

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 18 November 1982

CHILDREN AND YOUNG PERSONS AMENDMENT BILL

Proposed Amendments

HON. V. S. YOUNG, in Committee, to move the following amendments:

*New Clause*To insert, after *clause 1*, the following new clause:

1A. Interpretation—Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “summary offence”, the following definition:

“‘Visiting Committee’ means a Visiting Committee established under section 70 of this Act.”

Amendment to Clause 9

To omit subsection (8) of the new section 43 (all the words in lines 38 to 40 on page 9), and substitute the following subsection:

“(8) Nothing in section 47 of the Criminal Justice Act 1954 limits the powers conferred by this section.

*New Clauses*To insert, after *clause 11*, the following new clauses:

11A. New sections substituted—The principal Act is hereby amended by repealing section 70, and substituting the following sections:

“70. **Visiting Committees**—(1) The Minister shall establish a Visiting Committee for each institution established under section 69 of this Act.

“(2) Each Visiting Committee shall consist of 3 or more persons of whom—

“(a) One shall be appointed as Chairman; and

“(b) One shall be appointed on the nomination of the Minister of Maori Affairs; and

“(c) One shall be appointed to represent the interests of the community in general.

“(3) The members of each Visiting Committee shall be appointed by the Minister.

“(4) In appointing any person as a member of a Visiting Committee, the Minister shall have regard to—

“(a) That person’s personal attributes; and

“(b) That person’s knowledge of, and interest in, the welfare of children generally.

“(5) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Government Superannuation Fund Act 1956 by reason of that person’s appointment under this section as a member of a Visiting Committee.

“(6) The Department of Social Welfare shall furnish such secretarial, recording, and other services as may be necessary to enable each Visiting Committee to exercise its functions and powers.

“(7) The provisions of Schedule 1A to this Act shall have effect as to the constitution and proceedings of Visiting Committees and other matters relating to Visiting Committees.

“70A. **Functions of Visiting Committees**—(1) Every Visiting Committee shall visit from time to time, and at least once in each period of 3 months, the institution for which the Visiting Committee is appointed.

“(2) Where a Visiting Committee visits an institution under subsection (1) of this section, that Visiting Committee shall ensure that—

“(a) The date and time of the visit are made known to the children and young persons in the institution; and

“(b) The children and young persons in the institution are aware that they may discuss matters with any member of the Visiting Committee.

“(3) Any member of a Visiting Committee may, in the course of a visit under subsection (1) of this section, or at any other time,—

“(a) Enter and inspect any part of the institution for which the Visiting Committee is appointed;

“(b) Examine the state and condition of any child or young person in that institution; and

“(c) Communicate with any child or young person in that institution or with any member of the staff of that institution; and

“(d) Examine any documents or records which are held in that institution and which relate to any child or young person in that institution.

“(4) Any Visiting Committee may report to the Director-General—

“(a) On any specific matter of concern relating to the care, control, or treatment of a child or young person in the institution;

“(b) On any other matter relating to the institution for which the Visiting Committee is appointed.

“(5) Every Visiting Committee shall have such other powers and functions as may be prescribed by regulations made under this Act.

“(6) Subject to the provisions of this Act and of any regulations made under this Act, every Visiting Committee may regulate its own procedure.

“70B. **Annual report of Visiting Committee**—(1) Every Visiting Committee shall in the month of June in each year deliver a report on its activities to the Minister.

“(2) Every report delivered to the Minister under subsection (1) of this section shall be made public by the Minister within one month after the date on which it is delivered to the Minister.”

New Clauses

To insert, after *clause 13*, the following new clauses:

13A. New Schedule 1A inserted in principal Act—The principal Act is hereby amended by inserting, after the First Schedule, the Schedule 1A set out in the Schedule to this Act.

13B. Transitional provisions—(1) Every member of a Visiting Committee who has been appointed under section 70 of the principal Act and who is in office immediately before the 1st day of April 1983 by virtue of an appointment made before the 1st day of January 1983 shall vacate office on the commencement of the 1st day of April 1983.

(2) Subject to subsection (3) of this section, every Visiting Committee of 2 or more persons that is in office at the commencement of this Act, and the members of every such Visiting Committee, may, so long as they continue in office, exercise, until the close of the 31st day of March 1983, in respect of the institution or institutions for which the Visiting Committee was appointed, the respective functions and powers conferred on a Visiting Committee by the principal Act (as amended by this Act), and the provisions of the principal Act (as so amended) shall apply accordingly with such modifications as are necessary.

(3) The Minister may at any time revoke, either generally or in respect of a specified institution, the appointment of any Visiting Committee to which subsection (2) of this section relates or the appointment of any member of any such Visiting Committee.

(4) The vacancies created by subsection (1) of this section or by any revocation effected under subsection (3) of this section are not extraordinary vacancies for the purposes of clause 2 of Schedule 1A of the principal Act.

(5) No member of a Visiting Committee who vacates office under subsection (1) of this section or by reason of a revocation effected under subsection (3) of this section shall be entitled to compensation for loss of that member's office as a member of a Visiting Committee.

(6) Nothing in this section prevents a member of a Visiting Committee who vacates office under subsection (1) of this section or by reason of a revocation effected under subsection (3) of this section from being reappointed as a member of a Visiting Committee.

New Schedule

To add, after *clause 14*, the following Schedule:

SCHEDULE

Section 13B

NEW SCHEDULE 1A TO PRINCIPAL ACT

SCHEDULE 1A

Section 70 (7)

PROVISIONS RELATING TO VISITING COMMITTEES

1. Term of office of members of Visiting Committees—(1) Except as otherwise provided in this Act, every member of a Visiting Committee shall hold office for a term of 3 years, and shall be eligible for reappointment from time to time.

(2) Every member of a Visiting Committee shall, unless that person sooner vacates office under clause 2 of this Schedule, continue in office until either he is reappointed or his successor is appointed, notwithstanding that the term for which that member was appointed may have expired.

2. Extraordinary vacancies—(1) Any member of a Visiting Committee may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(2) Any member of a Visiting Committee may at any time resign the member's office by writing addressed to the Minister.

(3) If any member of a Visiting Committee dies, or resigns, or is removed from office, the member's office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.

(4) An extraordinary vacancy shall be filled in the manner in which the appointment to the vacant office was originally made.

(5) In the case of an extraordinary vacancy, the Minister may appoint any person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(6) The powers of a Visiting Committee shall not be affected by any vacancy in its membership.

3. Fees and allowances—There shall be paid out of money appropriated by Parliament for the purpose to the members of any Visiting Committee remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if any such Visiting Committee were a statutory Board within the meaning of that Act.

4. Sickness or incapacity—(1) In the event of the sickness or other incapacity of any member of a Visiting Committee the Minister may appoint any person to act in the place of that member during that member's incapacity.

(2) Any person appointed under this clause to act in the place of a member who is Chairman shall not be Chairman by reason only of that person's appointment under this clause.

5. Members of Visiting Committee not personally liable—No member of a Visiting Committee shall be personally liable for any act done or omitted to be done by the Visiting Committee or by any member thereof in good faith in pursuance or intended pursuance of the powers and authorities of the Visiting Committee.

EXPLANATORY NOTE

The proposed new clauses 1A, 11A, 13A, and 13B and the proposed new Schedule make better provision for the appointment of Visiting Committees in respect of institutions established by the Director-General of Social Welfare under section 69 of the Children and Young Persons Act 1974. In particular, the appointment of a Visiting Committee in respect of each such institution is to be mandatory.

The Johnston Committee recommended that the purpose and function of Visiting Committees be redefined and the proposed clauses, among other things, effect that redefinition.

The proposed amendment to clause 9 is a drafting amendment designed to make it clear that the powers conferred by section 43 of the Children and Young Persons Act 1974 are not limited by section 47 of the Criminal Justice Act 1954.