Domestic Violence Amendment Rules 2015

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 29th day of June 2015

Present:
His Excellency the Governor-General in Council

Pursuant to section 126(2)(i) of the Domestic Violence Act 1995, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following rules.

Contents

Rules

1 Title

These rules are the Domestic Violence Amendment Rules 2015.

2 Commencement

These rules come into force on 1 September 2015.

3 Principal rules

These rules amend the Domestic Violence Rules 1996 (the **principal rules**).

4 New rule 33A and cross-heading inserted

After rule 33, insert:

Criminal information available to court

33A Information about respondent available from criminal court

If a respondent to an application under the Act for a protection order is or has been involved in criminal proceedings, the Criminal Procedure (Transfer of Information) Regulations 2013 may apply.

5 Rule 96 replaced (Transfer of information to criminal court)

Replace rule 96 with:

96 Information about proceedings available to criminal court

(1) In this rule,—

civil proceeding means a proceeding in the District Court under the Act

court file means a collection of documents that relate to a civil proceeding and are in the custody or control of a court

criminal proceeding means a proceeding for an offence against any enactment (other than the Act) that consists of or includes conduct that is domestic violence

database, in relation to a civil proceeding, means any electronic system in or on which information about the civil proceeding is recorded.

(2) This rule applies if a defendant in a criminal proceeding—

(a) is a respondent in a civil proceeding in which an application for a protection order is pending; or

(b) has been a respondent in a civil proceeding and—

(i) has currently in force against him or her a protection order; or

(ii) has previously had in force against him or her a protection order.

(3) A Registrar of a court that is dealing with a criminal proceeding may obtain information about the civil proceeding referred to in subclause (2) from—

(a) the court file relating to that proceeding:

(b) any database relating to that proceeding.

(4) A Registrar of a court that is dealing with a criminal proceeding and who has obtained information under subclause (3) must make that information available to the court.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 1 September 2015, amend the Domestic Violence Rules 1996 to—

- allow greater sharing of information between courts so that information relating to a civil proceeding under the Domestic Violence Act 1995 in a District Court is available to a court dealing with a criminal proceeding if—

  - the defendant in the criminal proceeding is a respondent in the civil proceeding; and

  - the criminal proceeding relates to a domestic violence offence committed against any person (the offence does not have to be committed against a person seeking the protection of, or protected by, a protection order):

- insert *new rule 33A*, which is a signpost to the Criminal Procedure (Transfer of Information) Regulations 2013. These regulations facilitate, in certain cases, the sharing of information between a criminal court and a court that is dealing with, or has dealt with, an application for a protection order.