FAMILY AND WHĀNAU VIOLENCE LEGISLATION BILL

Preventing and eliminating family violence is one of the greatest opportunities to improve the wellbeing of New Zealanders. The Family and Whānau Violence Legislation Bill sets up a modern and enabling framework to better prevent, identify and respond to family violence.

Family violence in Aotearoa

Family violence has lasting impacts on victims, their families and communities, and wider society. There is now greater understanding about family violence and the ongoing effects it has on the lives of victims.

Eliminating family violence requires a multi-faceted approach, with action from Parliament, all of Government, businesses, communities, and family and whānau.

The Government is committed to making a real difference to those people whose lives are affected by family violence.

The Family and Whānau Violence Legislation Bill (the Bill) lays the foundation for the transformation of the family violence system. The Bill promotes consistent, collaborative responses to people experiencing family violence, improves civil orders to protect victims and recognises the dynamic of family violence in the criminal justice systems.

A new Family Violence Act

The Domestic Violence Act 1995 has been amended many times since its enactment over 20 years ago. Rather than continue with a piecemeal approach, the Government has tabled a Supplementary Order Paper which will modernise the Domestic Violence Act by repealing and replacing it.

The new Act, to be called the Family Violence Act, will be updated with modern language, a new structure and guidance sections at the beginning of each Part to make it easier to navigate. These changes will make the Act easier to understand and to use effectively.

Proposed amendments

In addition to modernising the Domestic Violence Act, the Government has proposed several targeted improvements to the Bill, including:

- Extending the maximum duration of Police Safety Orders from 5 days to 10 days to provide victims with more time to put in place safety arrangements.

- Enhancing the principles so that decision makers recognise that family violence:
  - includes behaviour that may appear to be minor or trivial when viewed in isolation, but forms a pattern of behaviour that causes cumulative harm, and
  - often includes coercive or controlling behaviour.

- Amending the definition of family violence to explicitly recognise that violence includes dowry-related violence, to increase public awareness of the issue.

- Amending the definition of family relationship to make it clear that the definition can cover a carer and a recipient of care relationship.

- Requiring assessors and providers to take into account victims’ views, unless it is unsafe or otherwise inappropriate to do so.

These targeted amendments and the modernisation of the Domestic Violence Act will ensure the new Family Violence Act provides for a greater focus on victims’ needs and is usable for the wider social and justice sector.