

SAFER SOONER

Strengthening New Zealand's Family Violence Laws

The rate of family violence in New Zealand is unacceptably high. 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. Family violence has a devastating impact on individuals, families and communities, and a profound impact that can span generations and lifetimes.

We're proposing a broad overhaul of our family violence laws

Our plan

We're overhauling our family violence laws, in particular the 20-year old Domestic Violence Act. The changes will improve how we respond to family violence to keep victims safe and stop perpetrators using violence. The reforms span the civil and criminal law and are designed to ensure the law is forward looking and supports the work of the wider Ministerial Group on Family and Sexual Violence. The changes will strengthen family violence laws to:

- keep victims safe
- support earlier and more effective interventions
- focus on changing perpetrator behaviour
- improve how we identify and manage risk
- better recognise the characteristics of family violence.



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110,000
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The Government's work programme

The Ministerial Group on Family and Sexual Violence is a cross-government group that is working together to make victims safer, improve services, and change long-standing behaviours and attitudes towards family violence. The Ministerial Group is focused on developing an integrated family violence response system.

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

Earlier, more effective interventions focused on changing perpetrator behaviour and keeping victims safe

system to evolve to reflect developments in local and international advances in the understanding of family violence and how to address it.

The law changes are not only the foundations of a new integrated family violence system but, even taken on their own, have the potential to significantly reduce family violence. Changes to protection orders and the introduction of new offences alone are expected to prevent 2,300 violent offences each year.



Our changes to protection orders and offences will mean

2,300

fewer violent incidents each year

Key changes we're making

- creating new family violence offences, including non-fatal strangulation
- removing barriers to protection orders by making it easier to apply and allowing others to apply on a victim's behalf
- making safety the primary consideration in all bail decisions and central to parenting and property orders
- using Police safety orders as an opportunity to assess risk and needs and connect perpetrators to services
- creating a pathway for at-risk families to a service provider to carry out risk and needs assessment so they don't have to go to court to get help
- flagging all family violence offending to ensure prior behaviour is clearly identified and to ensure that family violence cases are treated as such
- freeing up information sharing to keep people safe
- introducing codes of practice
- giving courts more information and powers.

SUMMARY OF KEY CHANGES

Now



Future

The Act does not have enough guidance	<p>The Act will provide better guidance about what family violence is and how to use the Act:</p> <ul style="list-style-type: none">• 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	<p>Protection orders will be easier to apply for:</p> <ul style="list-style-type: none">• 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	<p>More effective at helping perpetrators change their behaviour:</p> <ul style="list-style-type: none">• 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	<p>Better protect the safety of adult and child victims following separation:</p> <ul style="list-style-type: none">• 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	<p>Family violence offences are clearly flagged:</p> <ul style="list-style-type: none">• 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	<p>Ensuring family violence is effectively prosecuted:</p> <ul style="list-style-type: none">• 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	<p>Supports the Ministerial Group to develop an integrated family violence system:</p> <ul style="list-style-type: none">• Better information sharing across agencies and professionals to inform risk assessment and management• Codes of practice to support consistent delivery of services

For more information, go to justice.govt.nz