

1 June 2022

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Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) (the Act) – reference: 2122-280

I refer to your information request we received on 20 May 2022 for information in relation to Rainbow Storytime at Ōtaki Library on 25 May 2022:

1. Have the adult drag performers attending Otaki Library on the 25 May 2021 been police vetted in accordance with the the Children's Act 2014?

Legal advice has been sought on Council's requirements under the Vulnerable Children's Act 2014.

Under the Act, safety checks need to be completed for core and non-core children's workers:

In Section 23 (1) of the Act a 'children's worker' is defined as:

a person who works in, or provides, a regulated service, **AND** the person's work—

(a) may or does involve regular or overnight contact with a child or children (other than with children who are co-workers); **AND**

(b) takes place without a parent or guardian of the child, or of each child, being present

'Regular or overnight contact' is defined as:

23 (2) A person's work involves regular or overnight contact with children if the person has contact (other than merely incidental contact) with a child or children —

- (i) overnight; or
- (ii) at least once each week; or
- (iii) on at least 4 days each month; and

(b) that contact is any of the following kinds:

- (i) physical contact:
- (ii) oral communication, whether in person or by telephone:
- (iii) communication through any electronic medium, including by way of writing or visual images.

Council can confirm that staff will be present throughout the performances, along with other parents, and guardians in attendance.

With regard to the performers for this Rainbow Storytime, under current legislation they do not meet the requirement for safety checks, based on the information provided above.

Regardless of the legal requirements, both performers do hold current police checks and Council is currently undertaking its own vetting process.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi,



Mike Mendonça

Group Manager Place and Space
Te Kaiwhakahaere roopu, Takiwa me te Waahi