

22 JUN 2017

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Dear Mr Collins

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) requests of 26 April, 4 May and 5 May 2017 requesting information on protection order applications.

You have requested the following information:

1. Total Temporary protection orders applications by males and females from year 2004 to year 2016 grouped by year:
 - i. How many were granted?
 - ii. Group them by 'Abuse Type' like physical, sexual, psychological according to section 3 in the DV Act 1995.
 - iii. How many of the temporary protection orders applications were accompanied by parenting orders?
 - iv. How many children didn't reach the threshold and were placed on 'with notice' instead.
2. Total final protection orders granted in the favour of males and females from year 2004 to year 2016 grouped by year.
 - i. How many were granted?
 - ii. Group them by 'Abuse Type' like physical, sexual, psychological according to section 3 in the DV Act 1995.
 - iii. How many of the temporary protection orders applications were accompanied with parenting orders?
 - iv. How many children were included automatically under the final protection order applications granted?

The responses to your requests are set out below.

To assist with your understanding of the response to your requests, attached is an explanation sheet which sets out the process by which a person may make a protection order application either 'On Notice' or 'Without Notice'.

Temporary Protection Order Applications for males and females

A temporary protection order may be granted after a person makes a Without Notice protection order application to the court. There is no application process by which a person can apply for a temporary protection order. The Ministry of Justice (the Ministry) is therefore refusing the parts of your requests relating to temporary orders under section 18(g) of the OIA. This is because we do not hold the information you request and we do not have grounds to believe that the information is held by another department, Minister of the Crown, organisation or local authority.

Total Protection Orders granted

The Ministry records information on the number of applicants in the Family Court per year, by applicant gender, by outcome and where the applications were 'On Notice' or 'Without Notice'.

Table 1 attached to this response, sets out the information by gender and notice type for the calendar years 2004 through to 2016.

Table 2 attached to this response, sets out the outcome of the applications, by gender and notice type for the calendar years 2004 through to 2016.

Table 3 attached to this response sets out the number of applicants filed a protection order without notice which was then directed to proceed on notice, by year and applicant gender.

You have requested information around the number of children included automatically under the final protection order applications granted. Significant work would be needed to link applications for protection orders with applications for parenting orders because they are in different cases. The Ministry is therefore refusing this part of your request under section 18(f) of the OIA as the information requested cannot be made available without substantial collation or research.

If you require any clarification of the information contained in this response please contact Antony Paltridge, Team Leader, Media and External Relations, at media@justice.govt.nz or call (04) 918 8980.

If you are not satisfied with my response to your request, you have the right to make a complaint to the Ombudsman under section 28(3) of the OIA. The Ombudsman may be contacted by writing to PO Box 10-152, Wellington.

Yours sincerely




pp Jacquelyn Shannon
Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 62098

Person experiencing family violence applies for a Protection Order

Do they need protection urgently?

Yes

 Person makes a Without Notice application to the court

To keep the applicant safe, the respondent won't get a chance to *respond* to the application until after a Temporary Protection Order is *granted*


Court grants Temporary Protection Order
On Police request, the court can *impose* a Temporary Protection Order if a violent person breaches a Police Safety Order

Temporary Protection Order *served* to the respondent

If the court doesn't agree that the application is urgent, it becomes an 'On Notice' application

The application lapses if the Order can't be served

No

 Person makes an On Notice application to the court

The respondent gets a chance to *respond* to the application in court before a Protection Order is *granted*

On Notice application *served* to the respondent

If the application can't be served it's withdrawn, discontinued or struck out



Judge considers evidence at a court hearing

They can make a decision even if the respondent doesn't come to court

Court grants a Final Protection Order
The court can impose a Sentencing Act Final Protection Order when a person with family violence charges is sentenced (if the victim doesn't object and there's no Protection Order in place)

If the court doesn't grant a Final Protection Order, the application can be dismissed (and any Temporary Protection Order discharged), withdrawn, discontinued or struck out

Table 1: Number of protection order applicants in the Family Court per year, by applicant gender

Application type	Applicant gender	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
On notice Protection Order	Female	510	413	487	451	393	451	522	441	385	354	250	109	137
	Male	75	77	77	88	83	94	84	70	57	65	51	40	28
	Unknown	21	17	11	8	9	9	11	9	4	10	4	3	3
Without notice Protection Order	Female	3558	3551	3452	3575	3524	3698	3650	3200	2840	3066	3471	3686	3696
	Male	299	270	290	301	314	263	298	248	233	221	285	321	338
	Unknown	108	137	49	44	44	67	48	39	45	46	58	54	62

Note: This data does not include other protected people or children associated with applications.

Note: The number of applicants each year will not equal the number of Protection Order applications

Note: Applications have been counted once per year for each type of application they have filed. The number of applicants filing a without notice application plus the number of applications filing an on notice application will not equal the total number of applicants per year.

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