PRESENTERS



Leah Davison, Barrister and Solicitor, Wellington

Leah was a Probation Office in Wellington prior to studying law. She was admitted to the roll at the end of 1998 and began practice as a Barrister sole in 1999. She now practices as a Barrister & Solicitor in the areas of criminal, family and mental health law. She is also a Youth Advocate.



Judge Ian Mill, Wellington

Judge Mill was educated at Canterbury University and appointed a District Court Judge in 1997. He has a jury warrant together with a family and general criminal warrant. Judge Mill sits in Wellington and works approximately 50% of the time in the criminal jurisdiction and 50 % in the Family Court. Presently Judge Mill is executive judge for the Wellington District Court

The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

CONTENTS

INTRODUCTION	1
BAIL ACT CHANGES	3
SENTENCING AMENDMENT ACT (NO 2) 2009	5
JURISDICTION TO ISSUE A PROTECTION ORDER.	5
PROCEDURE FOLLOWING THE MAKING OF A PROTECTION ORDER:	
LAWYERS DEALING WITH PROTECTION ORDERS AS PART OF SENTENCING.	
OTHER POINTS TO NOTE:	7
DOMESTIC VIOLENCE AMENDMENT ACT 2009	9
Police Safety Orders	9
What is a PSO?	9
Legislative terms	
When can a PSO be issued?	
When can a PSO not be issued?	
Other relevant sections	
The effect of the issue of a PSO on any Day-to-day Care & Contact arrangements in Family C	Court
proceedings.	11
What is the procedure once a PSO has been issued: BREACH OF PSO	
When a summons is issued for breach of a PSO and the person answers their summons	
Lawyers dealing with PSO breaches in court.	
JURISDICTION OF THE DISTRICT COURT	
Justice of the Peace or Community Magistrate's Court	
District Court before a Judge	
APPENDIX 1: DOMESTIC VIOLENCE AMMENDMENT ACT 2009	
APPENDIX 2: PROTECTION ORDER – RECOMMENDED RESPONDENT SCRIPT	37
APPENDIX 3: POLICE GUIDELINES – POLICE SAFETY ORDERS	39
APPENDIX 4: POLICE SAFETY ORDER FORM	55
APPENDIX 5: POLICE SUMMONS TO APPEAR BEFORE DISTRICT COURT	57
APPENDIX 6: COMPLAINT SUMMARY	59
APPENDIX 7: TEMPORARY PROTECTION ORDER – RECOMMENDED RESPONDENT SCRIPT	