



## NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND

TE KAUNIHERA WAHINE O AOTEAROA

10 October 2013

S13.15

### **Submission to the Law and Order Committee on the Victims Orders Against Violent Offenders Bill 126-1**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 47 organisations affiliated at national level and a further 41 organisations affiliated at branch level. It has 22 branches throughout the country attended by representatives of these organisations, as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Justice & Law Reform Standing Committee and the Parliamentary Watch Committee after consultation with the membership of NCWNZ.

#### **Introduction**

NCWNZ has express formal policy regarding support for victims and access to justice. NCWNZ has been involved in submissions and discussion documents relating to the advocacy for women and children to obtain redress and support as victims.

NCWNZ is generally supportive of this Bill, although there are concerns as to the process for applying for a non-contact order.

#### **Comments on specific clauses:**

##### **Part 1**

##### **Preliminary provisions**

##### **Clause 4 Interpretation**

victim –

(a) means –

(ii) a person who, through or by means of a violent offence committed by another person, suffers physical injury....

The great majority of respondents are concerned that the reference to “physical injury” is too narrow. It was suggested that the definition should include reference to suffering mental torment/torture, mental and psychological harm, emotional injury and traumatic stress.

Some respondents also suggested that the definition should include close family members of the victim if they have suffered physiological or psychological trauma because of the violence suffered by the direct victim.

**victim –**

**(a) means –**

**(iii) a parent or legal guardian of a child, or of a young person, who falls within subparagraph (i) or (ii)....**

Several respondents suggested that the definition should be widened so that close family members could apply on behalf of an adult victim, or a caregiver could apply on behalf of a disabled or elderly adult victim even if the adult victim is alive and capable.

This would enable an immediate family member or caregiver to apply on behalf of the adult victim in a similar way to the ability of an immediate family member to make an application when the victim dies or is incapable as a result of a violent offence committed by another person.

## **Clause 5**

### **Meaning of violent offender or offender**

#### **Clause 5 (1)**

Some respondents questioned the limitation to violent offences which incurred a term of imprisonment for 5 years or more.

It was suggested that victims of violent offences incurring a term of imprisonment for less than 5 years should be able to apply for a non-contact order or at least that there be a provision for a victim to be able to apply where there are special circumstances, eg repeat offending against the same victim.

## **Part 2**

### **Clause 7**

#### **Application for non-contact order**

#### **Clause 7 (1)**

A majority of respondents suggested that the time for applying for a non-contact order should be prior to the offender being released from prison.

There was also concern that the victim should receive sufficient prior notice of the release date so that the non-contact order could be in place immediately on the offender being released from prison. Victims can feel most vulnerable at the time of release of the offender from prison and there is the likelihood that offenders are less able to manage their lives immediately after release.

Another suggestion was that the application for a non-contact order should be dealt with at the final parole hearing of the offender.

### **Enforcement of non-contact orders**

#### **Clause 17**

#### **Copies of order to be sent to Police**

#### **Clause 17 (2)**

Some rural respondents were concerned that in rural, semi-rural or smaller urban areas it is not always practical for the order to be made available to the Police station nearest to where the victim resides.

It was suggested that the order should be made available to the Police station that is open 24 hours per day and 7 days per week which is nearest to the area where the victim resides, or within the vicinity of a certain area such as 100 kilometres for a rural area and 50 kilometres for an urban area.

Several respondents were concerned about the possibility of offenders and also victims changing locations and stated that there needs to be some central record of the non-contact order and an effective system for informing the relevant local Police stations.

### **Conclusion**

NCWNZ endorses the recognition and acknowledgement of the rights and empowerment of victims. A key tenet of NCWNZ is the availability of justice for women and children and particularly the protection of victims. This Bill enhances the protection afforded to victims.

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