

In Confidence

Office of the Minister for Children

Chair, Cabinet Legislation Committee

Regulatory changes to healthcare provisions in Oranga Tamariki residences

Proposal

- 1 This paper seeks authorisation to submit the Oranga Tamariki (Residential Care) Amendment Regulations 2026 to the Executive Council. The proposed amendments will strengthen access to necessary medications and Nurse Practitioners for children and young people in Oranga Tamariki Care and Protection and Youth Justice residences ('residences').

Executive Summary

- 2 The Oranga Tamariki (Residential Care) Regulations 1996 ('the Regulations') establish the standard of care that Oranga Tamariki must provide all children and young people in residences.
- 3 The Regulations do not currently provide children and young people living in a residence will full access to health services, creating risks for their health and wellbeing. This is because the Regulations limit access to emergency injectable medications¹, Nurse Practitioner services and prescriptions from authorised prescribers.
- 4 On 10 November 2025, Cabinet took policy decisions to address these issues. Those decisions are reflected in the attached draft Amendment Regulations.
- 5 Once approved, the Oranga Tamariki (Residential Care) Amendment Regulations 2026 ('Amendment Regulations') will be submitted to the Executive Council on 30 March 2026. Subject to Cabinet agreement and signature by the Governor-General, the Amendment Regulations will be published in the Gazette on 2 April 2026 and enter into force on 30 April 2026.

Policy

- 6 Residences generally house children and young people aged 12 to 18 years old, who require additional protective care; are on remand; or whose offending has been proven and who have been placed in a residence.
- 7 Within these residences, Oranga Tamariki is responsible for providing healthcare services to children and young people. The Regulations govern the provision of healthcare services and require that:

¹ Such as EpiPens and Glucagon pen kits.

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- 7.1 prescription medication may only be given to a child or young person if it is prescribed to them by a doctor or dentist;
- 7.2 only a doctor or nurse or dentist may administer injections; and
- 7.3 medical examinations are given by a doctor within a week of a child or young person entering a residence.

Restrictions in the existing Regulations

- 8 The Regulations do not allow residence staff to administer emergency injectable medication;² only a doctor or nurse is legally authorised to do so. While Health New Zealand – Te Whatu Ora contracts weekday health services in residences, outside of these hours, there is no one onsite who can legally administer injectable medication. This creates a significant, possibly life-threatening, safety risk if a child or young person is experiencing a medical emergency.
- 9 The Regulations also require any medication to be individually prescribed. In cases where a child or young person is experiencing a previously unknown allergy, they will not have an EpiPen prescribed. As a result, administering an EpiPen during a first-time anaphylactic reaction is illegal under the current framework.
- 10 The Regulations do not allow healthcare examinations in residences to be undertaken by Nurse Practitioners. Nurse Practitioners are lead healthcare providers with advanced education and clinical training. Within their area of competence, they make health assessments, order and interpret tests, diagnose conditions, decide treatment interventions, administer injections and prescribe medications.
- 11 Under the Regulations, prescription medication may only be given to a child or young person if it is prescribed to them by a doctor or dentist.³ This disadvantages children and young people in a residence who would otherwise, for example, be able to use medication prescribed by a Nurse Practitioner.

The revised Regulations will enable more responsive care for children and young people in residences

- 12 On 17 November 2025, Cabinet agreed [CAB-25-MIN-0411] to amend the Regulations so that:
 - 12.1 trained and authorised staff in residences can administer specified emergency injectable medications;
 - 12.2 EpiPens may be administered in residences without a prescription;
 - 12.3 new emergency injectable medications in the future can be approved for use in residences at chief executive level on the advice of clinical experts, rather than requiring amendments to secondary legislation;

² Regulation 14(4) of the Oranga Tamariki (Residential Care) Regulations 1996.

³ Regulation 14(5) of the Oranga Tamariki (Residential Care) Regulations 1996.

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- 12.4 children and young people in residences have access to the services of Nurse Practitioners, while maintaining the right for children and young people to access a medical practitioner if they prefer;
- 12.5 children and young people living in residences have access to prescribed medications from authorised prescribers under the Medicines Act 1981 (and not just from doctors, which is the current situation).
- 13 These policy decisions have been incorporated into the attached draft Amendment Regulations.
- 14 In line with Cabinet decisions, new emergency medications in the future can be approved for use by the Chief Executive of Oranga Tamariki on the advice of clinical experts and in consultation with the Director-General of Health New Zealand and the Chief Executive the Ministry of Health.

Timing and 28-day rule

- 15 Subject to the agreement of the Cabinet Legislation Committee, I propose the Amendment Regulations are provided to Cabinet and Executive Council on 30 March 2026. Following Cabinet agreement and signature by the Governor-General, I recommend that the Amendment Regulations be published in the Gazette on 2 April 2026.
- 16 Acknowledging that regulations may come into effect 28 days after notification in the Gazette, I propose that the Amendment Regulations enter into force on 30 April 2026.

Compliance

- 17 The proposed Amendment Regulations comply with each of the following:
 - 17.1 the principles of the Treaty of Waitangi;
 - 17.2 the principles and guidelines set out in the Privacy Act 2020;
 - 17.3 relevant international standards and obligations;
 - 17.4 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 18 The proposals may engage rights under the New Zealand Bill of Rights Act 1990. However, I consider that the safeguards contained in the proposed Amendment Regulations will minimise the risk of potential breaches. In particular, the requirements for staff training, reporting requirements and the Chief Executive approval for authorisation provide important protections.

Regulations Review Committee

- 19 I do not believe that there are grounds for the Regulations Review Committee to draw these Amendment Regulations to the attention of the House of Representatives as a Standing Order requirement.

Certification by Parliamentary Counsel

- 20 The Parliamentary Counsel Office has certified the Amendment Regulations are in order for submission to Cabinet.

Impact Analysis

- 21 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor economic, social or environmental impacts.
- 22 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the threshold for significance is not met.

Publicity

- 23 The proposed Amendment Regulations will be notified in the New Zealand Gazette. Relevant stakeholders have been notified of the changes being proposed by these Amendment Regulations. Oranga Tamariki will continue to update stakeholders of any further changes relating the Amendment Regulations, including the commencement date once approved by Cabinet.

Proactive release

- 24 I intend to proactively release this Cabinet paper, consistent with the Official Information Act 1982, within 30 business days of decisions being confirmed by Cabinet. I also propose to release, subject to necessary redactions, other briefings and papers provided to progress policy decisions that have not been released.

Consultation

- 25 This paper was prepared by Oranga Tamariki. The following agencies have been consulted: Crown Law Office, Crown Response Unit for the Abuse in Care Inquiry, Department of Corrections, Health New Zealand – Te Whatu Ora, Ministry of Disabled People – Whaikaha, Ministry of Health, Ministry of Justice, Ministry for Pacific Peoples, Ministry for Regulation, Ministry of Social Development, New Zealand Police, and Te Puni Kōkiri. The Department of the Prime Minister and Cabinet was also informed.
- 26 Te Puni Kōkiri provided feedback relating to compliance with the Treaty of Waitangi that the principle of partnership was not met as engagement did not take place with Iwi-Māori Partnership Boards, the Hauora Māori Advisory Committee, Kaupapa Māori health providers, Te Kāhui, whānau, hapū, and iwi.
- 27 In August and September 2025, officials undertook targeted consultation with the Oranga Tamariki Disability Advisory Group, Ministerial Advisory Board and residence worker representatives, care-experienced rangatahi, the Children's Commissioner, the Independent Children's Monitor, the Office of the Ombudsman and the Public Service Association. The National Union of Public Employees were also contacted.

- 28 There was broad support for the changes. Feedback largely emphasised the need to protect the healthcare rights of children and young people and ensure appropriate safeguards around the expanded access to injectable medications. This feedback informed the development of regulatory and operational safeguards, including staff training and authorisation by the chief executive, suspension if a complaint of abusive behaviour is made against a staff member (pending the outcome of an investigation), and reporting requirements.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that on 17 November 2025 Cabinet agreed to amend the Oranga Tamariki (Residential Care) Regulations 1996 to improve access to necessary medications and Nurse Practitioner services [CAB-25-MIN-0411];
- 2 note that the Oranga Tamariki (Residential Care) Amendment Regulations 2026 will give effect to the decision referred to in recommendation one above;
- 3 note that the Oranga Tamariki (Residential Care) Amendment Regulations 2026 come into force on 30 April 2026;
- 4 authorise the submission to the Executive Council of the Oranga Tamariki (Residential Care) Amendment Regulations 2026.

Authorised for lodgement

Hon Karen Chhour

Minister for Children