



NEW FAMILY VIOLENCE LEGISLATION

On 12 November 2018, the Family Violence Act and related Family Violence (Amendments) Act were enacted with bipartisan support. Most of this new legislation will come into force on 1 July 2019, with some parts (e.g. relating to new offences) coming into force on 3 December 2018.

This new legislation significantly amends a range of existing legislation (including the Domestic Violence Act, the Care of Children Act, the Crimes Act and the Sentencing Act) in order to strengthen New Zealand's family violence laws.

The legislation is the outcome of a long consultative and legislative process involving scores of submissions (including from Zonta). The enactment of this legislation marks very significant progress in the reform of anti-violence laws in New Zealand. It builds on recent reforms, namely:

- the Domestic Violence—Victims' Protection Act (enacted July 2018), which enhances the legal protection in the workplace for persons affected by domestic violence; and
- the Minors (Court Consent to Relationships) Legislation Act (enacted August 2018), which aims to prevent early forced marriages and relationships.

Purpose and principles of new law

The purpose of the Family Violence Act is threefold - to stop and prevent family violence by:

- recognising that family violence, in all its forms, is unacceptable;
- stopping and preventing perpetrators from inflicting family violence; and
- keeping victims, including children, safe from family violence.

Underpinning the legislation is a set of principles to guide the achievement of that purpose. The principles include for example, that decision-makers should, whenever appropriate, recognise that:

- family violence is often a pattern of behaviour that causes cumulative harm;
- children are particularly vulnerable to family violence, including seeing or hearing violence against others;
- early intervention helps to stop and prevent family violence.

These principles emphasise the need to maximise the safety of victims and the importance of ensuring culturally appropriate responses for Māori.

Scope of new law

The new law focuses on “family violence”, which means violence inflicted by a person against someone with whom that person is, or has been, in a family relationship. The violence can be physical, sexual or psychological abuse.

The new law recognises dowry abuse as a form of family violence. It also recognises that carer and recipient of care relationships can form a “family relationship” for the purposes of the new law.

Main features of the new law

The main features of the new Family Violence legislation include:

- **Protection orders are more accessible** – A protection order can be made by a Court against a person who has or is inflicting family violence. The new law makes protection orders more accessible for victims. There is also provision for someone else to apply for a protection order against a perpetrator where the victim cannot apply themselves. Protection orders are now able to be better tailored to the vulnerable, making these orders more effective;
- **Non-violence services for perpetrators** – The Court can now refer perpetrators to a wider range of non-violence services when a protection order is issued against them. Perpetrators will be assessed according to risks and needs, which will indicate which services they should be attending to address their violent behaviour. The Court can make attendance at these services mandatory;
- **Better use of Police Safety Orders** – The existing use of Police Safety Orders is enhanced by making better use of them for Police intervention. Specifically, Police are able to direct a perpetrator to a risk and needs assessment earlier;
- **Better recording of family violence offending in the criminal justice system** – This initiative involves more accurately recording family violence offending by flagging family violence offences through the criminal justice system;
- **Better access to information** – New provisions enable certain agencies and professionals in the sector to share information (where relevant and appropriate) for better identifying and preventing family violence;
- **New offences** – Three new offences are introduced relating to:
 - strangulation or suffocation;
 - coercion to marry or enter into a civil union. This offence coincides with the new law for preventing forced early marriages and relationships, which was enacted in August 2018; and
 - assault on a family member.

The new law is only part of the Government’s programme to address family violence

The new Family Violence legislation is only part of a wider work programme to improve and co-ordinate family violence services.

While the legislation is only part of the solution, it does provide levers and tools that help protect victims and hold perpetrators to account.