Consistency Accountability Statement: Regulations to support implementation of the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill

Agency responsible	Oranga Tamariki
Portfolio	Minister for Children
Date finalised	1 September 2026
Identification number	

Statement of Review

I confirm that Oranga Tamariki has assessed the above legislation, and the process for developing it, for consistency with the principles of responsible regulation as set out in section 9 of the Regulatory Standards Act 2025.

This assessment identified no inconsistencies with the principles of responsible regulation.



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Summary of Underpinning Analysis: Regulations to support implementation of the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill

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Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation	
Inconsistency identified?	NO

Summary of agency analysis

The regulations have been developed drawing on lessons learned from the military-style academy programme pilot and feedback received during targeted consultation and through the Select Committee process on the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill (the RSYO Bill).

Targeted consultation on the development of regulations to support implementation of the RSYO Bill took place from 4 April to 13 May 2025. Officials consulted with Oranga Tamariki internal advisory groups, VOYCE-Whakarongo Mai, Pou Tangata, external monitors, and the judiciary. Feedback was received from the Oranga Tamariki Disability Advisory Group and Ministerial Advisory Board, VOYCE-Whakarongo Mai, Pou Tangata, Mana Mokopuna | Children's Commissioner, the Independent Children's Monitor, the Office of the Ombudsman, and the judiciary.

Officials reported to the Minister for Children that feedback was constructive and useful in informing the development of proposals for regulations.

The following agencies were consulted on the draft regulations: Department of Corrections, Crown Law Office, Crown Response Office for the Abuse in Care Inquiry, Ministry of Disabled People – Whaikaha, Ministry of Health, Health New Zealand – Te Whatu Ora, Ministry of Justice, Ministry for Pacific Peoples, New Zealand Police, Department of Prime Minister and Cabinet, Te Puni Kōkiri, Ministry for Regulation, and Ministry of Social Development. Te Kāhui Kāhu and the Office of the Privacy Commissioner were also consulted.

Good law-making: 9(j)

The importance of carefully evaluating—

- **the issue concerned; and**
- **the effectiveness of any relevant existing legislation and common law; and**
- **whether the public interest requires that the issue be addressed; and**
- **any options (including non-legislative options) that are reasonably available for addressing the issue; and**
- **who is likely to benefit, and who is likely to suffer a detriment, from the legislation**

Inconsistency identified?	NO

Summary of agency analysis

Limited options analysis was included in the Regulatory Impact Statement completed for the RSYO Bill: Regulatory Impact Statement - Serious Youth Offenders and military style academies June 2024.

On 14 November 2024, Cabinet agreed [LEG-24-MIN-0231] to introduce the RSYO Bill. That decision authorised the Minister for Children, in consultation with the Minister of Justice, the Minister of Corrections and the Minister of Police, to take further policy decisions, where consistent with the decisions already taken by Cabinet, without further reference to Cabinet.

On 28 January 2025, the Ministry for Regulation confirmed that Regulatory Impact Assessment requirements did not apply to the proposal to develop regulations provided for by the RSYO Bill on the basis that Cabinet had already made high-level policy decisions during the development of the Bill, which contained empowering provisions for the Minister to recommend the draft regulations to the Cabinet Legislation Committee.

As outlined in Cabinet's decision, the draft regulations cover:

- the standard of care for young people on a military-style academy programme
- the implementation and operation of military-style academy programmes
- the assessment of prospective qualifying providers, and assessment and approval of prospective approved workers
- safeguards in relation to use of force.

The draft Oranga Tamariki (Military-style Academy Programmes) Regulations 2026 cover the assessment of prospective qualifying providers, assessment and approval of prospective approved workers, the implementation and operation of military-style academy programmes, and safeguards in relation to the use of force.

The RSYO Bill authorises the chief executive of Oranga Tamariki to require the young person on a military-style academy order to wear a uniform or standard-issue clothing. To address this, the draft Oranga Tamariki (Residential Care) Amendment Regulations 2026 allow for an exception to the right of a young person to wear their own clothes in a residence. This is the only exception to the application of existing standard of care requirements to young people on military-style academy orders.

The Regulatory Impact Statement completed for the RSYO Bill considers the overrepresentation of Māori in the youth justice system. In developing the regulations, officials recognised that a strengthened youth justice response would have a disproportionate impact on Māori and may present challenges in adhering to the principle of active protection and to the principle of options.

The draft regulations seek to reflect and address this, including by supporting whānau and community connections, fostering a sense of whanaungatanga by bringing young people on a military-style academy programme together as a group, and integrating appropriate cultural elements.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation	
Inconsistency identified?	NO

Summary of agency analysis

Budget funding has been allocated to implementation of the RSYO Bill. The draft regulations align with current implementation of military-style academy programmes delivered to voluntary cohorts of young offenders:

- Oranga Tamariki ran a pilot programme from July 2024 to July 2025, working with New Zealand Defence Force, Ministry of Justice, New Zealand Police and other government agencies to develop it, and with community providers and groups to run it. The final evaluation report, published in November 2025, is here: Final-evaluation-report-MSA-Pilot.pdf.
- Lessons from the pilot have informed development of a second programme, which commenced on 9 March 2026.

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons	
Inconsistency identified?	NO

Summary of agency analysis

Analysis of costs and benefits was included in the Regulatory Impact Statement that was completed for the RSYO Bill: Regulatory Impact Statement - Serious Youth Offenders and military style academies June 2024. The costs associated with the legislation fall to government agencies, mainly Oranga Tamariki, with additional costs to New Zealand Police, Ministry of Justice, and the Department of Corrections.

The regulations add only marginal costs, possibly for additional training or reporting requirements. Health and other social costs over and above the costs that would already be incurred to support the needs of a young person in the youth justice system are expected to be so small as to be insignificant.

There are no costs of the legislation to the public or persons.

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available	
Inconsistency identified?	NO

Summary of agency analysis

On 10 March 2025, the Minister for Children agreed to an effective, efficient and proportionate approach to support implementation of the RSYO Bill. These parameters set out that the regulations should:

- deliver on the Government's policy intent, without introducing new policy or changes from what has been agreed by Cabinet
- be practical and enabling, allowing for operational improvements and evolution over time
- draw on existing regulatory content or best practice where it makes sense to do so
- focus only on what is necessary for the implementation of the Bill, leaving other, more systemic issues to be considered by other work programmes.

This approach informed development of the regulations. The regulations as drafted give effect to ministerial decisions and are consistent with the policy intent agreed by Cabinet in the development of the Bill.

Rule of Law: 9(a)(i)

The law should be clear and accessible	
Inconsistency identified?	NO

Summary of agency analysis

The regulations were drafted by the Parliamentary Counsel Office (PCO). The PCO applies a plain language standard when drafting legislation to make New Zealand's legislation more accessible and improve the legal effectiveness of that legislation.

The regulations will be gazetted and available free of charge on the New Zealand legislation website.

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively	
Inconsistency identified?	NOT APPLICABLE

Summary of agency analysis

The regulations support implementation of the RSYO Bill. The authority to detain a young person declared a young serious offender who is subject to a military-style academy order is provided for in the primary legislation. There is no retrospectivity to this authority.

Rule of Law: 9(a)(iii)

Every person is equal before the law	
Inconsistency identified?	NO
Summary of agency analysis	

The Oranga Tamariki Act 1989, under which these regulations will sit, binds the Crown.

New Zealand has domestic and international obligations regarding the rights of children and young people, including as provided for in the New Zealand Bill of Rights Act 1990 (NZBORA), the United Nations Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. These rights are also reflected in section 5 of the Oranga Tamariki Act. The United Nations Standard Rules for the Administration of Juvenile Justice (Beijing Rules) also set out expectations in relation to youth justice, including that the response to young people should be proportionate.

Officials have considered closely the rights of young people in developing these regulations. In most cases, regulations provide further safeguards and protections to those that already exist under the Oranga Tamariki Act. The regulations ensure that, to the extent possible, there is no distinction between the standard of care provided to a young person declared a young serious offender and other young people in the care or custody of the chief executive of Oranga Tamariki. This means, for example, that a young person on a military-style academy order will receive support for making a complaint, providing feedback, or raising issues of concern as set out in existing legislation.

The Attorney-General advised that the RSYO Bill was not inconsistent with NZBORA. Regulations must be consistent with the RSYO Bill. In developing regulations officials have considered the application of NZBORA, especially with respect to the use of force. In implementing the regulations, these requirements will form part of the training for anyone involved in delivering any part of a military-style academy programme, especially those with use of force powers.

Many of the young people affected by this legislation will have disabilities, both diagnosed and undiagnosed. Current practice shows that the needs of these young people must be thoroughly assessed, and responses appropriately tailored to meet those needs. This was reinforced in targeted consultation, and the regulations address the needs of this group by:

- applying existing regulations that reference “disability” as part of a needs assessment for each young person and focusing on therapeutic elements in the programme that respond to those identified needs, and
- including fundamental life skills in the compulsory education elements of the programme. This was supported by stakeholders as a way to assist these young people to be independent in the community.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary	
Inconsistency identified?	NO

Summary of agency analysis

The Youth Court is structurally independent, guided by youth justice principles set out in the Oranga Tamariki Act 1989. Under the RSYO Bill, a young person declared to be a young serious offender will face strengthened sentencing options in the Youth Court.

The RSYO Bill does not increase the influence of the executive or legislature over the judiciary in a manner that may reduce the independence or impartiality of the judiciary. The regulations support implementation of the RSYO Bill, and do not introduce any new policy or changes from what has been agreed by Cabinet in the development of the RSYO Bill.

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion	
Inconsistency identified?	NO

Summary of agency analysis

This legislation does not limit or remove the right to judicial review.

The regulations support implementation of the RSYO Bill. The authority to detain a young person declared a young serious offender who is subject to a military-style academy order and use of force powers for Oranga Tamariki staff or qualifying providers providing any part of a military-style academy programme are provided for in the primary legislation.

The regulations ensure that, to the extent possible, there is no distinction between the standard of care provided to a young person declared a young serious offender and other young people in the care or custody of the chief executive of Oranga Tamariki. This means, for example, that a young person on a military-style academy order will receive support for making a complaint, providing feedback, or raising issues of concern as set out in existing legislation.

The draft Oranga Tamariki (Military-style Academy Programmes) Regulations 2026 cover the assessment and approval of prospective qualifying providers and their approved workers. Under the RSYO Bill, a qualifying provider means a body or an organisation approved as a community service under section 403 of the Oranga Tamariki Act 1989, in accordance with regulations. Approvals will be an administrative decision for the chief executive of Oranga Tamariki, but the process for this is set out in legislation.

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified?	NO

Summary of agency analysis

It is the Youth Court that will issue young serious offender declarations and military-style academy orders. The authority to detain a young person declared a young serious offender who is subject to a military-style academy order is provided for in the RSYO Bill. The regulations support implementation of the RSYO Bill.

The regulations ensure that, to the extent possible, there is no distinction between the standard of care provided to a young person declared a young serious offender and other young people in the care or custody of the chief executive of Oranga Tamariki.

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

Inconsistency identified?	NO

Summary of agency analysis

There is no taking or severe impairment of property under these regulations.

The right to use personal effects set out in regulation 5 of the existing Oranga Tamariki (Residential Care) Regulations will apply in respect of a young person on a military-style academy order, who will be placed in a youth justice residence.

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)

Inconsistency identified?	NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified?	NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- **the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and**
- **the costs of efficiently achieving the objective or providing the function**

Inconsistency identified?	NOT APPLICABLE

Summary of agency analysis

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified?	NO

Summary of agency analysis

The Youth Court is structurally independent, guided by youth justice principles set out in the Oranga Tamariki Act 1989. Under the RSYO Bill, a young person declared to be a young serious offender will face strengthened sentencing options in the Youth Court. It is the Youth Court that will issue young serious offender declarations and military-style academy orders.

The RSYO Bill does not interfere with the judicial process or exclude judicial review. The regulations support implementation of the RSYO Bill, and do not introduce any new policy or changes from what has been agreed by Cabinet in the development of the RSYO Bill.

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?	NO

Summary of agency analysis

The regulations support implementation of the RSYO Bill. The authority to detain a young person declared a young serious offender who is subject to a military-style

academy order and use of force powers for Oranga Tamariki staff or qualifying providers providing any part of a military-style academy programme are provided for in primary legislation.

This legislation does not change the right of appeal already set out in the Oranga Tamariki Act 1989, or limit or remove the right to judicial review.

Additional information

Final evaluation report of the military-style academy programme pilot, published in November 2025: Final-evaluation-report-MSA-Pilot.pdf.

Relevant international treaties, standards and obligations

New Zealand has international obligations regarding the rights of children and young people, including as provided for in the United Nations Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. The United Nations Standard Rules for the Administration of Juvenile Justice (Beijing Rules) also set out expectations in relation to youth justice, including that the response to young people should be proportionate.