Tamariki Act 1989 to provide that the Chief Executive of Oranga Tamariki must provide all support required to arrange suitable accommodation for a young person exiting care, and be satisfied that a young person leaving care has suitable accommodation to move into. This will better protect the right to housing for young people exiting care, and reduce the risk of young homelessness.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for this Bill to come into force 6 months after Royal assent.

Clause 3 identifies the Oranga Tamariki Act 1989 (the **principal Act**) as the Act being amended by the Bill.

Clause 4 contains a consequential amendment to the definition of **young person** in section 386AAA of the principal Act.

Clause 5 inserts *new sections 386AAH to 386AAJ* into the principal Act. These new sections provide an entitlement for certain young people to receive support to obtain suitable accommodation on leaving care.

Clause 6 amends section 447 of the principal Act to provide for regulations to be made regarding the financial assistance available to a young person to obtain suitable accommodation.

Hon Marama Davidson

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Contents

	Page
1 Title	1
2 Commencement	2
3 Principal Act	2
4 Section 386AAA amended (Interpretation)	2
5 New sections 386AAH to 386AAJ inserted	2
386AAH Young persons entitled to support to obtain suitable accommodation up to age of 21 years	2
386AAI Providing support to young persons to obtain suitable accommodation and monitoring of accommodation arrangements	2
386AAJ Financial assistance for suitable accommodation	3
6 Section 447 amended (Regulations)	3
7 Schedule 1AA amended	3

Schedule

4

New Part 6 inserted into Schedule 1AA

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Oranga Tamariki (Suitable Accommodation on Leaving Care) Amendment Act **2024**.

2 Commencement

This Act comes into force on the day that is 6 months after the date on which it receives Royal assent.

3 Principal Act

This Act amends the Oranga Tamariki Act 1989.

4 Section 386AAA amended (Interpretation)

In section 386AAA, definition of **young person**, paragraph (a), after “section 386AAD,” insert “**386AAH**,”.

5 New sections 386AAH to 386AAJ inserted

After section 386AAG, insert:

386AAH Young persons entitled to support to obtain suitable accommodation up to age of 21 years

- (1) This section applies to any young person (as defined in section 386AAA) who, after the age of 14 years and 9 months, is or has been, at any time for a continuous period of at least 3 months, in 1 or both of the following types of care or custody:
 - (a) the care or custody of the chief executive, an iwi social service, a cultural social service, or the director of a child and family support service under any agreement or order referred to in section 361(a), (c), or (d);
 - (b) the care of the chief executive as the agent of the court under section 33(1)(c)(ii) of the Care of Children Act 2004.
- (2) The young person is entitled to be supported, in accordance with **section 386AAI**, to obtain suitable accommodation at any time and for any period from the age of 18 years up to the age of 21 years and may request such support at any time.
- (3) Before the young person leaves care or custody, the chief executive must advise them of the entitlements under **subsection (2)**.

386AAI Providing support to young persons to obtain suitable accommodation and monitoring of accommodation arrangements

- (1) If **section 386AAH** applies to a young person, the chief executive must provide them with support to find suitable accommodation that meets the needs of that young person.
- (2) The support provided under **subsection (1)** must—
 - (a) be consistent with the purposes in section 386AAB; and
 - (b) give effect to the principles in section 386AAC.

386AAJ Financial assistance for suitable accommodation

- (1) The support provided by the chief executive under **section 386AAI** may include providing financial assistance to a young person to meet reasonable costs associated with obtaining and retaining suitable accommodation, but only if the chief executive has first considered—
 - (a) what other financial assistance is available to the young person; and
 - (b) the personal circumstances of the young person.
- (2) The financial assistance must be paid directly to the young person unless the chief executive considers it appropriate to pay all or any of it to another person on the young person's behalf.
- (3) Financial assistance paid under this section must be paid in accordance with any regulations made under section 447(1)(da).

6 Section 447 amended (Regulations)

In section 447(1)(da), replace “section 386AAG or 386B” with “section 386AAG, **386AAJ**, or 386B”

7 Schedule 1AA amended

In **Schedule 1AA**,—

- (a) insert the Part set out in the Schedule of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Schedule
New Part 6 inserted into Schedule 1AA

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Part 6
**Provisions relating to Oranga Tamariki (Suitable Accommodation
on Leaving Care) Amendment Act 20224**

26 Suitable accommodation on leaving care

- (1) For the purpose of this clause, **commencement date** means the date on which this clause comes into force.
- (2) Sections **386AAH** to **386AAJ** of this Act apply only to persons who are aged under 18 years on the commencement date.