



NEW ZEALAND

Affiliated with the International Federation of Business & Professional Women

BPW
NEW ZEALAND

New Zealand Federation of Business
and Professional Women Incorporated

P O Box 28 326, Remuera, Auckland 1136, New Zealand

www.bpwnz.org.nz

10 October 2013

To the Committee Secretariat, Justice and Electoral
Parliament Buildings
Wellington

Email:

Re: Submission on Victims' Orders Against Violent Offenders Bill 2013

This submission is from:

The New Zealand Federation of Business and Professional Women Inc.,
PO Box 28-326, Remuera, Auckland 1136.

We wish that the following appear before the committee to speak to our submission:

Carolyn Savage, President BPW NZ

I can be contacted at: Daytime contact number 021 1179261 or 027 2927510 and email is
president@bpwnz.org.nz

We wish that the following also appear in support of our submission:

Vicky Mee, First Vice President BPW NZ.

Daytime contact number (09) 2381045, mobile 021 1168948 and email is fvp@bpwnz.org.nz

Thank you for the opportunity to speak to our submission and we hope that our comments are of use to you.

On behalf of
New Zealand Federation of Business and Professional Women Inc.

Carolyn Savage

Submission:

This submission is from the NZ Federation of Business and Professional Women (BPW NZ) Inc.

Our Organisation

Our organisation's aims are to link professional and business women throughout the world, to provide support, to lobby for change and to promote the ongoing advancement of women. We work for equal opportunities and status for all women in economic, civil and political life and the removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

Our structure is comprised of a National Executive, 14 branches and a number of individual members in areas where there is no branch. We are an apolitical organization.

Our interest in this Bill is because we are committed to ensure all women and their families are protected and that women victims can lead their lives free from intimidation and harassment by their perpetrators.

1.0 General Comments:

1.1 Our Federation is concerned about the ongoing effects of violent offences on victims. We welcome the recognition that for these victims, fear and anxiety about unwanted contact with the offender can impair their recovery and ability to enjoy a normal life.

1.2 Although we support the intent of this Bill to prohibit an offender of a serious violent or sexual assault from having contact with the victim we do not believe the proposed mechanism is protective of the victim.

Under this Bill the victim (or a close family member in certain circumstances) would be required to apply to the court for an order at their own expense and would be required to be present in court with the very person they are seeking to avoid.

1.3 BPW NZ agrees that gaps in existing protection measures such as protection orders, restraining orders and parole conditions need to be addressed. The need for this Bill is questionable as there are likely to be only ten cases per year and the conditions on living and working in certain areas and the prohibiting of electronic contact with the victim could be set as part of sentencing or parole conditions.

1.4 BPW NZ believes consideration should be given to changing the sentencing and parole legislation to cover the intent of this Bill rather than putting the onus on the victim to initiate an order as envisaged under this Bill.

2.0 The Non Contact Order (NCO)

- 2.1 Our Federation supports the intent but not the mechanism for the NCO. We agree that legislation preventing the offender from entering any specified area or from living or working in any specified area is essential.
- 2.2 The Bill allows for the victim to apply for the NCO at any time after the offender has been released from prison. We believe this is too late and that the NCO should be able to be approved and in place before the offender is released. BPW NZ would advocate for the order to be in place at the time of sentencing and ideally be initiated by the court and not the victim.

3.0 Implementing the Non Contact Orders

- 3.1 BPW NZ believes that the Court Registrar ensuring that a copy of the NCO is made available without delay to the Police station nearest to where the victim resides is inadequate protection. In rural/semi-rural/smaller urban areas where there is a police station, there are limited opening hours. A rural/small coastal community may be half way between two stations. A copy of the NCO must be available at both and at the nearest 24/7 Police Station and the victim/family/support person know where that is and how to contact.

The victim/family/support person must also hold a copy of the NCO.

- 3.2 BPW NZ support the penalty for breaches of orders being up to six months imprisonment or a fine of up to \$5,000 and that if an offender is convicted of contravening an order at least twice in a three-year period imprisonment for up to two years can be imposed. Our concern is that the implementation of the NCO may be similar to the implementation of protection orders where application is poor.

We quote the BPW NZ Policy **18.5.2 Protection Orders**:

***“THAT** the New Zealand Federation of Business and Professional Women Inc:*

18.6.1 ASK the Government to take urgent action to improve the implementation of the legislation relating to protection orders to ensure that such orders are effective in providing protection for battered women and their children. (2008)

Rationale:

- The key issue for NZ NGOs is the level of violence against women and children in New Zealand. Domestic violence includes both physical and psychological violence, bullying, and harassment. Laws are adequate but application is poor and resources inadequate.
- The recent report “The Cutting Edge - women’s experiences of protection orders” identified from women’s experiences of protection orders that little action is taken to deal with repeated breaches of protection orders.
 - Few convictions are made and sentences are trivial
 - There are ineffective controls after a breach, with a huge gap between women’s experiences and the justice and legal system’s responses.

- Legislation is sound but implementation by police, lawyers, judges and courts is poor. Decisions are often contrary to international research findings. 61% of judgments are not based on mandatory risk assessments.
 - Family Court judges are not required to give reasons for denying an application for a protection order, seriously compromising the ability of the applicant to appeal the decision.
 - Judges do not have training before taking protection order cases.
 - 214 women and children have died from family violence since 1996.
 - Battering and sexual abuse co-exist in 60% of cases
- 70% of boys who see their mother being abused will themselves become abusers.
 - CEDAW Article 2 (c) requires Parties “to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination”
 - CEDAW Article 5 (a) states that “Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of man and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women

This BPW NZ policy is as relevant today as it was when introduced in 2008. Women and children are continuing to die in alarming numbers.



Carolyn Savage
President



Vicky Mee
Vice President, Issues