

Date: 28 April 2017

To: The Parliamentary Select Committee: Justice and Electoral

From: Birthright New Zealand

Submission: Domestic Violence – Victims Protection Bill

1. About Birthright New Zealand and its Affiliates

Birthright New Zealand (BRNZ) ¹ has been operating in New Zealand (NZ) for over 50 years. Birthright works to strengthen and enrich the lives of children and families. We specialise in working with families led by one person. Our vision is nurtured, resilient, inspired children and families.

Birthright NZ is a charitable trust with 11 independent Affiliate organisations throughout NZ providing a strong interwoven web of organisations supporting children and families within the context of their local community.

Affiliate organisations work with children and families with a wide variety of needs, and deliver a range of social services. They assess needs, provide social work services and also work closely with other community service providers to ensure children and families who require support can access appropriate services.

Affiliate organisations vary in size and therefore the range of services offered. Where services are not offered directly, our organisations are often a referral point to other services.

Feedback from our Affiliate organisations is that a significant number of our clients (estimated up to 50% of families in some areas) are impacted by family/domestic violence².

2. General Comments

BRNZ welcomes the opportunity to support changes to legislation that will provide greater capacity to support and protect those impacted by family violence in the workplace. This type of support benefits those directly impacted by family violence by making it easier for them to continue in paid employment during a time of upheaval and financial uncertainty. We also

¹ www.birthright.org.nz

² Please note our comments regarding the need for consistent terminology with regard to describing what is varyingly called domestic violence in this bill and family and whanau violence in legislation to amend the Domestic Violence Act 1995.



consider that the provisions outlined in the legislation are consistent with a child-centred approach by mitigating the impact on children supported by the victim.

We note that this type of legislation recognises the role that employers can play in a wider societal response to reducing the impact of family violence in New Zealand. Our view is that any cost to employers in additional leave or changes in working arrangements is offset by the ability to retain valuable productive workers. We endorse the comments made by the Hon Amy Adams at the first reading of the bill where she noted that "...when businesses are prepared to be flexible with you, it engenders a loyalty and a commitment and a productivity that I have always thought paid itself off in spades."³

We note that a bill⁴ outlining major changes to the current Domestic Violence Act 1995 is also currently before the House and that there is a need for consistency in the terminology changes to that legislation and the terminology used in this bill. For the purposes of clarity and consistency, we have used the term "domestic/family violence" throughout this submission unless specifically commenting on wording in the proposed bill. We leave it to the select committee to determine the best process for ensuring this proposed legislation is aligned with the wider changes to domestic/family violence related legislation and regulations.

3. Specific Comments

We ask the select committee to consider the following specific comments with regard to the current draft bill.

Section 2 amendment (interpretation) of the Domestic Violence Act 1995

We note the proposed Section 2 amendment (interpretation) of the Domestic Violence Act 1995 and the list of proposed definitions of a domestic violence document. We suggest that to aid clarity, the regulations that support this list include a reference to 2(h) that notes that this may include social services organisations that provide this support, not just organisations who are providing crisis support to domestic/family violence victims.

Flexible working arrangements

We query the current wording of Section 69ABC "Employer's duties". In particular we think three months to respond to a request for flexible working arrangements is too long. Although this is consistent with the broader legislation relating to flexible working arrangements and would ensure consistency, we question whether allowing such a long response period would defeat the purpose of providing victims of family violence with this option where urgency is likely to be more of an issue.

We recommend that the select committee consider varying this response time limit for applications from domestic/family violence victims to as soon as practicable and no more than

³ Amy Adams, first reading of bill - [Hansard 8 March 2017](#)

⁴ Family and Whanau Violence Legislation Bill 2017





6 weeks from the date of the request. If this is seen as too onerous for the employer, it is recommended that consideration is given to a two part clause that requires an immediate short-term response as well as a longer term response.

We also suggest that clause Section 69ABC (b) becomes Section 69ABC (a) and vice versa.

Conclusion

Birthright New Zealand is supportive of this legislation which acknowledges the role that employers, can play in the wider societal response to domestic/formal violence. As noted by CE of Women's Refuge, Ang Jury:

"This is actually an all-of-society, an all-of-community issue. This is very much a shared responsibility. "We'll do our bit, police can do their bit, courts can do their bit – everyone else has got to chime in as well,"⁵

Thank you for the opportunity to comment on this draft legislation.

Regards

Gabrielle O'Brien
Chief Executive Officer

⁵ <http://www.newshub.co.nz/nznews/combating-family-violence-a-shared-responsibility-2015063005>

