



House of Representatives

Supplementary Order Paper

Thursday, 4 November 2004

Care of Children Bill

Proposed amendments

Hon David Benson-Pope, in Committee, to move the following amendments:

Clause 2

To omit the words “the day that is 8 months after the date on which it receives the Royal assent” (lines 4 and 5 on page 5), and substitute the expression “1 July 2005”.

Clause 25

To omit *subclause (1A)* (lines 27 and 28 on page 25).

Clause 59A(b)

To omit the words “husband and wife” (line 8 on page 57), and substitute the word “parties”.

To insert, after the word “marriage” (line 9 on page 57), the words “or de facto relationship”.

Clause 67(1)

To omit the word “assistance” (line 28 on page 62), and substitute the word “assistance,”.

Clause 71

To insert, before the words “a fine not exceeding \$2,500” (line 32 on page 65), the words “imprisonment for a term not exceeding 3 months, or”.

Clause 131

To insert, after *subclause (2AB)* (after line 15 on page 100), the following subclauses:

- (2AC) A person may also publish a report of proceedings under this Act (other than criminal proceedings) in a publication that—
- (a) is genuinely of a professional or technical nature; and
 - (b) is intended for circulation among members of the legal or medical professions, officers of the Public Service,

psychologists, advisers in the sphere of relationship counselling, or social workers.

- (2B) No report under **subsection (2AC)** may include the name of a child who is the subject of the proceedings, or the name of any of the parties to the proceedings.

To insert in *subclause (2C)*, after the expression “**subsection (2A)**” (line 18 on page 100), the expression “**or subsection (2AC)**”.

Clause 144

To omit *subclause (3)* (lines 9 to 12 on page 108).

Clause 146

To omit *subclause (3)* (lines 1 to 4 on page 109).

Clause 167: new section 13

To insert, after the word “is” (line 13 on page 116), the word “to”.

To omit the word “procedures:” (line 15 on page 116), and substitute the words “procedures; and”.

To omit the word “to” (line 14 on page 116).

To omit the word “to” (line 16 on page 116).

Explanatory note

This Supplementary Order Paper, which replaces Supplementary Order Paper No 291, sets out amendments to the Care of Children Bill.

The only changes relate to *clauses 57 and 71*. Supplementary Order Paper No 291 contains amendments giving members of the police a power (referred to in overview *clause 57(2)*) to arrest without warrant (under a *new clause 71(2)*) a person reasonably believed to be resisting the execution of—

- a warrant to enforce the role of providing day-to-day care for, or an order for contact with, a child; or
- a warrant relating to preventing removal of a child from New Zealand.

By contrast, this Supplementary Order Paper makes the offence in *clause 71* (which relates to resisting execution of those specified warrants) punishable by imprisonment for a term not exceeding 3 months, which ensures consistency with the penalties for the offence in *clause 70* (which relates to contravening a parenting order).

The other 2 main amendments—

- remove *clause 25(1A)*, which prevents appointment of a person as a testamentary guardian if the person has not first consented to the appointment (and remove consequentially the related transitional *clauses 144(3) and 146(3)*); and
- ensure *clause 131* permits reports of proceedings (other than criminal proceedings) under the Bill to be published in relevant professional or technical publications so long as those reports do not include—
 - the name of a child who is the subject of the proceedings; or

- the name of any of the parties to the proceedings.

The other amendments ensure the Act comes into force on **1 July 2005**, and correct minor drafting errors.
