

Reprint
as at 1 September 2020



Family Violence Regulations 2019 (LI 2019/96)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 13th day of May 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 249 and 250 of the Family Violence Act 2018—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Justice.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Justice.

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Regulations

1 Title

These regulations are the Family Violence Regulations 2019.

2 Commencement

These regulations come into force immediately after the commencement, on 1 July 2019, of the Family Violence Act 2018.

General provisions

3 Interpretation: general

In these regulations, unless the context otherwise requires,—

- (a) **Act** means the Family Violence Act 2018;
- (b) expressions defined in the Act have the meanings so defined.

Compare: SR 1996/150 r 2; SR 1998/342 r 2(1), (2)

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Police safety orders

5 Forms related to Police safety orders

The forms prescribed for the purposes of Part 3 of the Act are those set out in Schedule 2.

6 Temporary protection order issued under section 46 of Act: information to be sent to Family Court

- (1) This regulation applies if a temporary protection order is issued under section 46 of the Act.
- (2) As soon as possible after complying with section 53(1) of the Act, the District Court must send to the Registrar of the Family Court,—
 - (a) if the person against whom the order is made has been served with a copy of the order, proof of service; and
 - (b) if the District Court has made a direction under section 188 of the Act, a copy of that direction; and
 - (c) if requested by the Registrar of the Family Court, copies of any other specified information relating to the issue of the order (which may include a copy of the Police safety order).

Compare: SR 1996/150 r 5

7 Temporary protection order issued under section 46 of Act: service

- (1) This regulation applies to a temporary protection order issued under section 46 of the Act.
- (2) The order must be served (for example, under section 52(1)(b) of the Act) personally on the person against whom the order is issued (A)—
 - (a) by leaving it with A; or
 - (b) if A does not accept it, by putting it down in A's presence and bringing it to A's attention.
- (3) The order must be served by—
 - (a) a Registrar; or
 - (b) a bailiff; or
 - (c) a constable; or
 - (d) a party's lawyer, or an agent of a party's lawyer.
- (4) Service of the order may be proved—
 - (a) on oath before the court; or
 - (b) by an affidavit of service stating that the order has been served and the date, time, and mode of service.
- (5) Despite subclause (4), if the order is served by a Registrar, bailiff, or constable, service of the order may be proved either in the way stated in subclause (4)(a) or (b), or instead by stating that the order has been served, and the date, time, and mode of service,—
 - (a) in an endorsement on the original order or a copy of it, which endorsement must be signed by the person who served the document; or
 - (b) in a certificate attached to the original order or a copy of it, which certificate must be signed by the person who served the document.

Compare: SR 1996/150 r 4

Procedure: general provisions: witnesses' fees, allowances, and travelling expenses

8 General entitlement to sum for fees, allowances, and travelling expenses

- (1) This regulation applies to a person attending a court upon a summons issued under section 169 of the Act.
- (2) The person is entitled to a sum for fees, allowances, and travelling expenses.
- (3) The sum must be calculated in accordance with the Witnesses and Interpreters Fees Regulations 1974.
- (4) However, entitlement to a sum under this regulation is subject to the exceptions in regulations 9 and 10.

Compare: SR 1996/150 r 3(1)

9 Exception: court may disallow whole or part of sum

The court may, on application, disallow the whole or any part of the sum mentioned in regulation 8.

Compare: SR 1996/150 r 3(2)

10 Exception: special requirements for certain respondents or associated respondents

- (1) This regulation applies to a person who is a respondent or an associated respondent and—
- (a) attends the court upon a summons issued under sections 150(5) and 169 of the Act after the court makes a direction under section 150(1) of the Act (which relates to the court requiring a hearing before a temporary order becomes final); or
 - (b) is called before a court under section 208(2)(a) or 209(2) of the Act (which provisions relate to programmes and prescribed services: enforcement and powers when a matter is referred back to court) and attends the court upon a summons issued under section 169 of the Act.
- (2) The person is not entitled to fees, allowances, or travelling expenses under regulation 8 unless the court is satisfied that, in the special circumstances of the case, the payment of fees, allowances, and expenses, or any 1 or more of those things, is appropriate.

Compare: SR 1996/150 r 3(3)

Public registers not publishing identifying information related to protected person

11 Interpretation: public registers

In this regulation and regulations 12 to 24 and Schedule 4, unless the context otherwise requires,—

agency, in relation to a public register, means the agency responsible for administering the public register

direction means a direction made under section 232 of the Act

office, in relation to an agency, includes—

- (a) a district office; and
- (b) an office of any person authorised by the agency to perform any of the agency's functions in respect of a public register administered by the agency

protection order—

- (a) has the same meaning as in section 8 of the Act; and
- (b) includes any order that is deemed by clause 3 of Schedule 1 of the Act to be a protection order

Registrar-General means the Registrar-General appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995

Registrar-General of Land has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017

working day, in relation to an agency, means any day of the week on which an office of the agency is open for business.

Compare: SR 1998/342 r 2(1)

12 Application: public registers affected

Regulations 13 to 24 apply to public registers maintained under any of the provisions specified in Schedule 3.

Compare: SR 1998/342 r 3

13 Application forms may be approved for certain public registers

- (1) This regulation applies to the following agencies:
 - (a) the Registrar of Companies:
 - (b) the Registrar-General:
 - (c) the Registrar of Incorporated Societies:
 - (d) the Registrar of Industrial and Provident Societies.
- (2) An agency to which this regulation applies may approve a form for use by persons who wish to apply for a direction in relation to relevant information on any public register administered by that agency.
- (3) An approved form must include information to assist the applicant to specify with due particularity the relevant information in respect of which a direction is sought, so that the agency may locate that relevant information.
- (4) Copies of approved forms must be available, on request, at every office of an agency to which this regulation applies, while the office is open to the public.

Compare: SR 1998/342 r 4

14 Application for direction

- (1) A protected person who wishes to apply for a direction in respect of relevant information on a public register must make the application to the agency responsible for administering that public register.
- (2) The application must be in writing.
- (3) An application to an agency to which regulation 13 applies must be in the form (if any) approved by that agency.
- (4) Where no form is approved, an agency must give such reasonable assistance as is necessary in the circumstances to enable the applicant to specify with due particularity the relevant information in respect of which a direction is sought.
- (5) An application may be made in any of the following ways:

- (a) by posting the application to the agency:
- (b) by sending the application to the agency by email or fax:
- (c) by leaving the application at any office of the agency when it is open to the public:
- (d) in any other way approved by the agency.

Compare: SR 1998/342 r 5

15 When separate applications required

- (1) A protected person who wishes to apply for a direction in relation to more than 1 public register must make a separate application in respect of each register.
- (2) However, if those public registers are administered by the same agency, the protected person may make a single application to that agency in relation to those public registers.

Compare: SR 1998/342 r 6

16 Decision to be made without delay

An agency to which an application is made under section 231(1) of the Act must, without delay, and in no case after the expiry of 10 working days after the date on which the agency receives the application,—

- (a) decide, in accordance with section 232 of the Act, whether to grant or decline the application; and
- (b) notify the applicant of its decision in accordance with section 233 of the Act.

Compare: SR 1998/342 r 7

17 Notice of result of application

- (1) When an agency notifies an applicant that it has made the direction sought by the applicant, the agency must also inform the applicant about the effect of the direction.
- (2) It is sufficient compliance with subclause (1) if the applicant is given a notice in form 1 of Schedule 4 or a notice to similar effect.
- (3) When an agency notifies an applicant that his or her application for a direction has been declined, then, in addition to the matters specified in section 233(2) of the Act, the agency must inform the applicant about the steps that the applicant may take to make a complaint to the Privacy Commissioner.
- (4) It is sufficient compliance with subclause (3) if the applicant is given a notice in form 2 of Schedule 4 or a notice to similar effect.

Compare: SR 1998/342 r 8

18 Period during which information not to be disclosed

- (1) If an application is made under section 231(1) of the Act, then, unless the application is sooner withdrawn, section 235 of the Act applies, as if the direc-

tion sought had been made, from the expiry of 3 working days after the date on which the application is received by the agency until the expiry of 5 working days after notice of the agency's decision on the application is communicated to the applicant.

- (2) Subclause (1) is subject to section 234 of the Act.

Compare: SR 1998/342 r 9

19 Period after which direction ceases to be in force

- (1) If, under section 239 of the Act, the person on whose application a direction was made or a Registrar notifies an agency that the protection order to which the direction relates has been discharged, the direction ceases to be in force on the expiry of 5 working days after the date on which the agency receives that notification.
- (2) Despite subclause (1), if a direction relates to any public register maintained under the Births, Deaths, Marriages, and Relationships Registration Act 1995, the direction ceases to be in force on the expiry of 10 working days after the date on which the agency responsible for administering that public register receives notification in accordance with section 239 of the Act.

Compare: SR 1998/342 r 10

20 Complaints to Privacy Commissioner

A complaint made to the Privacy Commissioner under section 245(1) of the Act must be made within—

- (a) 5 working days after notice of the decision is communicated to the applicant; or
- (b) a further period the Privacy Commissioner may allow on application made before or after the end of that period.

Compare: SR 1998/342 r 11

21 Notices

- (1) A notice required by Part 9 of the Act to be given to any applicant for a direction may be given by—
- (a) delivering it to that person; or
- (b) leaving it at that person's usual or last known place of residence in New Zealand; or
- (c) posting it in a letter addressed to that person at the person's usual or last known place of residence in New Zealand.
- (2) If the notice is sent to an applicant by post then, in the absence of proof to the contrary, the notice is taken to have been delivered to that person when the letter would have been delivered in the ordinary course of post, and in proving the

delivery it is sufficient to prove that the letter was properly addressed and posted.

Compare: SR 1998/342 r 12

22 Effect of direction on indexes provided by Registrar-General

- (1) Even though a direction is in force in respect of relevant information included on a public register maintained under the Births, Deaths, Marriages, and Relationships Registration Act 1995, nothing in section 235 of the Act applies to the inclusion of that information in an index provided by the Registrar-General before the commencement, on 24 January 2009, of section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008.
- (2) A notice given by the Registrar-General under regulation 16(b) must include information about any index that was kept by the Registrar-General before the commencement, on 24 January 2009, of section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 and that includes relevant information, including the type of relevant information the index contains and the availability of access to the register by the public.

Compare: SR 1998/342 r 13

23 Disclosure of information under Births, Deaths, Marriages, and Relationships Registration Act 1995 for administration of estates

- (1) If a direction is made, nothing in Part 9 of the Act or in regulations 11 to 24 prevents the Registrar-General from permitting a person to inspect any document containing information to which section 76(1) or 77(4) of the Births, Deaths, Marriages, and Relationships Registration Act 1995 applies, or from providing any person with a printout or copy of the document or a printout of the information, if the Registrar-General is satisfied that—
 - (a) the person wishes to inspect the document or have the printout or copy for a purpose in connection with the administration of an estate or trust; and
 - (b) the person is executor, administrator, or trustee of the estate or trust; and
 - (c) the information is relevant for that purpose.
- (2) Before relevant information in respect of which a direction is in force is disclosed under subclause (1), the Registrar-General must notify the person to whom that direction relates, in writing, of the proposed disclosure.
- (3) Despite subclause (2), if it is not practicable to give notice under that subclause before disclosure of the relevant information, then the Registrar-General must give that notice as soon as practicable after disclosure of that information.

Compare: SR 1998/342 r 14

24 Disclosure of information under Land Transfer Act 2017 for certain purposes

- (1) If a direction is made, nothing in Part 9 of the Act or in regulations 11 to 24 prevents the Registrar-General of Land from providing (under section 40 of the Land Transfer Act 2017) a copy of an instrument or a record of title to a person who requires it—
 - (a) to conduct a transaction with the person to whom that direction relates; or
 - (b) to have an instrument registered or noted under the Land Transfer Act 2017 or any other enactment; or
 - (c) to exercise a right held, or satisfy an obligation owed, in relation to the particular land (but not land generally), such as the right to sell the land under a mortgagee's power of sale.
- (2) The person provided with the copy must not disclose the copy, or any information obtained from the copy, to anyone else except for the purpose for which the copy was required under subclause (1).
- (3) The Registrar must give notice to the person to whom the direction relates—
 - (a) before providing the copy of the instrument or record of title to the person who requires it; or
 - (b) as soon as practicable after providing the copy to the person who requires it, if it is impracticable to give notice before that.
- (4) The notice must be given in accordance with section 221 of the Land Transfer Act 2017 and must specify—
 - (a) the instrument or record of title of which a copy will be provided; and
 - (b) the person to whom the copy will be provided; and
 - (c) when the copy will be provided.

Compare: SR 1998/342 r 15

*Revocations***25 Revocations**

The following regulations (as amended by section 259(2) and Part 2 of Schedule 2 of the Family Violence Act 2018) are revoked:

- (a) Domestic Violence (General) Regulations 1996 (SR 1996/150);
- (b) Domestic Violence (Public Registers) Regulations 1998 (SR 1998/342).

Compare: SR 1998/342 r 16

Schedule 1
Transitional, savings, and related provisions

r 4

Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2

Forms related to Police safety orders

r 5

Form 1

Police safety order

Sections 27, 28, Family Violence Act 2018

To [full name, address, date of birth of person against whom the Police safety order is issued]

This Police safety order is issued against you.

1 Purpose of order

The purpose of this order is to help make safe from family violence the following persons (the **person(s) at risk**):

- (a) the person(s) named in this order with whom you are, or have been, in a family relationship; and
- (b) each protected child named in this order, and every other protected child (if any).

2 Person(s) at risk

This order protects the following person(s) at risk:

[Full name of the person(s) for whose safety the order is issued]

*[Full name of each protected child (that is, each child residing ordinarily or periodically with a person named above)], and any other child residing ordinarily or periodically with a person, named above, for whose safety the order is issued.

*Omit if it does not apply.

3 Commencement of order

The order comes into force immediately after this copy has been served on you.

4 Duration of order

This order continues in force for [number] days/hours*. It expires on [date, time].

*Select one.

5 Effect of order

A Duty to vacate land or building

You must immediately vacate any land or building occupied by a person at risk, whether or not you have a legal or equitable interest in the land or building (*see* section 36 of the Family Violence Act 2018).

B Duty to surrender weapons

You must immediately surrender to a constable—

- (a) any weapon in your possession or control; and
- (b) any firearms licence held by you.

Note: Weapon means any firearm, airgun, pistol, prohibited magazine, prohibited part, restricted weapon, ammunition, or explosive, as those terms are defined in the Arms Act 1983.

(See sections 8 and 37 of the Family Violence Act 2018.)

6 Conditions of order

A General

You must not—

- (a) engage in behaviour that amounts to any form of family violence against the person(s) at risk (whether physical abuse, sexual abuse, or psychological abuse); or
- (b) make any unauthorised contact with the person(s) at risk; or
- (c) encourage a person to engage in behaviour against, or to make contact with, a person at risk if the behaviour or contact, if engaged in or made by you, would be prohibited by this order.

B Exceptions

Contact by you with the person(s) at risk is authorised, and not in breach of the standard no-contact condition above, if the contact is—

- (a) reasonably necessary in any emergency; or
- (b) permitted under any special condition of any relevant protection order; or
- (c) necessary for the purposes of attending a family group conference (within the meaning of section 2 of the Oranga Tamariki Act 1989); or
- (d) necessary to attend any proceeding (of any kind) in or before any court or person acting judicially (a **legal proceeding**); or
- (e) necessary to attend any other matter that is associated with a legal proceeding, and that is a matter that the parties to the proceeding jointly attend (for example, a restorative justice conference, or a settlement conference convened under section 46Q of the Care of Children Act 2004).

7 Further effects of order

A Suspension of firearms licence

While this order is in force against you,—

- (a) any firearms licence held by you is deemed to be suspended; and

- (b) you are deemed, for all purposes, not to be the holder of a firearms licence.

(See section 40 of the Family Violence Act 2018.)

B Suspension of parenting order or agreement

This paragraph applies if this order is issued against you and—

- (a) a parenting order or day-to-day care or contact agreement is in force in respect of a child who resides ordinarily or periodically with a person named in the order for whose safety the order is issued (a **protected child**); and
- (b) you are a party to that parenting order or agreement.

While this order is in force against you, any parenting order or an agreement giving you day-to-day care of, or contact with, a protected child is suspended (see section 41 of the Family Violence Act 2018).

C Risk and needs assessment

While this order is in force, a constable or Police employee may issue a written direction to you to—

- (a) arrange, within 10 working days after the direction is served on you, for a risk and needs assessment on you to be carried out promptly by an assessor; and
- (b) attend the assessment at the arranged time and place.

(See section 42(2) to (4) of the Family Violence Act 2018.)

8 Consequences of breach of order

You may be taken into custody and brought before the District Court (see section 43 of the Family Violence Act 2018) if you refuse or fail to comply with—

- (a) this order; or
- (b) any condition of this order; or
- (c) a written direction to attend a risk and needs assessment (as described above, and see sections 42(5) and 43 of the Family Violence Act 2018).

An application may then be made for a summons or arrest warrant to bring you before the District Court (see section 44 of the Family Violence Act 2018).

The District Court may (see sections 46 to 54 of the Family Violence Act 2018)—

- (a) direct that another Police safety order be issued against you;
- (b) issue a temporary protection order against you under section 79 of the Family Violence Act 2018.

Date:

Issued by:

Form 2

Warrant to arrest for contravening Police safety order

*Section 51(1)(a) and (2), Family Violence Act 2018*To every constable/[*full name*], constable*

*Select one.

- 1 On [*date, time*], a Police safety order was issued against [*full name, address, date of birth*].
- 2 On [*date*], [*full name*] refused or failed to comply with the order/conditions of the order/a written direction to attend a risk and needs assessment (*see sections 42(5) and 43 of the Family Violence Act 2018*)* by [*details of refusal or failure*].
*Select one.
- 3 I am/We are* satisfied that there are grounds for the issue of a warrant to arrest [*full name*].
*Select one.
- 4 I/We* direct you to arrest [*full name*] and bring that person before the District Court as soon as possible.
*Select one.
- 5 For the purpose of executing this warrant, the constable executing it may at any time enter onto any premises, by force if necessary, if the constable has reasonable grounds to believe that [*full name*] is on those premises.

Date:

Place:

Signature:

(District Court Judge/Justice(s) of the Peace/Community Magistrate(s)/Registrar/
Deputy Registrar*)

*Select one.

Form 3
Police summons to appear before District Court

Section 44(1)(b) and (2), Family Violence Act 2018

To [full name, address, date of birth]

1 For this paragraph,—

- select statement A if the person being summoned refused or failed to comply with a Police safety order; or
- select statement B if the person being summoned refused or failed to comply with the conditions of a Police safety order; or
- select statement C if the person being summoned refused or failed to comply with a written direction to arrange/attend* a risk and needs assessment.

*Select one.

Statement A

The complaint against you is that you refused or failed to comply with a Police safety order issued against you on [date] by [state details].

Statement B

The complaint against you is that you refused or failed to comply with the conditions of a Police safety order issued against you on [date] by [state details].

Statement C

The complaint against you is that you refused or failed to comply with a written direction issued to you on [date] to arrange/attend* a risk and needs assessment (see sections 42(5) and 43 of the Family Violence Act 2018).

*Select one.

2 You are summoned to appear personally before the District Court at [place, date, time] to answer the complaint.

Date:

Signature of constable:

Form 4

Warrant to arrest for failure to attend District Court following summons

*Section 44(3), Family Violence Act 2018***To every constable/[full name], constable***

*Select one.

- 1 On [date], a complaint was made that [full name, address, date of birth] refused or failed to comply with a Police safety order/the conditions of a Police safety order/a written direction to attend a risk and needs assessment (*see* sections 42(5) and 43 of the Family Violence Act 2018)*.

*Select one.

- 2 On [date], a summons was served on [full name] under section 44(2) of the Family Violence Act 2018 to appear personally before the District Court at [place, date, time] to answer the complaint.
- 3 [Full name] did not attend personally at the District Court at the place, date, and time specified in the summons.
- 4 I/We* direct you to arrest [full name] and bring that person before the District Court as soon as possible.

*Select one.

- 5 For the purpose of executing this warrant, the constable executing it may at any time enter onto any premises, by force if necessary, if the constable has reasonable grounds to believe that [full name] is on those premises.

Date:

Place:

Signature:

(District Court Judge/Justice(s) of the Peace/Community Magistrate(s)/Registrar/
Deputy Registrar*)

*Select one.

Form 5
Complaint

Section 45(2), Family Violence Act 2018

I, *[full name, address]*, constable, say on oath that—

- 1 On *[date, time]*, a Police safety order was issued against *[full name, address, date of birth]*.
- 2 On *[date]*, *[full name]* refused or failed to comply with the order/conditions of the order/a written direction to attend a risk and needs assessment (*see sections 42(5) and 43 of the Family Violence Act 2018*)* by *[state details of refusal or failure]*.
*Select one.
- 3 The jurisdiction of the District Court is sought to make a direction or order under section 46 of the Family Violence Act 2018.

Signature of constable:

Sworn at *[place, date]*

Before me: *[name, signature]*

(District Court Judge/Justice(s) of the Peace/Community Magistrate(s)/Registrar (not being a constable)*)

*Select one.

Form 6

Warrant to arrest for failing to attend adjourned proceedings

*Section 51(1)(b) and (2), Family Violence Act 2018***To every constable/[full name], constable***

*Select one.

- 1 On [date, time], a Police safety order was issued against [full name, address, date of birth].
- 2 On [date], the District Court at [place] was satisfied that [full name] had refused or failed to comply with that order and adjourned the proceedings to enable a District Court Judge to consider whether a temporary protection order should be issued against [full name].
*Select one.
- 3 On [date of adjourned proceedings], [full name] did not attend personally at the adjourned proceedings.
- 4 I am/We are* satisfied that there are grounds for the issue of a warrant to arrest [full name].
*Select one.
- 5 For the purpose of executing this warrant, the constable executing it may at any time enter on to any premises, by force if necessary, if the constable has reasonable grounds to believe that [full name] is on those premises.

Date:

Place:

Signature:

(District Court Judge/Justice(s) of the Peace/Community Magistrate(s)/Registrar/
Deputy Registrar*)

*Select one.

Form 7

Temporary protection order

Section 46(2)(b), Family Violence Act 2018

In the District Court at *[place]*

No: *[number of proceeding]*

Applicant

[full name and address of the person(s) named in Police safety order for whose safety the order was issued]

Respondent

[full name and address of person who the court is satisfied refused or failed to comply with the Police safety order]

The court makes a temporary protection order against *[full name of respondent]*.

Person(s) protected by order

This order protects the following person(s):

[full name of applicant]

**[full name of each child of the applicant's family], and any other child of the applicant's family.*

**Omit if it does not apply.*

**The court also directs that the order applies for the benefit of the following person(s):*

[Full name of each person in respect of whom the court makes a direction under section 87(1) of the Family Violence Act 2018]

**Omit if it does not apply.*

1 Conditions of order

A Standard conditions: no family violence, no contact, no having others breach order

The respondent must not—

- (a) engage in behaviour that amounts to any form of family violence against the protected person (whether physical abuse, sexual abuse, or psychological abuse); or
- (b) make any unauthorised contact with the protected person; or
- (c) encourage a person to engage in behaviour against, or to make contact with, a protected person if the behaviour or contact, if engaged in or made by the respondent, would be prohibited by this protection order.

B Exceptions to standard no-contact condition, with consent

The protected person can suspend or reinstate the no-contact condition by giving or cancelling consent to contact.

The protected person's consent is valid only if given in writing or in a digital communication, but the protected person may withdraw consent at any time and in any way.

The protected person cannot consent to any contact inconsistent with—

- (a) any order for supervised contact in relation to a child; or
- (b) no-contact conditions imposed by a direction under section 168A of the Criminal Procedure Act 2011.

C Other exceptions to standard no-contact condition

Contact by the respondent with the protected person is authorised, and not in breach of the no-contact condition, if the contact is—

- (a) reasonably necessary in any emergency; or
- (b) permitted under any order or written agreement relating to the role of providing day-to-day care for, or contact with, or custody of—
 - (i) any child (within the meaning of section 8 of the Care of Children Act 2004); or
 - (ii) any child or young person (within the meaning of section 2 of the Oranga Tamariki Act 1989); or
- (c) permitted under any special condition of this protection order; or
- (d) necessary for the purposes of attending a family group conference (within the meaning of section 2 of the Oranga Tamariki Act 1989); or
- (e) necessary to attend any proceeding (of any kind) in or before any court or person acting judicially, or to attend any other matter that is associated with such a proceeding and that is a matter that the parties to the proceeding jointly attend (for example, a restorative justice conference, or a settlement conference convened under section 46Q of the Care of Children Act 2004).

D Standard conditions about weapons

The respondent—

- (a) must not possess, or have under the respondent's control, any weapon; and
- (b) must not hold a firearms licence; and
- (c) must, as soon as practicable after being served with a copy of this order, but in any case no later than 24 hours after such service; and on demand made, at any time, by any constable, surrender to a constable—

- (i) any weapon in the respondent's possession or under the respondent's control, whether or not any such weapon is lawfully in the respondent's possession or under the respondent's control; and
- (ii) any firearms licence held by the respondent.

On the making of this temporary protection order, any firearms licence held by the respondent is deemed to be suspended.

Note: The Family Violence Act 2018 defines a weapon as any firearm, airgun, pistol, prohibited magazine, prohibited part, restricted weapon, ammunition, or explosive, as those terms are defined in the Arms Act 1983.

E Special conditions

The court also imposes the following special conditions on the respondent [*set out any special conditions imposed*]:

*Special conditions to protect the protected person from further violence by the respondent:

*Special conditions to address the inflicting of family violence against protected people who are particularly vulnerable (for example, due to age, disability, or health condition):

*Special conditions for the manner in which arrangements for access to a child are to be implemented:

*Special conditions for the manner and circumstances in which the respondent may make contact with the protected person:

* Person who may consent to contact on behalf of the protected person and to withdraw such consent [*name of person who may consent*]:

*Other [*insert any other special condition*]:

Unless otherwise stated, these conditions last for the duration of this order.

*Omit if it does not apply.

2 Assessment for, and attendance at, non-violence programme/Assessment for prescribed services and engagement with prescribed standard service*

The court directs [*full name of respondent*] to undertake an assessment for a non-violence programme, and attend a non-violence programme, provided by a service provider, that an assessor determines is an appropriate non-violence programme for the respondent to attend.*

The court directs [*full name of respondent*] to undertake an assessment for prescribed services, and engage with any prescribed standard service, provided by a service provider, that an assessor determines may be appropriate for and may benefit the respondent.*

The Registrar of the court will arrange for the respondent to be referred to an assessor, and the respondent must meet with the assessor so that the assessor may—

- (a) undertake an assessment of the respondent; and
- (b) determine, if the direction in the notification is that the respondent undertake an assessment for a non-violence programme, whether there is an appropriate non-violence programme, provided by a service provider, for the respondent to attend; and
- (c) determine, if the direction in the notification is that the respondent undertake an assessment for prescribed services, whether (and, if so, which of) the types of services specified in regulations made under section 249(a) of the Family Violence Act 2018 (if any), provided by a service provider, may be appropriate for and may benefit the respondent.

If there is an appropriate non-violence programme for the respondent to attend, the service provider of that programme will settle in writing with the respondent the terms of attendance, which must include—

- (a) the number of programme sessions that the respondent must attend; and
- (b) details and arrangements about the programme venue, sessions, and times.

Before providing a prescribed standard service to a respondent directed to engage with the service, the service provider must settle in writing with the respondent the terms of the respondent's engagement with the service.*

*Omit if it does not apply.

Omit the following 2 headings and paragraphs if they do not apply.

Direction that hearing be held

The court directs that there be a hearing in relation to the whole of this order/the following parts of this order*: *[specify parts]*.

*Select one.

Date of hearing

I appoint *[date, time]* at the Family Court at *[place]* for this hearing.

Date:

Registrar:

Effect of temporary protection order

For this paragraph,—

- *select statement A if the court has not directed that a hearing be held:*
- *select statement B if the court has directed that a hearing be held.*

Statement A

This order is a temporary order.

If you do nothing after being served, this order will automatically become a final order 3 months after the date on which it was made. If you wish to dispute this order, you must notify the Family Court at [*place*] as soon as possible.

Statement B

This order is a temporary order.

The court has directed that a hearing be held in relation to the whole of this order/ specified parts of this order* at the Family Court at [*place*].

*Select one.

This hearing will take place whether or not you wish to appear. If you wish to dispute any part of the order, you must notify the Family Court at [*place*] as soon as possible.

If you do nothing, the Family Court may make a final order in your absence/the parts of the order in relation to which a hearing is not required will become final 3 months after the date on which this order was made, and the Family Court may confirm the other parts of the order at the hearing*.

*Select one.

Modification or discharge of order

You or the protected person may apply to the Family Court at any time—

- (a) for the modification or discharge of the standard condition about weapons. (The Family Court may make a change to this standard condition only if it is satisfied that the condition, or a term of the condition, is not needed to protect the persons for whose benefit this order applies from further family violence);
- (b) for a variation or discharge of any special conditions of this order, or for the imposition of a new special condition;
- (c) for this order to be discharged.

You or the protected person may apply to the Family Court for a variation or discharge of a direction to undertake an assessment and attend a non-violence programme or engage with a prescribed standard service, or for such a direction to be made.

Consequences of breach of order

You commit an offence if you breach this order by—

- (a) doing an act in contravention of this order; or
- (b) failing to comply with any condition of this order; or
- (c) contravening, or failing to comply with any term and condition of, a related occupation order (for example, by failing to leave the dwellinghouse to which the order relates); or

- (d) contravening a related tenancy order (for example, by failing to leave the dwellinghouse to which the order relates); or
- (e) contravening, or failing to comply with any term and condition of, a related ancillary furniture order (for example, by preventing possession and use of all or any items to which the order relates); or
- (f) contravening, or failing to comply with any term and condition of, a related furniture order (for example, by preventing possession and use of all or any items to which the order relates).

You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order.

The maximum penalty for this offence is 3 years' imprisonment.

If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

***Consequences of failing to comply with direction**

You commit an offence if, without reasonable excuse, you fail on any occasion to comply with a direction made under section 188 or 198 of the Family Violence Act 2018—

- (a) to undertake an assessment for, and attend, a programme; or
- (b) to undertake an assessment for, or engage with, a prescribed service.

The maximum penalty for this offence is 6 months' imprisonment or a fine not exceeding \$5,000.

*Omit if it does not apply.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: <http://www.justice.govt.nz>

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 3 Public register provisions

r 12

Enactment	Public register provision
Births, Deaths, Marriages, and Relationships Registration Act 1995	Sections 5, 7(2), 8, 21B, 24, 25, 34, 36, 48(3), 50, 53, 56, 58, 62A, and 62C
Building Act 2004	Sections 216, 273, and 298
Civil Union Act 2004	Section 29
Companies Act 1993	Sections 87, 88, 189, and 360
Deeds Registration Act 1908	Sections 21, 22, and 30
Dog Control Act 1996	Section 34
Electoral Act 1993	Sections 100, 101, 103, 104, 105, 106, 107, 108, and 109
Friendly Societies and Credit Unions Act 1982	Sections 5, 40, and 130
Incorporated Societies Act 1908	Section 33
Industrial and Provident Societies Act 1908	Section 3D
Insolvency Act 2006	Section 62
Insolvency Practitioners Regulation Act 2019	Section 27
Land Transfer Act 2017	Section 9
Land Transfer Regulations 2018	Regulation 24
Land Transport Act 1998	Section 234
Local Electoral Act 2001	Section 38
Local Government (Rating) Act 2002	Section 27
Marriage Act 1955	Section 7
Personal Property Securities Act 1999	Section 139
Private Security Personnel and Private Investigators Act 2010	Section 97
Rating Valuations Act 1998	Section 7
Te Ture Whenua Maori Act 1993	Section 263

Schedule 3 Insolvency Practitioners Regulation Act 2019: inserted, on 1 September 2020, by section 83 of the Insolvency Practitioners Regulation Act 2019 (2019 No 29).

Schedule 4

Forms related to public registers

r 17

Form 1

Information for applicant about effect of direction relating to information on
[*name of register(s)*]

r 17(2)

Section 233, Family Violence Act 2018

The direction that has been made in your favour under Part 9 of the Family Violence Act 2018 applies only to information on [*specify which register(s) the notice relates to*] that discloses, or is likely to disclose, the whereabouts of [*specify either the applicant or the child of the applicant's family, or both, as the case may require*].

Note:

- If you think that this kind of information is also held on another public register **and** you do not want that information disclosed, you will need to apply to the agency responsible for administering that register for a direction:
- This direction does not apply to information entered in the register(s) after this direction is given.

Effect of direction

This direction has the following effect:

- information that is included, or is about to be included, on the register and that discloses, or is likely to disclose, the whereabouts of [*specify either the applicant or the child of the applicant's family, or both, as the case may require*] must not be included in—
 - any copy (including a printout) of all or any part of the register:
 - any index to the register:
 - any extract from, or certificate as to information that is recorded on, the register that is made available to the public after the direction is made:
- this information must not be made available for inspection by members of the public (other than you):
- where, before the date on which the direction was made, an application was made for the inclusion of information on the register, that application may not be made available for public inspection to the extent that it contains information about the whereabouts of [*specify either the applicant or the child of the applicant's family, or both, as the case may require*].

There are 3 important qualifications to these general rules, as follows:

- the information must still be included in the register for all other purposes:

- the direction applies only to information that the agency is reasonably able to identify, having regard to the information you provided in your application:
- the information can be disclosed to the public, even though a direction is in force, if you consent (*and in the following circumstances: [*include examples of when disclosure permitted*]).

*Omit if it does not apply.

You can apply for another direction in respect of—

- information that is located on parts of the register not covered by the first direction:
- information that goes on to the register after the first direction is made:
- new information (eg, if you change your address).

In these cases you will have to make an application in the same way as you applied for the original direction.

Duration of direction

*This direction is made in respect of a temporary protection order and lasts for 4 months. If the temporary order is discharged before the 4-month period expires, the direction expires.

If the temporary protection order becomes final, or a final order is substituted for it, and you wish this direction to continue, you need to tell the agency responsible for administering the register yourself or ensure that the agency has received a notice from the court. Where the temporary protection order becomes final, or a final order is substituted for it, the direction lasts for 5 years unless the order is discharged in the meantime. At the end of the 5-year period, you may ask for another direction to be made.

*This direction is made in respect of a final protection order and lasts for 5 years, unless the protection order is discharged in the meantime. At the end of the 5-year period, you may ask for another direction to be made.

You may ask at any time for the direction to be revoked.

If a direction expires or is revoked or ceases to be in force, that does not prevent a further direction being made in respect of the same information.

*Omit if it does not apply.

Form 2

Notice to applicant where application for direction declined

r 17(4)

Section 233(2), Family Violence Act 2018

Your application for a direction under Part 9 of the Family Violence Act 2018 in relation to information on [*specify which register(s) the notice relates to*] that discloses, or is likely to disclose, the whereabouts of [*specify either the applicant or the child of the applicant's family, or both, as the case may require*] has been declined for the following reason(s): [*state reason(s)*]

Important information

You have the right to complain to the Privacy Commissioner about this decision. [*State the address and telephone number of the office of the Privacy Commissioner nearest to the applicant.*]

If you wish to make a complaint, you must make it within 5 working days after you receive this notice.

You can ask the Privacy Commissioner to extend this period.

The complaint can be made orally or in writing.

The information in respect of which you sought a direction will not be made publicly available until the expiry of 5 working days after you receive this notice or, where the Privacy Commissioner extends the period for making a complaint, until the expiry of that longer period.

If you do make a complaint, the information will not be made publicly available until the Privacy Commissioner has dealt with your complaint.

Michael Webster,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Family Violence Regulations 2019 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Insolvency Practitioners Regulation Act 2019 (2019 No 29): section 83