

FAMILY VIOLENCE PROVIDER UPDATE | October 2022

This update is essential reading for all approved MoJ programme facilitators and agency managers.

Please share with your team.

Ngā mihi nui ki a koutou katoa

Thank-you for your feedback

Once again, we would like to say thank you to everyone who came along to our engagement hui in July, and to those who were unable to make it but have shared their thoughts and ideas with their contract managers. It was great to hear from so many of you about how our current contracts and programmes are working for agencies and the communities you serve. We really appreciate all the ideas shared and received a lot of very valuable feedback for us to consider for future contracts.

Confidential Addresses

Confidential addresses for Safety programmes do not need to be disclosed to DVProgrammes.

When completing an FV3A for a Safety Programme request, you do not need to provide an address if the client has asked for their details to remain confidential. Please complete the form with 'confidential address' and provide a general area/district.

Firearms Prohibition Order

The [Firearms Prohibition Orders Legislation Act](#) introduces a new type of court order which can be made at sentencing in the District and High Courts. The use of Firearms Prohibition Orders (FPOs) are intended to protect the public from harm by prohibiting 'high-risk' offenders from accessing, being around, or using firearms or other restricted weapons such as pistols or airguns.

A judge can make an FPO when sentencing a person who has been convicted of category three and four specified offences under various Acts. ¹The standard conditions in the order state that the person must not:

- be around people who have firearms or related items with them that are not stored securely.
 - stay overnight in any premises, for more than any two nights in a year, where any firearms or related items are stored.
 - join or continue to be a member of any shooting or firearms club of any kind. This includes an airsoft shooting club. The person must not visit these clubs or attend events organised by them.
 - go to any shooting range or shooting gallery.
-

¹ The Arms Act 1983, Crimes Act 1961, Terrorism Suppression Act 2002, or a specified violent offence as defined in the Victims' Orders Against Violent Offenders Act 2014.

- attend any activity that involves the use of firearms or related items.
- go to any premises or place where firearms or related items are manufactured, sold, repaired hired, lent, or otherwise supplied.

If a custodial sentence is imposed, an FPO commences when the offender is released from custody. An FPO continues for 10 years, unless revoked sooner by a judge.

The person will commit an offence if they access, possess, or use any firearms or related items, or does not follow any condition in the order. They could go to prison for to seven years.

If you have concerns about anyone who has access to firearms you can contact Police on 111 if it's an emergency or 105 for non-emergency reporting.

The Firearms Prohibition Legislation Act will come into force on 16 November 2022.

Residential Tenancies Act

This is an update on the provisions in the Residential Tenancies Act 1986 (RTA) to enable victims of family violence to leave a tenancy at short notice (section 56B) and to enable landlords to terminate tenancies where a charge has been filed for assault (section 55AA).

These changes took effect on 11 August 2021. Housing Urban Development (HUD) has been developing Regulations to support the change and has received legal advice that [s56B](#) and [s55AA](#) of the [Residential Tenancies Act 1986](#) are now in effect and can be used, despite Regulations not yet being finalised.

Under s56B, tenants who have experienced family violence during the tenancy can withdraw from their tenancy by giving two days' notice, without financial penalty or the need for agreement from the landlord.

A tenant can give their landlord a family violence withdrawal notice, attaching a form of evidence, and expect it to have effect.

In the absence of regulations, examples of acceptable evidence could include:

- a letter or email from a medical professional (for example, a doctor or nurse), a social worker, or a family violence service provider
- a Police Safety Order, a Protection Order or charging document relating to the family violence that was issued during the tenancy.

Under s55AA, landlords are able to give notice of at least 14 days to terminate the tenancy if the tenant has assaulted the landlord, the owner, a member of their family, or the landlord's agent, and the Police have laid a charge against the tenant in respect of the assault.

Guidance has been published on the MBIE Tenancy Services website to make clear that the provisions can be used. The guidance will be replaced when Regulations take effect in early 2023.

Interpreter Approvals

From time to time, you are required to work with clients referred by the Courts where there are language and/or hearing barriers and an interpreter is required. Previously, approvals were requested from DVProgrammes but as from 1 July approval is now sought from your Contract Manager before interpreter services are engaged.

The interpreter approval request is sent direct to DVReporting@justice.govt.nz. This is also the address for submitting the invoice to be paid. Please note that you must advise your contract manager if the Interpreter fee is likely to be over \$65 per hour.

Quarterly Bulk-Funding Invoices

With the certainty around the current funding model being locked in for the 2022-2023 financial year, you are now able to submit the quarterly bulk-funding invoices in advance. Invoices can be submitted from the month prior to each new quarter, i.e., from September 1st for the quarter two period (October-December).

Safety Concerns

Notices of safety concerns must be sent to the court without delay and no later than 24 hours after the event.

Filing a Notice of safety concerns is a legal obligation under the Family Violence Act and ensures both the court and the protected person/s are notified of the concern.

A notice of safety concerns must be completed and sent to the court without delay if the facilitator has serious concerns about the safety of a protected person/victim. The provider must also send their notice of safety concern to the Police at FV.PNHQ@police.govt.nz as well as to their local police family violence co-ordinator. Oranga Tamariki must also be notified if there is perceived risk to a protected child.

Concerns must be about new or escalating behaviour or information not contained in the original Protection Order or court referral documents. It may include new information from the victim/protected person, another provider, or direct observation or information from the client. You must include as much detail as possible including when you became aware of the incident as well as when the incident occurred.

When a safety concern is filed for a safety programme client, there is a possibility that a Judge will direct that the Respondent is informed or served with a copy of the Notice. A facilitators name and agency need to be on the form however no details are provided to the Respondent unless a Judge directs it.

New Safety Services Team members

We have had a number of changes in the team since our last communication so we would like to formally introduce Anna Filemoni and Sarah Naldrett-Jays to our providers. Anna joined us back in June and Sarah came on board in August.

We are also very fortunate to have now filled all of our team vacancies and in October we welcome Nikita Krishnan and Jahmone Betham to the Safety Services team.

Please join us at our fortnightly Communities of Practice online hui to meet the team, enjoy the learning opportunities and have your say.

Until then, mā te wā

Mauri ora, the Safety Services team.