

**Victims of Family Violence (Strengthening Legal  
Protections) Legislation Bill**

Government Bill

As reported from the committee of the whole House



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**Key to symbols used in reprinted bill**

**As reported from the committee of the whole House**

text inserted

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*Hon Paul Goldsmith*

# **Victims of Family Violence (Strengthening Legal Protections) Legislation Bill**

Government Bill

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**Victims of Family Violence (Strengthening Legal  
Protections) Legislation Bill**

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Victims of Family Violence (Strengthening Legal Protections) Legislation Act **2023**.
- 2 Commencement** 5
- (1) This Act comes into force on a date set by Order in Council.
- (2) Any part of the Act that has not come into force 1 year after Royal assent comes into force then.
- (3) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10

**Part 1**  
**Substantive amendments**

Subpart 1—Amendments to Family Court Act 1980

- 3 Principal Act**  
This subpart amends the Family Court Act 1980. 15
- 4 New section 2A inserted (Transitional, savings, and related provisions)**  
After section 2, insert:
- 2A Transitional, savings, and related provisions**  
The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms. 20
- 5 New section 12B inserted (Restriction on commencing or continuing proceedings under specified Acts in cases of litigant abuse)**  
After section 12A, insert:
- 12B Restriction on commencing or continuing proceedings under specified Acts in cases of litigant abuse** 25
- (1) This section applies if a Judge—
- (a) is satisfied that, having regard to all of the circumstances, a party to a proceeding under a specified Act has exhibited conduct that is litigant abuse; and
- (b) has given the party a reasonable opportunity to be heard. 30
- (2) The Judge may at any time during the course of the proceeding, on the court's initiative or on an interlocutory application for the purpose, order that the party may do any or all of the following only with the leave of a Judge:

(a)	take any further step in the proceeding (including in an interlocutory proceeding):	
(b)	take any further step in a related proceeding (including in an interlocutory proceeding) under a specified Act if there is evidence that the party has exhibited conduct in that proceeding that is litigant abuse:	5
(c)	commence, or take any further step in, a new proceeding (or an interlocutory proceeding) under a specified Act that is—	
	(i) of any kind, or of any specified kind; or	
	(ii) in respect of any specified person; or	
	(iii) in respect of any specified matter.	10
<hr/>		
<b>Guidance note</b>		
Section 4 of the Care of Children Act 2004 applies to a Judge's decision to—		
(a)	make an order under <b>subsection (2)</b> if the order would affect proceedings involving the guardianship of, or the role of providing day-to-day care for, or contact with, a child; or	15
(b)	grant leave in respect of an order made under <b>subsection (2)</b> if the leave would affect proceedings involving the guardianship of, or the role of providing day-to-day care for, or contact with, a child.	
<hr/>		
(3)	However, an order made under <b>subsection (2)</b> does not prevent the party from lodging an appeal or filing a judicial review in respect of a proceeding (including an interlocutory proceeding).	20
(4)	The Judge must have regard to the following in considering the circumstances referred to in <b>subsection (1)(a)</b> :	
(a)	the party's conduct during the course of the proceeding; and	
(b)	the party's conduct in any other proceedings (including any interlocutory or related proceedings) that is litigant abuse; and	25
<del>(ba)</del>	<del>the party's conduct outside of proceedings that is intended to annoy, harass, or harm another party to the proceeding, or that amounts to psychological abuse (as defined in section 11 of the Family Violence Act 2018) of any other party to the proceeding or the related proceedings; and</del>	<del>30</del>
<del>(ba)</del>	<del><u>the party's conduct outside of proceedings that is intended to annoy, harass, or harm, or that amounts to psychological abuse of, any other party to the proceeding or the related proceedings; and</u></del>	
(c)	any other matter that the Judge considers relevant.	35
(5)	An order made under <b>subsection (2)</b> continues in force for 3 years unless—	
(a)	the order specifies a shorter period, in which case the order continues in force for that shorter period; or	

- (b) in the Judge’s opinion, there are extraordinary circumstances that warrant a longer period (which may not exceed 5 years), in which case the order continues in force for that longer period.
- (6) An applicant for an order under **subsection (2)**, or a party subject to an order under **subsection (2)**, may appeal to the High Court against the whole or a part of the Judge’s decision to make, or refuse to make, an order under **subsection (2)**. 5
- (7) Nothing in this section limits—
- (a) any provision in any other enactment that empowers the court to restrict the commencement or continuation of any proceeding; or 10
- (b) the inherent powers of the court.
- (8) In this section,—
- litigant abuse** means abuse of another party to the proceedings, and—
- (a) includes conduct that is intended to annoy, harass, or harm that other party, or that amounts to psychological abuse ~~(as defined in section 11 of the Family Violence Act 2018)~~; and 15
- (b) may include a number of acts that form part of a pattern of behaviour (even if all or any of those acts, when viewed in isolation, appear to be minor or trivial)
- psychological abuse** has the same meaning as in section 11 of the Family Violence Act 2018 20
- related proceedings** means any proceedings under a specified Act that involve the same parties
- specified Act** means any of the following Acts:
- (a) the Status of Children Act 1969: 25
- (b) the Domestic Actions Act 1975:
- (c) the Property (Relationships) Act 1976:
- (d) the Family Proceedings Act 1980:
- (e) the Child Support Act 1991:
- (f) the Care of Children Act 2004: 30
- (g) the Family Violence Act 2018.

**7 New Schedule 1AA inserted**

Insert the **Schedule 1AA** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act.

## Subpart 2—Amendments to District Court Act 2016

**9 Principal Act**

This subpart amends the District Court Act 2016.

**11 New section 216A and cross-heading inserted**

After section 216, insert:

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*Restriction on continuing or commencing certain proceedings under specified Acts in cases of litigant abuse*

**216A Restriction on continuing or commencing certain proceedings under specified Acts in cases of litigant abuse**

- (1) This section applies to the court when— 10
- (a) exercising concurrent jurisdiction with the Family Court; or
  - (b) acting under section 15 of the Family Court Act 1980.
- (2) This section applies if a Judge—
- (a) is satisfied that, having regard to all of the circumstances, a party to a proceeding under a specified Act has exhibited conduct that is litigant abuse; and 15
  - (b) has given the party a reasonable opportunity to be heard.
- (3) The Judge may at any time during the course of the proceeding, on the court's initiative or on an interlocutory application for the purpose, order that the party may do any or all of the following only with the leave of a Judge: 20
- (a) take any further step in the proceeding (including in an interlocutory proceeding):
  - (b) take any further step in a related proceeding (including in an interlocutory proceeding) under a specified Act if there is evidence that the party has exhibited conduct in that proceeding that is litigant abuse: 25
  - (c) commence, or take any further step in, a new proceeding (or an interlocutory proceeding) under a specified Act that is—
    - (i) of any kind, or of any specified kind; or
    - (ii) in respect of any specified person; or
    - (iii) in respect of any specified matter. 30

**Guidance note**

Section 4 of the Care of Children Act 2004 applies to a Judge's decision to—

- (a) make an order under **subsection (3)** if the order would affect proceedings involving the guardianship of, or the role of providing day-to-day care for, or contact with, a child; or 35

- (b) grant leave in respect of an order made under **subsection (3)** if the leave would affect proceedings involving the guardianship of, or the role of providing day-to-day care for, or contact with, a child.
- 
- (4) However, an order made under **subsection (3)** does not prevent the party from lodging an appeal or filing a judicial review in respect of a proceeding (or an interlocutory proceeding). 5
- (5) The Judge must have regard to the following in considering the circumstances referred to in **subsection (2)(a)**:
- (a) the party’s conduct during the course of the proceeding; and
- (b) the party’s conduct in any other proceedings (including any interlocutory or related proceedings) that is litigant abuse; and 10
- ~~(ba) the party’s conduct outside of proceedings that is intended to annoy, harass, or harm another party to the proceeding, or that amounts to psychological abuse (as defined in section 11 of the Family Violence Act 2018) of any other party to the proceeding or the related proceedings; and~~ 15
- (ba) the party’s conduct outside of proceedings that is intended to annoy, harass, or harm, or that amounts to psychological abuse of, any other party to the proceeding or the related proceedings; and
- (c) any other matter that the Judge considers relevant. 20
- (6) An order made under **subsection (3)** continues in force for 3 years unless—
- (a) the order specifies a shorter period, in which case the order continues in force for that shorter period; or
- (b) in the Judge’s opinion, there are extraordinary circumstances that warrant a longer period (which may not exceed 5 years), in which case the order continues in force for that longer period. 25
- (7) An applicant for an order under **subsection (3)**, or a party subject to an order under **subsection (3)**, may appeal to the High Court against the whole or a part of the Judge’s decision to make, or refuse to make, an order under **subsection (3)**. 30
- (8) Nothing in this section limits—
- (a) any provision in any other enactment that empowers the court to restrict the commencement or continuation of any proceeding; or
- (b) the inherent powers of the court.
- (9) In this section,— 35
- litigant abuse** means abuse of another party to the proceedings, and—
- (a) includes conduct that is intended to annoy, harass, or harm that other party, or that amounts to psychological abuse ~~(as defined in section 11 of the Family Violence Act 2018)~~; and

(b)	may include a number of acts that form part of a pattern of behaviour (even if all or any of those acts, when viewed in isolation, appear to be minor or trivial)	
	<b>psychological abuse</b> has the same meaning as in section 11 of the Family Violence Act 2018	5
	<b>related proceedings</b> means any proceedings under a specified Act that involve the same parties	
	<b>specified Act</b> means any of the following Acts:	
(a)	the Status of Children Act 1969:	
(b)	the Domestic Actions Act 1975:	10
(c)	the Property (Relationships) Act 1976:	
(d)	the Family Proceedings Act 1980:	
(e)	the Child Support Act 1991:	
(f)	the Care of Children Act 2004:	
(g)	the Family Violence Act 2018.	15
<b>12</b>	<b>Schedule 1AA amended</b>	
	In Schedule 1AA,—	
(a)	insert the Part set out in <b>Schedule 2</b> of this Act as the last Part; and	
(b)	make all necessary consequential amendments.	
	Subpart 3—Amendments to Senior Courts Act 2016	20
<b>13</b>	<b>Principal Act</b>	
	This subpart amends the Senior Courts Act 2016.	
<b>15</b>	<b>New section 169A and cross-heading inserted</b>	
	After section 169, insert:	
	<i>Restriction on continuing or commencing certain proceedings under specified Acts in cases of litigant abuse</i>	25
	<b>169A Restriction on commencing or continuing proceedings under specified Acts in cases of litigant abuse</b>	
(1)	This section applies if a Judge—	
(a)	is satisfied that, having regard to all of the circumstances, a party to a proceeding has exhibited conduct that is litigant abuse; and	30
(b)	has given the party a reasonable opportunity to be heard.	

- (2) The Judge may at any time during the course of the proceeding, on the court’s initiative or on an interlocutory application for the purpose, order that the party may do any or all of the following only with the leave of a Judge:
- (a) take any further step in the proceeding (including in an interlocutory proceeding): 5
  - (b) take any further step in a related proceeding (including in an interlocutory proceeding) under a specified Act:
  - (c) commence, or take any further step in, a new proceeding (or an interlocutory proceeding) under a specified Act that is— 10
    - (i) of any kind, or of any specified kind; or
    - (ii) in respect of any specified person; or
    - (iii) in respect of any specified matter.
- 
- Guidance note**
- Section 4 of the Care of Children Act 2004 applies to a Judge’s decision to—
- (a) make an order under **subsection (3)** if the order would affect proceedings involving the guardianship of, or the role of providing day-to-day care for, or contact with, a child; or 15
  - (b) grant leave in respect of an order made under **subsection (3)** if the leave would affect proceedings involving the guardianship of, or the role of providing day-to-day care for, or contact with, a child. 20
- 
- (3) The Judge must have regard to the following in considering the circumstances referred to in **subsection (1)(a)**:
- (a) the party’s conduct during the course of the proceeding; and
  - (b) the party’s conduct in any other proceedings (including any interlocutory or related proceedings) that is litigant abuse; and 25
  - ~~(ba) the party’s conduct outside of proceedings that is intended to annoy, harass, or harm another party to the proceeding, or that amounts to psychological abuse (as defined in section 11 of the Family Violence Act 2018) of any other party to the proceeding or the related proceedings; and~~ 30
  - (ba) the party’s conduct outside of proceedings that is intended to annoy, harass, or harm, or that amounts to psychological abuse of, any other party to the proceeding or the related proceedings; and
  - (c) any other matter that the Judge considers relevant.
- (4) An order made under **subsection (2)** continues in force for 3 years unless— 35
- (a) the order specifies a shorter period, in which case the order continues in force for that shorter period; or

- (b) in the Judge’s opinion there are extraordinary circumstances that warrant a longer period (which may not exceed 5 years), in which case the order continues in force for that longer period.
- (5) An applicant for an order under **subsection (2)**, or a party subject to an order under **subsection (2)**, may appeal against the whole or a part of the Judge’s decision to make, or refuse to make, an order under **subsection (2)** to— 5
- (a) the Court of Appeal; or
- (b) the Supreme Court (with the leave of the Supreme Court).
- (6) Nothing in this section limits— 10
- (a) any provision in any other enactment that empowers the court to restrict the commencement or continuation of any proceeding; or
- (b) the inherent powers of the court.
- (7) In this section,—
- court** means the High Court or the Court of Appeal
- litigant abuse** means abuse of another party to the proceedings, and— 15
- (a) includes conduct that is intended to annoy, harass, or harm that other party, or that amounts to psychological abuse (~~as defined in section 11 of the Family Violence Act 2018~~); and
- (b) may include a number of acts that form part of a pattern of behaviour (even if all or any of those acts, when viewed in isolation, appear to be minor or trivial) 20
- proceeding** means—
- (a) a proceeding under a specified Act:
- (b) an appeal proceeding under a specified Act:
- (c) judicial review of a proceeding under a specified Act 25
- psychological abuse** has the same meaning as in section 11 of the Family Violence Act 2018
- related proceedings** means any proceedings under a specified Act that involve the same parties
- specified Act** means any of the following Acts: 30
- (a) the Status of Children Act 1969:
- (b) the Domestic Actions Act 1975:
- (c) the Property (Relationships) Act 1976:
- (d) the Family Proceedings Act 1980:
- (e) the Child Support Act 1991: 35
- (f) the Care of Children Act 2004:
- (g) the Family Violence Act 2018.

**16 Schedule 5 amended**

In Schedule 5,—

- (a) insert the Part set out in **Schedule 3** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

**Part 2**

5

**Consequential amendments**

Subpart 1—Amendment to Family Proceedings Act 1980

**17 Principal Act**

This subpart amends the Family Proceedings Act 1980.

**18 Section 163 amended (Vexatious proceedings)**

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After section 163(2), insert:

- (3) Nothing in this section limits **section 12B** of the Family Court Act 1980 or **section 216A** of the District Court Act 2016.

Subpart 2—Amendment to Child Support Act 1991

**19 Principal Act**

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This subpart amends the Child Support Act 1991.

**20 Section 227 amended (Vexatious proceedings)**

After section 227(2), insert:

- (3) Nothing in this section limits **section 12B** of the Family Court Act 1980 or **section 216A** of the District Court Act 2016.

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Subpart 3—Amendment to Care of Children Act 2004

**21 Principal Act**

This subpart amends the Care of Children Act 2004.

**22 Section 141 amended (Power to restrict commencement of proceedings if vexatious proceedings previously instituted)**

25

Replace section 141(3) with:

- (3) Nothing in this section limits—
  - (a) sections 166 to 169 of the Senior Courts Act 2016 (which empowers the High Court to make orders restricting the institution or continuation of vexatious proceedings); or
  - (b) **section 12B** of the Family Court Act 1980 (which empowers the Family Court to make orders restricting the commencement or continuation

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of proceedings under specified Acts where there has been litigant abuse);  
or

(c) **section 216A** of the District Court Act 2016 (which empowers the District Court to make orders restricting the commencement or continuation of proceedings under specified Acts where there has been litigant abuse); 5  
or

(d) **section 169A** of the Senior Courts Act 2016 (which empower the High Court, the Court of Appeal, and the Supreme Court to make orders restricting the commencement or continuation of proceedings under specified Acts where there has been litigant abuse). 10

**Schedule 1**  
**New Schedule 1AA inserted into Family Court Act 1980**

**s 7**

**Schedule 1AA**  
**Transitional, savings, and related provisions**

**5**

**s 2A**

**Part 1**  
**Provision relating to Victims of Family Violence (Strengthening  
Legal Protections) Legislation Act 2023**

- 1 Application of section 12B** **10**
- (1) This clause applies to **section 12B** (as inserted by the Victims of Family Violence (Strengthening Legal Protections) Legislation Act **2023**).
- (2) That section applies, on and after its commencement (the **commencement**), to—
- (a) proceedings commenced on or after the commencement; and **15**
- (b) proceedings commenced before the commencement and not finally determined (including any rehearing, retrial, or appeal) before the commencement.
- (3) However, in determining whether to make an order under **section 12B(2)**, the Judge must only have regard to a party's conduct that occurred after the commencement. **20**

## Schedule 2

## New Part 2 of Schedule 1AA inserted into District Court Act 2016

s 12

## Part 2

Provision relating to Victims of Family Violence (Strengthening  
Legal Protections) Legislation Act 2023

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## 2 Application of section 216A

- (1) This clause applies to **section 216A** (as inserted by the Victims of Family Violence (Strengthening Legal Protections) Legislation Act **2023**).
- (2) That section applies, on and after its commencement (the **commencement**), to—
- (a) proceedings commenced on or after the commencement; and
- (b) proceedings commenced before the commencement and not finally determined (including any rehearing, retrial, or appeal) before the commencement.
- (3) However, in determining whether to make an order under **section 216A(3)**, the Judge must only have regard to a party's conduct that occurred after the commencement.

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**Schedule 3**  
**New Part 3 of Schedule 5 inserted into Senior Courts Act 2016**

**s 16**

**Part 3**  
**Provision relating to Victims of Family Violence (Strengthening  
Legal Protections) Legislation Act 2023** 5

**13 Application of section 169A**

- (1) This clause applies to **section 169A** (as inserted by the Victims of Family  
Violence (Strengthening Legal Protections) Legislation Act **2023**).
- (2) That section applies, on and after its commencement (the **commencement**), 10  
to—
- (a) proceedings commenced on or after the commencement; and
- (b) proceedings commenced before the commencement and not finally  
determined (including any rehearing, retrial, or appeal) before the com- 15  
mencement.
- (3) However, in determining whether to make an order under **section 169A(2)**,  
the Judge must only have regard to a party's conduct that occurred after the  
commencement.

**Legislative history**

22 August 2023  
29 August 2023  
7 June 2024  
29 August 2024  
17 October 2024

Introduction (Bill 285–1)  
First reading and referral to Justice Committee  
Reported from Justice Committee (Bill 285–2)  
Second reading  
Committee of the whole House (Bill 285–3)