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WHAT IS DOMESTIC VIOLENCE?

The unfortunate truth is, at present, that there is an undeniably high instance of domestic violence in New Zealand. You simply need to pick up a newspaper to see evidence of this trend in society. The Domestic Violence Act 1995 (“the Act”) governs the Law in this area and provides legal protection to suffers of domestic violence. On application to it the Family Court can provide relief, comfort and safety in the form of a Protection Order against the abuser. However, gaining a better understanding of domestic violence will allow for victims to recognise the three types of “domestic violence”, to seek help and hold abusers accountable for their action.

The Law affords protection under the Act to people in a “domestic relationship”. Such people include spouses, partners, de facto couples, civil unions, children’s biological parents, family members (blood or marriage), and people sharing a household. The Court will consider the nature and intensity of a relationship, amount of time and manner of time spent together to determine whether other relationships are “domestic” in nature. In any case it is not needed for the relationship to be sexual.

It is a relatively common misconception that “domestic violence” is limited to physical violence only. People often mistakenly identify domestic violence has easily identifiable forms of violence such as punching, choking, kicking or throwing things. While, undoubtedly such actions do fall within its scope, the two further alternate forms of domestic violence do have a tendency to be overlooked. In its definition the Act also includes “sexual violence” and goes so far as to incorporate the lesser of recognised “psychological violence”:

(a) Sexual violence; this behaviour includes, but is certainly not limited to non consensual sexual touching. Other such behaviour could include the making of unwanted sexual comments, forced viewing of

pornography or exerting pressure to engage in a sexual activity;

(b) Psychological violence; this is the hardest form of abuse to recognise. Behaviour in this category includes intimidation or harassment, damage to property, the making of threats by any method of communication or trying to maintain control of another.

It is also interesting to note that just a single incident of the abovementioned behaviour can amount to domestic violence. Conversely, many small actions, if viewed alone may not fall into a category of domestic violence, but might do so if considered collectively in context.

Consider this example:

John and Jane have been in a relationship together for two years when Jane starts to express some disinterest in her relationship. Although John is not of a malicious nature, he acts “out of emotion” and engages in unbecoming behaviour towards her. He tries to control how she spends her money, limit time spent with her family and friends and humiliates her in public so she becomes afraid to leave the house. All of these behaviours if considered individually might not go so far as to amount to domestic violence however if these actions are viewed collectively, it is likely the Family Court would view John’s behaviour as “psychological abuse” against Jane.

If you would like to find out more information about Protection Orders please feel free to contact the team at Collins & May Law.

20 MINUTE FREE

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