



Cabinet Social Outcomes Committee

Minute of Decision

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Secondary Legislation to Improve Search Safety in Oranga Tamariki Residences

Portfolio **Children**

On 11 February 2026, the Cabinet Social Outcomes Committee:

- 1 **noted** that the paper under SOU-26-SUB-0005 proposes regulations to support implementation of the amendments to the Oranga Tamariki Act 1989 to improve the safety of children and young people in residences that were introduced through the Responding to Abuse in Care Legislation Amendment Act 2025;
- 2 **noted** that the Responding to Abuse in Care Legislation Amendment Act 2025 requires a search plan to be made for each child or young person placed in a residence, and authorises searches on entry in youth justice residences;
- 3 **noted** that these amendments will come into force by, or on, 24 October 2026, with corresponding regulations required to be made by this date;
- 4 **agreed** to amend the Oranga Tamariki (Residential Care) Regulations 1996 to give effect to the decisions below;

Support offered to a child or young person to develop a search plan

- 5 **agreed** that prior to the development of a search plan, a statement of rights related to searches (including the right to an advocate) must be shared with the child or young person, and explained to them in a manner and in language appropriate for their age, identity and level of understanding;
- 6 **agreed** that a child or young person must be provided with reasonable access to an advocate, if one is requested;

Information that must be included in a search plan

- 7 **agreed** that search plans must take into account the following information:
 - 7.1 needs and preferences of the child or young person related to the person conducting the search (if any), such as preferences for the staff member and their preference for the staff member's sex or gender if the preferred staff member is unavailable;
 - 7.2 needs and preferences related to the child's or young person's culture and religion and mental health, disability, and neurodiverse or sensory needs (if any);

- 7.3 concerns or support required for particular types of searches, including the child's or young person's preference for the second person who must be present during a pat down search (if any);
- 7.4 whether the child or young person accepted or declined an advocate; and
- 7.5 whether their search plan should be shared with a caregiver or family and whānau subject to concerns such as privacy;

Review and amendment of a search plan

- 8 **agreed** that search plans should be reviewed as soon as practicable after admission to a residence and not less than once every six weeks;
- 9 **agreed** that search plans should be reviewed if the search plan has become inappropriate, impracticable, force has been used in a search, or the child or young person's preferences have changed;
- 10 **agreed** that the process for review should be similar to the development of the search plan, meaning the child or young person should be consulted in its review and amendment, and take into account any finding of reassessment of needs;

Circumstances constituting a good reason to depart from a search plan

- 11 **agreed** that good reasons to depart from an approved search plan include at the reasonable request by a child or young person, or if the search plan is intended to be updated at their request;

Search process in the absence of a search plan and expressed views of the child

- 12 **agreed** that if a child or young person must be searched before a search plan is approved, the search process should prioritise the least intrusive method appropriate to the circumstances;

Conditions to be appointed as an authorised person to conduct searches on entry to youth justice residences

- 13 **agreed** that to be appointed as an authorised person to conduct a search on entry to a youth justice residence, appropriate training requirements and competencies (as set out in Appendix Two under SOU-26-SUB-0005) must be met, including completion of up-to-date training in:
 - 13.1 de-escalation techniques;
 - 13.2 relational, inclusive, trauma-informed, and restorative practices used in residences, as relevant for searches on entry;
 - 13.3 procedures for conducting searches in accordance with the search plan of a youth justice resident;
- 14 **agreed** that to be able to use force during a search on entry, an authorised person must meet additional training requirements, including how to use force in accordance with legal requirements, such as those in the Oranga Tamariki Act 1989, as these matters relate to undertaking a search on entry;

- 15 **agreed** that to be able to conduct a pat down search during a search on entry, an authorised person must meet additional training requirements, including using techniques consistent with restrictions on the use of force, as outlined in the Responding to Abuse in Care Legislation Amendment Act 2025, as these matters relate to undertaking a search on entry;

Treatment of items seized during a search on entry to a youth justice residence;

- 16 **agreed** that the treatment of unauthorised items seized from youth justice residents during a search on entry should be based on existing regulations for searches in residences;
- 17 **agreed** that the treatment of unauthorised items seized from non-residents during a search on entry should be based on a reasonably held distinction between:
- 17.1 items that are unauthorised inside the residence, but can otherwise be lawfully possessed, which must be returned when the non-resident leaves the residence;
- 17.2 items that are illegal anywhere in New Zealand, which, following consultation with the searched person, may be held, handed to the Police, or destroyed;

Complaints about searches on entry to a youth justice residence

- 18 **agreed** that the existing complaint mechanisms for youth justice residents will extend to searches on entry, and that for non-residents, the Chief Executive of Oranga Tamariki must ensure complaints procedures are available, and complaints responded to within a reasonable time;

Information that must be recorded about a search on entry to a youth justice residence

- 19 **agreed** to the additional information that must be recorded about a search on entry in Appendix Three under SOU-26-SUB-0005, including information about the grounds for any use of force on a youth justice resident, the seizure of items from non-residents, and details about any decision to refuse entry to a residence;
- 20 **agreed** to require a search register for recording information about searches on entry of non-residents, with appropriate safeguards for the storage and access of this information;

Who can consent to a pat down search during a search on entry to a youth justice residence

- 21 **agreed** that prior to a pat down search of a non-resident child or young person under 16 years old, and of a person unable to give consent on their own behalf, any views of the person being searched must be taken into account and consent sought from a person lawfully allowed to consent on their behalf;

Who needs to be present during a pat down search of a non-resident during a search on entry to a youth justice residence

- 22 **agreed** that, where another person has consented to a pat down search of a person, the person who has consented must also be present during the search;
- 23 **agreed** that for a pat down search of a non-resident, a second authorised person must be present during the search;

Considerations before a visitor is denied entry for refusing to be searched during a search on entry to a youth justice residence

- 24 **agreed** that if a visitor is denied entry for refusing to be searched or comply with a search on entry, impacting the right of a youth justice resident to receive visits, where practicable an alternative method of communication with the child or young person must be considered and facilitated as soon as is practicable;

Technical amendment to the Regulations

- 25 **agreed** to substitute the reference to repealed section 6 of the Oranga Tamariki Act 1989 in regulation 26(2)(e) of the Regulations with a reference to section 4A of the same Act;

Decisions to support drafting

- 26 **invited** the Minister for Children to issue drafting instructions to the Parliamentary Counsel Office giving effect to the decisions above;
- 27 **authorised** the Minister for Children to make any further policy decisions, not inconsistent with the policy in the paper under SOU-26-SUB-0005, on any issues that arise during the drafting process.

Tom Kelly
Committee Secretary

Present:

Hon David Seymour (Chair)
Rt Hon Winston Peters
Hon Nicola Willis
Hon Erica Stanford
Hon Paul Goldsmith
Hon Dr Shane Reti
Hon Tama Potaka
Hon Casey Costello
Hon Karen Chhour
Hon Nicola Grigg
Hon Scott Simpson

Officials present from:

Officials Committee for SOU
Office of the Prime Minister