



Domestic Violence Amendment Act 2008

Public Act 2008 No 77
Date of assent 16 September 2008
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act amended	2
4 Interpretation	2
5 Court may impose special conditions	2
6 New section 28A inserted	3
28A Costs of formal supervised contact	3
7 Notice of absence from programme	3
8 Programme provider may request variation of direction	4
9 New section 41A inserted	4
41A Powers of Registrar on receipt of notice under section 39 or 41	4
10 Judge may call respondent or associated respondent before Court	4
11 New section 42A inserted	4
42A Respondent or associated respondent called before Court	4
12 Conduct of proceedings	5
13 New section 125 substituted	5
125 Restriction of publication of reports of proceedings	5

14	Regulations	5
----	-------------	---

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Domestic Violence Amendment Act 2008.

2 Commencement

- (1) This Act comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) One or more Orders in Council may be made appointing different dates for the commencement of different provisions and for different purposes.

3 Principal Act amended

This Act amends the Domestic Violence Act 1995.

4 Interpretation

Section 2 is amended by inserting the following definitions in their appropriate alphabetical order:

“**approved provider** has the meaning given to it by section 58 of the Care of Children Act 2004

“**contact** has the meaning given to it by section 8 of the Care of Children Act 2004

“**supervised contact** has the meaning given to it by section 58 of the Care of Children Act 2004”.

5 Court may impose special conditions

Section 27 is amended by repealing subsection (2) and substituting the following subsections:

- “(2) Without limiting subsection (1), a condition imposed under that subsection may relate to either or both of the following matters:
 - “(a) the manner in which the respondent or the associated respondent, or both, are to have contact with a child, and

any arrangements necessary to facilitate that manner of contact:

“(b) the manner and circumstances in which the respondent or the associated respondent, or both, may make contact with any other protected person.

“(2A) Where a condition imposed under subsection (1) relating to the matter set out in subsection (2)(a) requires the contact between a child and either the respondent or the associated respondent, or both, to be supervised contact, the Court must specify in the order whether the supervised contact is to occur—

“(a) under the supervision of an approved provider; or

“(b) in the immediate presence of a person approved by the Court (for example, a relative, a friend of the family of the child, or any other person whom the Court considers suitable).”

6 New section 28A inserted

The following section is inserted after section 28:

“28A Costs of formal supervised contact

“(1) This section applies only to a supervised contact that—

“(a) is imposed as a condition of a protection order under section 27(1); and

“(b) is supervised by an approved provider.

“(2) The number of sessions of the contact that will be funded out of public money must be determined in accordance with regulations made under section 127(aa) or, in the absence of regulations of that kind, by the Registrar or the Court.

“(3) Fees in respect of the contact—

“(a) must be determined in accordance with regulations made under section 127(ab) or, in the absence of regulations of that kind, by the Registrar or the Court; and

“(b) are payable out of public money appropriated by Parliament for the purpose.”

7 Notice of absence from programme

Section 39(2) is repealed.

8 Programme provider may request variation of direction

Section 41(2) is repealed.

9 New section 41A inserted

The following section is inserted after section 41:

“41A Powers of Registrar on receipt of notice under section 39 or 41

“(1) On receiving a notice under section 39 or 41, the Registrar must, without delay, either—

“(a) exercise the powers under section 82, as if he or she were the Court referred to in that section, to call the respondent or, as the case may be, the associated respondent before the Court; or

“(b) bring the matter to the attention of a Judge so that the Judge may consider whether to exercise the power conferred by section 42 in relation to the respondent or, as the case may be, the associated respondent.

“(2) Where the Registrar exercises the powers under section 82 in the manner allowed by subsection (1)(a) then, subject to any regulations made under this Act, section 82 applies so far as applicable and with the necessary modifications as if the respondent or, as the case may be, the associated respondent, were a witness in the proceedings.”

10 Judge may call respondent or associated respondent before Court

(1) Section 42(1)(b) is amended by omitting “section 39(2) or section 41(2) of this Act” and substituting “section 41A(1)(b)”.

(2) Section 42(2) to (5) are repealed.

11 New section 42A inserted

The following section is inserted after section 42:

“42A Respondent or associated respondent called before Court

“(1) Where a respondent or an associated respondent appears before the Court under section 41A(1)(a) or section 42, the Court may, after hearing the respondent or the associated respondent, confirm, vary, or discharge the direction.

- “(2) The Court may not vary or discharge a direction confirmed or varied under section 37 unless a variation of that direction has been requested under section 41.
- “(3) Where the Court confirms or varies a direction under subsection (1) and the respondent or, as the case may be, the associated respondent is before the Court, the Judge must warn him or her that non-compliance with the direction is an offence punishable by imprisonment.
- “(4) Failure to give the warning required by subsection (3) does not affect the validity of the direction confirmed or varied.”

12 Conduct of proceedings

- (1) Section 83(1) is amended by inserting the following paragraph after paragraph (f):
“(fa) accredited news media reporters.”
- (2) Section 83(3) is amended by inserting “and any accredited news media reporter” after “witness”.
- (3) Section 83 is amended by repealing subsection (5) and substituting the following subsection:
- “(5) Nothing in this section limits any other power of the Court—
“(a) to hear proceedings in private; or
“(b) to permit a McKenzie friend to be present; or
“(c) to exclude any person from the Court.”

13 New section 125 substituted

Section 125 is repealed and the following section substituted:

- “**125 Restriction of publication of reports of proceedings**
Sections 11B to 11D of the Family Courts Act 1980 apply to the publication of a report of any proceedings under this Act (other than criminal proceedings)—
“(a) in a Family Court;
“(b) in any other court, in which case references in those sections to the Family Court or Court must be read as references to that other court.”

14 Regulations

Section 127 is amended by inserting the following paragraphs after paragraph (a):

-
- “(aa) providing for the determination, for the purposes of section 28A(2), of the number of sessions of supervised contact (imposed as a condition of a protection order under section 27(1), and supervised by an approved provider) that will be funded out of public money:
- “(ab) providing for the determination, for the purposes of section 28A(3), of the amount of fees and expenses, including minimum and maximum amounts, payable to approved providers in respect of supervised contact carried out as a condition of a protection order imposed under section 27(1), which fees and expenses may differ—
- “(i) according to the number of sessions of supervised contact determined to be carried out under section 28A(2); and
- “(ii) according to whether supervised contact is to be carried out in a specified number of proceedings during a specified period.”.

Legislative history

2 September 2008	Divided from Family Courts Matters Bill (Bill 143–2) by committee of the whole House
2 September 2008	Third reading
16 September 2008	Royal assent

This Act is administered by the Ministry of Justice.
