

SAFER SOONER

Strengthening New Zealand's Family Violence Laws



MINISTRY OF
JUSTICE

Tāhū o te Ture



SAFETY CONCERNS

Your safety is important. If the issues raised in this document are personal for you and you'd like to talk to someone, there are many support lines and places you can contact for information or help. *They're all free.*

NEW ZEALAND POLICE

111

If you have immediate safety concerns for yourself or anyone else, dial 111 and ask for Police.

CHILD, YOUTH AND FAMILY

0508 FAMILY

0508 326 459

If you are worried about a child or young person, you can call the freephone number to talk to a social worker, 24 hours a day, 7 days a week.

ARE YOU OK? HELPLINE

0800 456 450

The helpline can give information and put you in touch with services in your own region for those experiencing or witnessing violence, or who want help to stop being violent. The helpline operates every day of the year and is open from 9am to 11pm.

WOMEN'S REFUGE

0800 REFUGE

0800 733 843

If you're a victim or are concerned about someone you know, you can call the Women's Refuge helpline for information, advice and support about family violence. The helpline is available 24 hours a day, 7 days a week.

SHINE

0508 744 633

If you're a victim of family violence or concerned about someone else, you can call Shine's domestic abuse helpline from 9am to 11pm, 7 days a week.

SHAKTI

0800 SHAKTI

0800 742 584

Shakti provides culturally specialist services for women of African, Asian and Middle Eastern descent, and their children. They can discuss safety options in other languages if English isn't your first language. Their crisis line can be reached 24 hours a day, 7 days a week.

FAMILY VIOLENCE INFORMATION LINE

0800 456 450

The Family Violence Information Line can connect you with the right services to help you or just provide you with information relevant to your needs. It's available 7 days a week, from 9am to 11pm.

A FRESH LOOK AT FAMILY VIOLENCE LAWS



We know that family violence has a devastating impact on individuals and communities. The government is committed to redesigning the way our system prevents and responds to family violence. We understand the size and magnitude of the problem and its intergenerational nature.

But family violence is not a problem that government can solve alone – it requires all New Zealanders to think differently.

We need to act sooner to keep victims safer. We need to act earlier to change perpetrator behaviour. And we need a new approach to better identify risk and recognise the patterns of family violence.

The first step is making system-wide changes. Across 16 different portfolios, Ministers and departments are working together to understand how the government delivers family violence services, and assess the effectiveness of our response.

Through the Ministerial Work Programme on Family and Sexual Violence, we know that we must address and change the behaviour of perpetrators to make real change sooner.

We can't wait until sentencing and court-mandated programmes ensure that help is available.

Our overhaul of our family violence laws is a critical, foundational step so that a new approach can be built. We're introducing new family violence offences and acting to better track dangerous behaviour. We're making sweeping changes across the system to better support victims and keep them safe. This includes making it easier to get a protection order, maximising the opportunities of Police safety orders, and making property orders more effective in keeping victims in their homes. It includes new offences to prosecute violence, a focus on getting in early, and connecting perpetrators with the help they need to stop the abuse.

But the law is only one of the elements in how we can tackle the challenge ahead of us. It sets up the system, holds perpetrators to account, and puts a stake in the ground. But laws by themselves don't get results. We all need to do better if we are going to combat family violence. We have set a clear course and are making a start.

It is simply too important not to.

HON AMY ADAMS
MINISTER OF JUSTICE

We need a
new approach

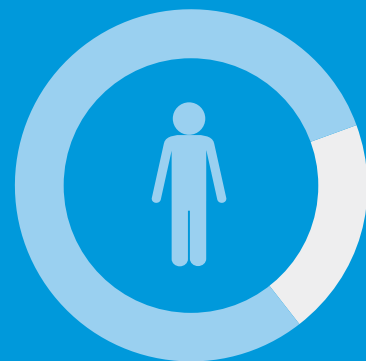
KEY STATISTICS



In 2013, children were present at over

63%

of family violence incidents attended by Police³



An estimated

80%

of family violence incidents are unreported to Police (NZCASS)⁴



Nearly half of all homicides and reported violent crime are related to family violence⁵

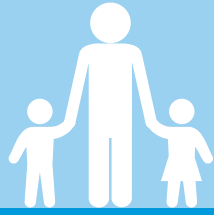


New Zealand has the highest reported rate of intimate partner violence in the developed world¹

7x

Victims of family violence who have previously been strangled by their partner have 7 times the risk of being killed, than victims who have not been strangled²

See page 16 for citations for these key statistics



In 2015, Child, Youth & Family received

**over
150,000**

notifications about care & protection of children⁶



Māori are nearly 3 times more often victims of intimate partner deaths than non-Māori.⁷

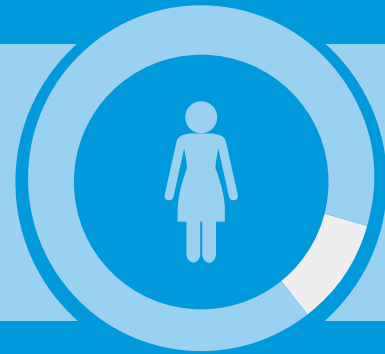
Māori children are 5.5 times more likely to die from child abuse and neglect than other children.⁸



In 2015, nearly

14,000

PSOs were issued by Police. 8% of these were breached⁹



Nearly **90%** of applicants for a protection order were female

Nearly **90%** of respondents were male¹⁰



In 2015, Police responded to over

110,000

family violence incidents¹¹

SUMMARY OF KEY CHANGES

- **Keeping victims safe**
- **Earlier and more effective interventions**
- **Focus on changing perpetrator behaviour**
- **Better risk identification**
- **Better recognition of the characteristics of family violence**

Now



Future

The Act does not have enough guidance

The Act will provide better guidance about what family violence is and how to use the Act:

- Objectives prioritise victim safety and reducing perpetrator violence
- New principles to guide decisions
- Clarify what the definition includes

Victims can find protection orders difficult to apply for, due to a complicated process and costs of legal advice

Protection orders will be easier to apply for:

- Simpler application forms
- Non-government organisations (NGOs) can apply on behalf of particularly vulnerable victims who are unable to apply themselves
- Pilot funded approved NGOs to help victims with applications
- Protection orders can be better tailored to vulnerable victims, for example older people and people with disabilities

Opportunities to intervene early and support perpetrators to stop using violence aren't maximised

More effective at helping perpetrators change their behaviour:

- Independent risk and needs assessment pathway created for self and Police safety order referrals
- Under protection orders, courts can direct perpetrators to further programmes and wider range of services

When parents separate, perpetrators may use parenting arrangements as an opportunity to continue to use violence against adult and child victims

Better protect the safety of adult and child victims following separation:

- Courts must consider extra family violence factors when assessing a child's safety in Care of Children Act (CoCA) proceedings eg, whether a temporary protection order has been made and any breaches
- Pilot funded supervised handover service
- More information sharing between CoCA and criminal cases to identify any history of family violence

Family violence offending isn't consistently identified or recorded in the criminal justice system

Family violence offences are clearly flagged:

- Additional information is available to judges and Police
- Perpetrators who use family violence can be treated differently at bail and sentencing
- Better information about family violence volumes and trends

Existing offences don't clearly criminalise all family violence behaviours

Ensuring family violence is effectively prosecuted:

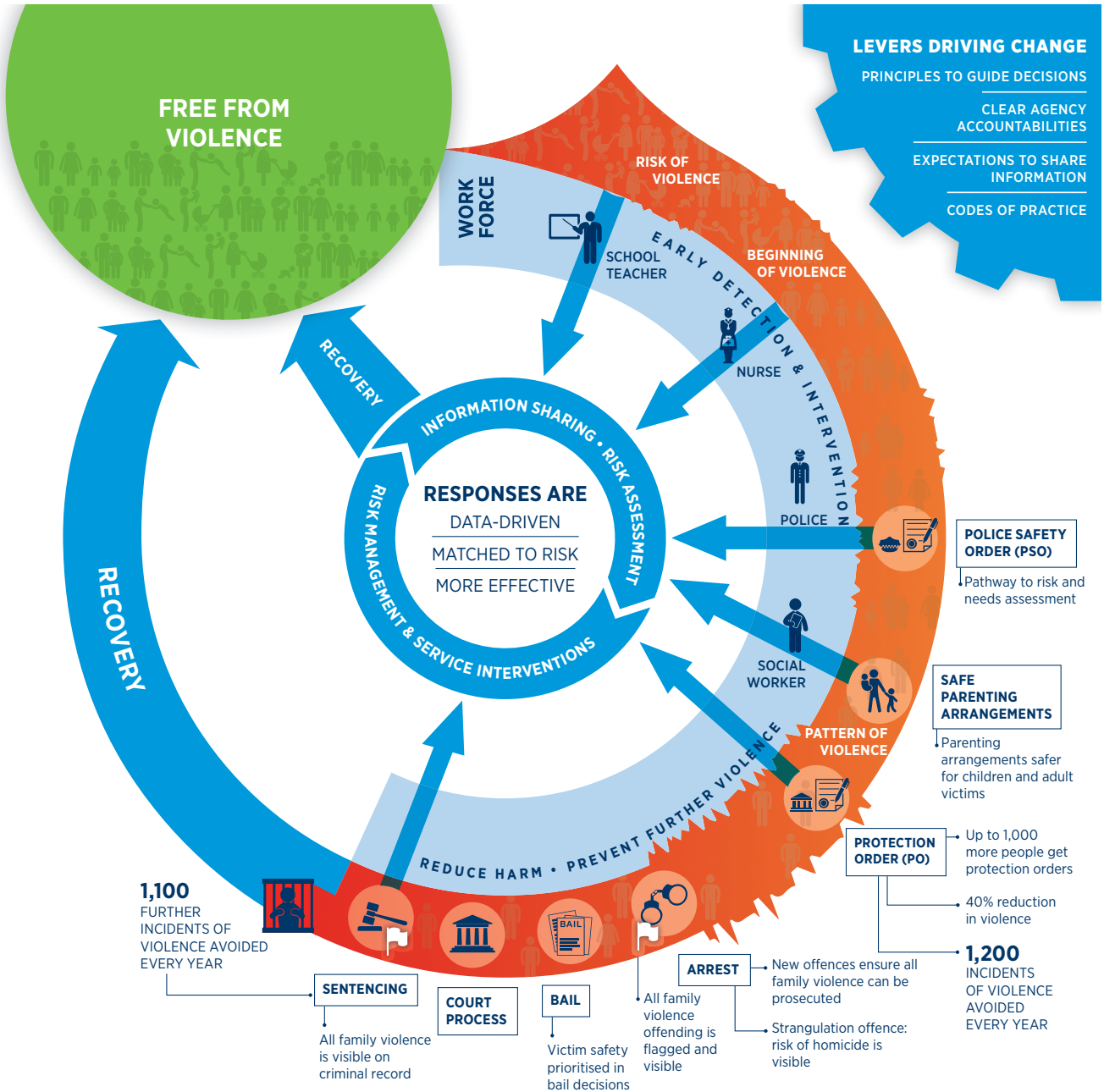
- New family violence offences of strangulation, coercion to marry, and assault on a family member

The current family violence system isn't well integrated, leading to uncoordinated and inconsistent practice

Supports the Ministerial Group to develop an integrated family violence system:

- Better information sharing across agencies and professionals to inform risk assessment and management
- Codes of practice to support consistent delivery of services

PROPOSED CHANGES TO SYSTEM RESPONSE



INTRODUCTION

The case for change

The rate of family violence in New Zealand is unacceptable. We have the highest reported rate of intimate partner violence in the world. Police responded to over 110,000 family violence incidents last year, yet an estimated 80% of incidents aren't reported to Police.

Children are present at nearly two-thirds of all family violence incidents Police respond to. The impact on children is often severe and long lasting. Boys who witness family violence are twice as likely to abuse their partners and children when they grow up. Young people exposed to family violence are 3 times more likely to commit suicide.

Family violence has a devastating impact on individuals, families and communities. The effects of violence build up and can have a profound impact over time and across generations. In addition to the human and social cost, family violence has a significant economic cost, particularly on our healthcare system.

The need to improve how we respond to family violence was a key theme in the submissions we received on the discussion document *Strengthening New Zealand's legislative response to family violence*. These submissions played an important role in shaping the package.

Package of changes to the law

The Government is overhauling our family violence laws, in particular the Domestic Violence Act 1995. The changes will improve how we respond to family violence to make victims safer and stop perpetrators using violence. It's a package of reforms that will strengthen both the civil and criminal law. The package will also introduce future-focused provisions to support the wider Ministerial Group on Family Violence and Sexual Violence (the Ministerial Group) work programme.

The package focuses on intervening sooner and more effectively to prevent future violence. It will connect perpetrators to services to change their behaviour. This will help break patterns of behaviour that can continue across generations.

Our work to date reviewing family violence law

In August 2015, the Minister of Justice, Hon Amy Adams, launched a discussion document *Strengthening New Zealand's legislative response to family violence* and invited all New Zealanders to make a submission.

Nearly 500 detailed submissions were received from individuals, groups and organisations. The submissions played an important role in shaping the package.

The discussion document suggested ideas for change in 5 different parts of the law: understanding family violence, keeping victims safe, prosecuting family violence perpetrators, additional pathways to safety, and better services for victims, perpetrators and whānau. Submissions were invited on what individuals, groups and organisations thought about these ideas and other parts of family violence law.

In March 2016, Minister Adams released a summary of the submissions on the discussion document. Overall, people who had their say were generally supportive of the ideas for potential change. Submissions confirmed that the discussion document identified the key issues with the current law.

The government's work programme on family violence

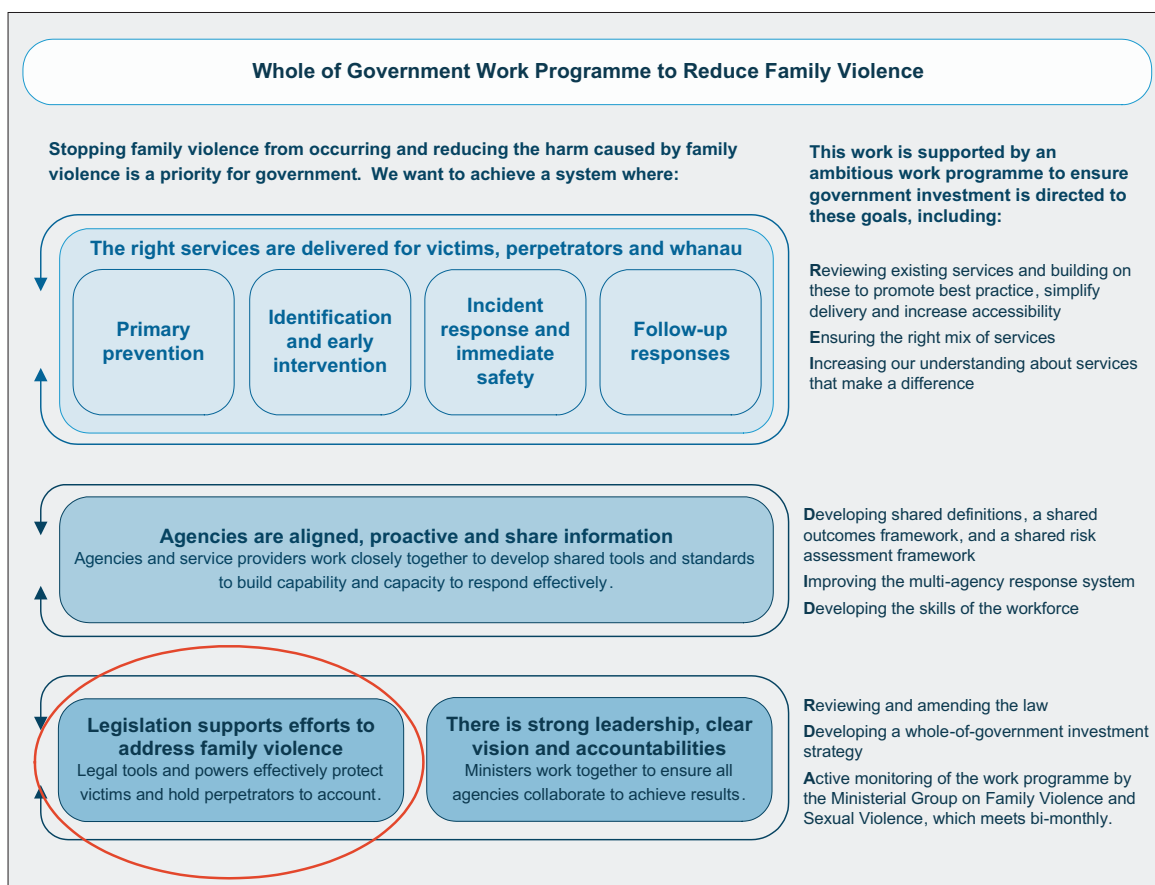
While much has been done over the years to address family violence, it remains one of New Zealand's most significant social issues. In July 2014 the Prime Minister announced a package of initiatives aimed at supporting agencies to work together to build an integrated system for responding to family violence.

The Minister of Justice and the Minister for Social Development, as co-chairs of the Ministerial Group, are leading this cross-government work. The work aims to make victims safer, improve services, and change long-standing behaviours and attitudes towards family violence.

The review of family violence law is a critical part of this work. Legislation alone can't solve the problem. However, the law will underpin the wider work of the Ministerial Group. It should enable the system to evolve to reflect developments in local and international advances in the understanding of family violence and how to address it.

In particular the legislative changes will set up the architecture for an independent risk and needs assessment hub. The services that will sit alongside this hub and the system changes required to make it effective are being developed by the Ministerial Group. This includes workforce development, a common risk assessment and management framework, and effective victim and perpetrator services.

Referrals to the hub will be both through the proposed law change to enable Police to refer perpetrators to a risk and needs assessment when they issue a PSO, as well as self-referrals from family violence perpetrators wanting to change their behaviour.



UNDERSTANDING FAMILY VIOLENCE

Understanding of family violence and how to respond

WHY CHANGE?

The Domestic Violence Act 1995 (the Act) isn't clear about its objectives and doesn't give people across the family violence system enough guidance about how to use it. This can lead to inconsistent understandings of family violence that don't prioritise the safety of the victim or stop the perpetrator's violence.

WHAT CHANGES ARE PROPOSED?

The Act will be changed to make it clear that the primary objectives of the Act are to secure victims' safety from all forms of violence, and reduce perpetrators' ongoing use of violence.

The Act will state how its objectives will be achieved, for example, by recognising family violence is an ongoing pattern of harm and by providing access to services aimed at stopping perpetrators' violence and at helping victims stay safe.

New principles will guide decisions made under the Act, for example:

- victims must be protected from all forms of violence
- disruption to victims' (including children's) day to day lives should be minimised
- responses should be culturally appropriate and responses to Māori must reflect tikanga

- practitioners must work together to protect victim safety (including children) and stop perpetrator violence.

The Act will make it clear that all agencies need to work together to achieve these objectives. The change should also inform the wider public's understanding of family violence.

Clarify the definition of family violence

WHY CHANGE?

The current legal definition of domestic violence doesn't reflect a modern understanding of family violence as an ongoing pattern of control that can take many different forms. This can lead to inconsistent decisions about who the Act protects, and in what circumstances.

WHAT CHANGES ARE PROPOSED?

The definition of domestic violence in the Act will be replaced with the term family violence, to better recognise that family violence occurs in a wide range of family relationships. This will create a more consistent understanding of family violence, and better recognise the impact of violence on the whānau.

The definition will also be updated to reflect modern understanding of the types of behaviour that comprise family violence.

IMPACT ACROSS POPULATION GROUPS

People across all age groups, economic levels, ethnic backgrounds and types of relationships experience family violence. However, some people, in particular Māori, Pacific and ethnic migrant communities, older people, disabled people and women and children can be at greater risk of family violence. The changes to the law were developed with these groups in mind, and are designed to have a positive impact.

Māori are significantly overrepresented both as victims and perpetrators of family violence. Māori children are

overrepresented as victims of child abuse, and this has an impact on the likelihood of children becoming perpetrators and victims of family violence in adulthood. As a result, all changes to family violence laws are likely to have a greater impact on Māori than non-Māori.

On the whole, the proposed changes are likely to have a positive impact on Māori. For example, proposals to widen access to services and intervene earlier are likely to improve the safety of Māori women and children, and reduce escalation of offending to the point of criminal charges.

EARLIER & MORE EFFECTIVE INTERVENTIONS TO CHANGE PERPETRATOR BEHAVIOUR

Use Police safety orders as an opportunity to provide help

WHY CHANGE?

It's often difficult for perpetrators to access risk and needs assessments or services before they come into contact with the court (for example, through a protection order or prosecution for violence). Police safety orders (PSOs) could be used more effectively as a trigger to intervene earlier and address the long-term risk of violence. Police are also currently unable to issue PSOs if they've arrested a perpetrator for an offence, and can find it difficult to prove a breach of a PSO.

WHAT CHANGES ARE PROPOSED?

Changes to the law will ensure perpetrators can be connected to a risk and needs assessment hub when a PSO is issued. Changes include:

- connecting perpetrators to services by enabling Police to direct a perpetrator to a risk and needs assessment when a PSO is issued
- making failure to arrange a risk and needs assessment within 10 days of the direction being made, or failure to attend the assessment, a breach of the PSO
- allowing Police to issue a PSO if they've arrested the perpetrator, so the victim is protected if the perpetrator is then released without being charged with an offence
- making it easier for Police to prove a breach of a PSO, by requiring Police to prove that a breach is more probable than not, replacing case law that requires proof beyond reasonable doubt.

These changes align with the Ministerial Group work programme to develop additional pathways to safety by providing access to services without the need to go to court.

Make it easier to apply for protection orders

WHY CHANGE?

Barriers such as the costs and complexity of the application process mean some victims don't apply for protection orders. If they do apply, they may not give judges the right information.

Better access to a protection order will keep victims safer by reducing the opportunities the perpetrator has to be violent. Having a protection order will also enable the Police to respond swiftly if the violence continues, and give the victim access to education and safety programmes.

WHAT CHANGES ARE PROPOSED?

Changes to the law to make it easier for victims to apply for a protection order include:

- introducing simpler and more accessible protection order application forms
- enabling approved non-government organisations (NGOs) to apply on behalf of vulnerable victims if the victim can't apply for reasons including physical incapacity or fear
- enabling a young person to apply for a protection order without a representative if the court considers it appropriate
- a pilot to provide funded advice services to help victims of family violence apply for a protection order.

While these changes will make it easier to apply for a protection order, the legal threshold for judges granting a protection order won't change.

Use protection orders more effectively

WHY CHANGE?

Perpetrators aren't always connected to the right services to effectively change their behaviour when a protection order is issued. This reduces the effectiveness of protection orders at keeping victims safe. Also, protection orders aren't always tailored to the victim's needs. This can reduce victims' confidence in protection orders and make them less likely to apply for a protection order, or report a breach.

WHAT CHANGES ARE PROPOSED?

Protection orders will be more effective at protecting victims and reducing the risk of future violence by:

- empowering the court to direct a perpetrator to attend a wider range of services listed in a schedule to the Act. Currently the court can only require the perpetrator to attend a non-violence programme
- giving the court extra powers to act when family violence service providers raise issues. For example, if a provider identifies a risk to the victim's safety, the court may change the conditions of a protection order to better protect them
- providing Police with key information about risks posed by the perpetrator, and allowing them to share protection order information with other agencies so they can better assess and respond to the risk of future violence
- helping victims and perpetrators understand the impact of protection orders, by clarifying that when a protection order is made, a protected person may consent or withdraw consent to contact with the perpetrator
- requiring the court to be satisfied that a protection order is no longer necessary for the protection of the victim (including children) before discharging it

- enabling children and young people to request safety programmes without a representative applying for them
- better protecting vulnerable victims, including older people and people with disabilities, by specifying the court may impose special conditions to tailor orders to their needs.

Use property orders more effectively

WHY CHANGE?

Victims of family violence who leave a violent relationship are at increased risk of homelessness. Victims can apply for a property order under the Domestic Violence Act. Property orders can provide victims with stable accommodation. The orders can exclude the perpetrator from their house until decisions about property arrangements are made.

Staying in their home can support victims, including children, to stay at work or school, and near friends. Currently, property orders aren't often applied for. Breaches of property orders are also rarely reported, potentially because of the complex way property orders are enforced.

WHAT CHANGES ARE PROPOSED?

Property orders will be made more effective at reducing the risk of homelessness among victims following separation by:

- making it clear that the purpose of property orders is to ensure victims, including children, can stay in their own home
- treating a breach of a property order as a breach of the protection order, making it easier for Police and courts to enforce a property order.

Keep children and adult victims safe after separation

WHY CHANGE?

Separation can be a high-risk time for family violence to occur. Adult and child victims of family violence may continue to experience family violence after separation. A perpetrator may use parenting arrangements made under the Care of Children Act 2004 (CoCA) as an opportunity to continue to abuse an adult or child victim. The court could be supported to better consider the risk of violence when making parenting arrangements.

WHAT CHANGES ARE PROPOSED?

Changes to better protect adult and child victims of family violence when making parenting arrangements in CoCA proceedings include:

- requiring the court to consider additional factors when assessing a child's safety. For example, whether any protection orders have been made or breached, and whether the perpetrator has completed a non-violence programme or other court-mandated programme
- enabling judges to make temporary protection orders in exceptional circumstances. For example when there's evidence of family violence and CoCA orders can't protect the victim
- sharing more information between CoCA and criminal cases that involve the same people, to support the court to make more informed decisions
- if there's been psychological violence, allowing the court to impose protective conditions when children are collected from, or returned to, a victim at risk of family violence. This is already allowed if there is physical or sexual violence.

In addition to these changes, there will be a pilot of a supervised hand-over service. The service will take practical steps to reduce the risk that the victim could be abused when handing over children under parenting arrangements.

Changes to better protect child victims of family violence when making a protection order under the Domestic Violence Act include:

- treating a care and contact order (which sets out temporary arrangements for care and contact with children) made under the Act as if it were an interim parenting order under CoCA, so key decisions about a child's wellbeing are made under CoCA
- allowing children who don't currently live with the applicant of a protection order to be added to the protection order by the court
- automatically adding children born to a victim to the protection order.

The Ministers of Justice and Social Development have been working closely to ensure the changes align with the review of Children, Young Persons and their Families Act 1989 and the direction of the new Ministry of Vulnerable Children, Oranga Tamariki.

KEEPING VICTIMS SAFE

Identify family violence

WHY CHANGE?

It's difficult to consistently identify or record family violence in the criminal justice system. Family violence may occur in many different forms and can be prosecuted under a wide range of offences. This means family violence cases are not always treated as such and gathering information about family violence rates is difficult.

WHAT CHANGES ARE PROPOSED?

Police will 'flag' all cases that involve family violence when they charge the perpetrator. Because the flag can result in the defendant being treated differently, the defendant can challenge the flag if they dispute that the case involves family violence.

The flag will give judges extra information about the criminal history of the defendant in front of them. The flag will also make it possible for family violence cases to be treated differently, for example, to implement some of the changes set out later in this paper to:

- ensure the safety of a victim of family violence is consistently considered in bail decisions
- require judges to consider specific family violence aggravating factors when sentencing a perpetrator
- clearly identify family violence convictions on a perpetrator's criminal record.

Identifying family violence in the criminal justice system will also lead to better information about volumes and trends of family violence offending. This information will provide evidence to inform future decisions about how to respond effectively to family violence.

New family violence offences

WHY CHANGE?

Most family violence can be prosecuted under existing, generic offences. However, existing offences don't include all family violence behaviours, or recognise the seriousness of some behaviours when they occur within a family relationship. As a result, perpetrators are not always prosecuted when they should be, or charged with an appropriately serious offence.

WHAT CHANGES ARE PROPOSED?

Police will be able to prosecute perpetrators of family violence for additional offences of:

- non-fatal strangulation
- coercion to marry
- assault on a family member.

A separate offence of non-fatal strangulation was recommended by the Law Commission. Strangulation is a significant risk factor for future serious harm and death. Perpetrators use it to control and intimidate the victim, showing them that the perpetrator could kill them if they chose. Victims of family violence who have previously been strangled by their partner have 7 times the risk of being killed than victims who haven't been strangled.

A separate offence of non-fatal strangulation will support Police, the courts and the wider public to recognise the serious nature of this form of violence. If convicted, the violence will be flagged on the perpetrator's criminal record to inform family violence professionals who work with the perpetrator. Non-fatal strangulation will have a maximum penalty of 7 years imprisonment.

Coercion to marry will criminalise a person who coerces another person into marrying someone or entering a civil union. The offence will close a potential gap in the laws against forced marriage by stopping someone being threatened or intimidated into marrying. Coercion to marry will have a maximum penalty of 5 years imprisonment.

Assault on a family member will complement the existing offence of male assaults female. While male assaults female is often used in cases of intimate partner violence, it doesn't cover some relationships, for example, violence against a same sex partner or sibling. Assault on a family member will better capture the wide range of family violence offending. Like male assaults female, perpetrators charged with assault on a family member won't have an automatic right to bail. Assault on a family member will have a maximum penalty of 2 years imprisonment.

Additional aggravating factor at sentencing

WHY CHANGE?

When a perpetrator is convicted of an offence, a judge can consider a range of aggravating factors at sentencing. However, judges are not required to consider whether the offender was subject to a protection order at the time of the offending. This does not reflect the seriousness of breaching a protection order. It is also inconsistent with other aggravating factors, such as whether the offending occurred while on bail.

WHAT CHANGES ARE PROPOSED?

Judges will be required to consider a new aggravating factor in family violence cases. They must consider whether the offender was subject to a protection order at the time of offending. This will support consistent decision-making and reflect the seriousness of breaching a protection order.

Improve victim safety in family violence prosecutions

WHY CHANGE?

Judges are required to consider a range of factors at bail. However, judges are not required to consider victim safety in family violence cases. This can lead to inconsistent decisions that don't recognise the risk of further violence to the victim due to the family relationship with the perpetrator.

WHAT CHANGES ARE PROPOSED?

When judges make decisions about granting bail to a perpetrator charged with family violence, the judge will be required to make the safety of the victim, including children, the primary consideration. The judge may impose any condition necessary to protect the victim, and may prohibit perpetrators in custody from contacting the victim.

Improve victims' experience in court

WHY CHANGE?

Victims of family violence can find it traumatic to retell their story in court, or may be pressured by the perpetrator into not testifying in court. This can make it more difficult to successfully prosecute family violence perpetrators. Videos taken at the time of the offence are a powerful evidential tool but are not always permitted to be used in court.

WHAT CHANGES ARE PROPOSED?

Video interviews made by Police at the scene of a family violence incident can be used as the victim's evidence in chief. The victim can then be cross-examined and re-examined in the usual way. In addition, the Evidence Regulations 2007 will be amended to update the rules about digital recording and storage of video record evidence.

The Minister of Justice is considering more ways to improve the criminal court process, including the experience of family violence and sexual violence victims. She is also considering the Government's response to the Law Commission's report, *Understanding family violence: Reforming the criminal law relating to homicide*. Government decisions on these matters will be announced in due course.

BETTER SERVICES

The Ministerial Group is focused on developing an integrated family violence response system. This package of reforms is designed to ensure the law is forward-looking and supports the new system as it develops.

Share information to assess and manage risk

WHY CHANGE?

Agencies and professionals often hold small pieces of information about victims, perpetrators and their families but don't always share the information with other agencies. They aren't confident about when and how they can share information. This prevents them from building a fuller picture of a situation to identify and respond to the risk of violence.

WHAT CHANGES ARE PROPOSED?

Specified agencies and professionals, including government agencies, NGOs and professionals, will be able to use or share personal information as necessary to help identify family violence and to prevent further violence.

The agencies and individuals will be required to consider sharing where there are family violence concerns, and apply the principle that victim safety should take precedence over confidentiality and privacy. If the agencies appropriately share the information in good faith, they will be immune from legal proceedings (for example, breach of privacy).

Align approaches to service delivery

WHY CHANGE?

There's no national guidance to align the many agencies and service providers in the family violence sector. Currently workforce practices are varied across the family violence system and aren't always culturally appropriate.

WHAT CHANGES ARE PROPOSED?

Codes of practice will be able to be issued, through Orders in Council, to guide coordinated and consistent service delivery. This includes developing culturally appropriate responses. For example, a code of practice may set expectations about consistent risk assessment and management, including good practice for information sharing. Workforce development tools could also be set in this way.

Chief Executives will be held accountable, through the existing State Sector Act 1988, for working collaboratively to provide coordinated responses to family violence. The Minister of Justice will report to Cabinet in 2017 with a detailed proposal for embedding these responsibilities.

NEXT STEPS

The Family Violence Bill is currently being drafted and will be introduced in the coming months. There will be an opportunity for public comment on details of the proposed law when the Bill is considered at Select Committee.



CITATIONS FOR KEY STATISTICS

1. L. Turquet, Seck, P., Azcona, G., Menon, R., Boyce, C. Perron, N. & Harbour, E. (2011). Progress of the World's Women: In Pursuit of Justice. New York, NY: UN Women
2. Law Commission (2016) "Strangulation: The case for a new offence" Report 138 <http://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC-R138.pdf>
3. New Zealand Police (2014), New Zealand Recorded Crime Tables: Annual Recorded Offences for the latest Calendar Years
4. New Zealand Crime and Safety Survey (2014) <https://www.justice.govt.nz/assets/Documents/Publications/NZCASS-201602-Main-Findings-Report-Updated.pdf>
5. Family Violence Death Review Committee. (2014). Fourth Annual Report: January 2013 to December 2013. Wellington
6. New Zealand Family Violence Clearing House (2016) "Data Summaries" <https://nzfvc.org.nz/data-summaries>
7. Family Violence Death Review Committee (2015) Fifth Annual Report: January 2014-December 2015. Wellington
8. Family Violence Death Review Committee (2014) Fourth Annual Report: January 2013-December 2013. Wellington
9. New Zealand Family Violence Clearing House (2016) "Data Summaries" <https://nzfvc.org.nz/data-summaries>
10. New Zealand Family Violence Clearing House (2016) "Data Summaries" <https://nzfvc.org.nz/data-summaries>
11. New Zealand Family Violence Clearing House (2016) "Data Summaries" <https://nzfvc.org.nz/data-summaries>

KEY TERMS

This section explains some of the key terms used in this document. We recognise the family violence sector uses many different terms and some of these terms can have different meanings.

Care of Children Act 2004

The Care of Children Act deals with disputes about parenting arrangements after parents have separated. The children's welfare and best interests are the first and paramount consideration in all decisions under the Act.

Crimes, Bail and Sentencing Acts

The Crimes Act 1961, Bail Act 2000, Sentencing Act 2002 and other criminal legislation set out criminal offences and their consequences, including those that may relate to family violence.

Domestic Violence Act 1995

The Domestic Violence Act is the key act about family violence. The Act provides for protection orders, property orders, Police safety orders, and programmes for both victims and perpetrators of family violence.

Family violence

Family violence is the broad range of violent behaviours that can occur in a family or domestic relationship. This includes physical, sexual, verbal and emotional abuse.

Parenting orders

Parenting orders can be made under the Care of Children Act to set out day to day care and contact with children.

Perpetrator

A perpetrator is anyone who has acted, or is alleged to have acted, violently against someone with whom they have a domestic relationship. This includes a person with a protection order or PSO against them, and a person charged with or convicted of family violence offences.

Police safety orders (PSO)

Police can issue a Police safety order (PSO) if they believe it's necessary for the victim's safety. A PSO requires the perpetrator to leave the property and not contact the victim for up to 5 days. It mirrors the non-violence conditions of a protection order. Police don't need the victim's consent to issue a PSO.

Property orders

A property order addresses victims' needs for safe accommodation by excluding a perpetrator from a jointly-owned house or flat following separation. They set out who can live in the home, and who keeps the furniture and appliances. Property orders can be granted if the Court is satisfied that it's necessary to protect the victim or it's in the best interests of the children.

Protection orders

A court may make a protection order if satisfied a victim has experienced family violence and is at risk of further violence. The perpetrator must not be violent against the victim and any children. The victim may choose whether, and when, the perpetrator can have contact with the victim. The perpetrator must attend a non-violence programme, and the victim may attend a safety or education programme.

Victim

A victim is anyone who has been subjected to family violence. This includes a person protected by a protection order or PSO, and survivors of family violence.

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