



## Care of Children (Counselling) Regulations 2013

Rt Hon Dame Sian Elias, Administrator of the Government

### Order in Council

At Wellington this 21st day of October 2013

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 147(2) of the Care of Children Act 2004, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## **Regulations**

- 1 Title**  
These regulations are the Care of Children (Counselling) Regulations 2013.
- 2 Commencement**  
These regulations come into force on the day after the date of their notification in the *Gazette*.
- 3 Interpretation**  
In these regulations, the **Act** means the Care of Children Act 2004.

### *Counselling organisations*

- 4 Criteria for approving counselling organisations**  
In deciding whether to approve an organisation under section 46H(1) of the Act as an approved counselling organisation, the Secretary must be satisfied that—
  - (a) there is (in the Secretary’s opinion) a need for an organisation of the organisation’s size and other characteristics (including its location) to be available as an approved counselling organisation; and
  - (b) the organisation will nominate under section 46J(a) of the Act only counsellors who satisfy the requirements of regulation 6 and are not disqualified under regulation 8.
- 5 Grounds for suspension or cancellation of organisation’s approval**  
The following are grounds on which the Secretary may suspend or cancel the approval of an organisation as an approved counselling organisation:
  - (a) that the organisation was approved on the basis of false or misleading information supplied by or on behalf of the organisation:

- (b) that the organisation does not meet the ministry's reporting requirements:
- (c) that the organisation does not have appropriate record-keeping protocols, and quality and service-delivery systems:
- (d) that the organisation has asked for its approval to be suspended or cancelled:
- (e) that the organisation has been wound up or dissolved, or has otherwise ceased to exist:
- (f) that the organisation has ceased to provide counsellors:
- (g) that the organisation does not nominate under section 46J(a) of the Act only counsellors who satisfy the requirements of regulation 6 and are not disqualified under regulation 8:
- (h) that the organisation has failed to comply with a term of a contract with the Ministry of Justice.

### *Counsellors*

#### **6 Qualification and competency requirements**

The following qualification and competency requirements must be applied by the Secretary in deciding whether a person meets the criteria in section 46K(1) of the Act:

- (a) the person must be a member of or affiliated to an appropriate professional body:
- (b) the person must hold a counselling qualification at level 6 or higher in the New Zealand qualifications framework:
- (c) the person must have enough experience in counselling to provide reasonable assurance of competence in providing counselling in the context of Family Court processes:
- (d) the person must be culturally aware, in particular of Māori values and concepts:
- (e) the person must be able to address diversity in people being counselled:
- (f) the person must be able to—
  - (i) assess people being counselled, and their circumstances and history, for factors (in particular, in relation to possible domestic violence) indicating

risks that may arise during, or in the context of, counselling sessions; and

- (ii) manage any risks likely to arise.

## **7 Transitional qualification and competency requirements**

- (1) At any time before the day 9 months after the date on which these regulations are notified in the *Gazette*, the Secretary may apply the following requirements in place of those prescribed by regulation 6:

- (a) the person must have been, immediately before the commencement of these regulations, a counsellor within the meaning of the Family Proceedings Act 1980;
- (b) there must be no information in the Secretary's possession that (in the Secretary's opinion) suggests that the person is not qualified and competent to provide counselling services under the Act.

- (2) Subclause (1) overrides regulation 6.

## **8 Matters disqualifying people from appointment as counsellors**

The following are matters disqualifying a person from appointment as a Family Court counsellor:

- (a) not being of good character;
- (b) not being a fit and proper person to be a Family Court counsellor.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force the day after notification in the *Gazette*, prescribe—

- criteria that the Secretary for Justice must apply in deciding whether to approve organisations as approved counselling organisations under section 46K of the Care of Children Act 2004 (the **Act**):
- grounds on which the Secretary can suspend or cancel the approval of an organisation as an approved counselling organisation:
- qualification and competency requirements that the Secretary and approved counselling organisations must apply in deciding whether people are qualified and competent to provide counselling services under the Act (and can thus be appointed as counsellors):
- temporary qualification and competency requirements (already being a counsellor under the Family Proceedings Act 1980, and having no adverse information held by the Secretary) so that for 9 months after the commencement of the regulations existing counsellors can easily be reappointed:
- matters that disqualify people from appointment as counsellors.

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 October 2013.

These regulations are administered by the Ministry of Justice.

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