

PRESENTERS



Judge de Jong, Auckland District Court, Auckland

Prior to his appointment as a judge in May 2006, Lex de Jong was a family lawyer for 25 years. He has been a contributing author and presenter on a wide variety of family law topics, both in New Zealand and overseas. In March 2007, Judge de Jong established the Auckland City Family Violence Criminal Court and remains the lead judge of that court. He also sits in the Family Court.



Ingrid Squire, Gifford Devine, Hastings

Ingrid is a partner at Gifford Devine. She is president of the Hawke's Bay branch of the NZLS, convener of the Hawke's Bay Standards Committee, and convener of the NZLS Family Law Section standing committee on domestic violence. Ingrid practises in all areas of family law, representing individuals, and as Lawyer for Child and Counsel to assist the 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
WHY ARE LEGISLATIVE CHANGES NEEDED?	3
STATISTICS – HOW BIG IS THE PROBLEM?	3
WHAT IS BEING DONE TO ADDRESS FAMILY VIOLENCE?.....	5
WHAT ARE THE LATEST LEGISLATIVE CHANGES?	6
BAIL AMENDMENT ACT 2009	6
SENTENCING AMENDMENT ACT (NO 2) 2009	7
DOMESTIC VIOLENCE AMENDMENT ACT 2009	8
<i>Changes effective from 28 October 2009</i>	8
<i>Police safety orders from 1 July 2010</i>	9
<i>Issuing of PSO</i>	15
<i>Once PSO served</i>	16
<i>How safety orders have been used in Australia</i>	17
WHEN IS A PROTECTION ORDER “NECESSARY”?.....	23
WHAT ARE THE FACTS IN <i>SURREY</i> ?	23
WHAT IS THE S 14 TEST?	23
WHAT IS THE TEST OF “NECESSITY”?	24
WHAT APPEAL PRINCIPLES ARISE FROM <i>SURREY</i> ?.....	26
TIPS FOR PREPARING DVA APPLICATIONS.....	27
TIPS WHEN MAKING APPLICATION FOR PROTECTION ORDER	27
TIPS IF APPLYING FOR PO IF PSO IN FORCE.....	28
TIPS IF APPLYING FOR PO IF PSO NOT MADE	28
OFFENDER AND VICTIM PROFILES.....	29
WHAT KIND OF CHARACTERISTICS DO OFFENDERS HAVE?	29
WHY WOMEN LIVE WITH VIOLENCE?.....	32
WHAT IS THE IMPACT OF VIOLENCE ON CHILDREN?	33
APPENDIX 1 – THE DOMESTIC VIOLENCE AMENDMENT ACT	35
APPENDIX 2 – POLICE SAFETY ORDER	57
APPENDIX 3 – <i>SURREY v SURREY</i> [2010] NZFLR 1.....	61
APPENDIX 4 – AFFIDAVIT	103
APPENDIX 5 – KELLY AND JOHNSON – DIFFERENT TYPES OF VIOLENCE	109
APPENDIX 6 – NNSVS IMPACTS OF VIOLENCE ON CHILDREN	135