



## ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Power to make non-molestation order</p> <p>3. New sections inserted</p>	<p>37A. Power to direct respondent to participate in counselling</p> <p>37B. Notice of conclusion of counselling</p>
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1986, No. 85

## An Act to amend the Domestic Protection Act 1982

[6 November 1986

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Domestic Protection Amendment Act 1986, and shall be read together with and deemed part of the Domestic Protection Act 1982 (hereinafter referred to as the principal Act).

**2. Power to make non-molestation order**—The principal Act is hereby amended by repealing section 15, and substituting the following section:

“15. On hearing an application for a non-molestation order, the Court may make the order sought on that application if it is satisfied that the making of the order is necessary for the protection of the applicant or of any child of the applicant’s family.”

**3. New sections inserted**—The principal Act is hereby amended by inserting, after section 37, the following sections:

**“37A. Power to direct respondent to participate in counselling**—(1) Notwithstanding anything in section 37 of this Act, the Court may, on making an order under this Act, direct the respondent to participate in counselling of a nature specified by the Court.

“(2) A direction under subsection (1) of this section shall be referred to the Registrar of the Court who, on receipt of the direction, shall refer the respondent to an appropriate counsellor.

“(3) The counsellor to whom the respondent is referred under subsection (2) of this section shall—

“(a) Arrange to meet the respondent at such times and places (including the home of the respondent) as the counsellor thinks fit; or

“(b) By letter sent by post request the respondent to attend before the counsellor at a specified time and place—

for the purposes of counselling.

“(4) Where a respondent fails to comply with a request under subsection (3) of this section to attend before a counsellor, a District Court Judge may, on the request of a counsellor or a Registrar of the Court, issue a summons requiring the person to attend before the counsellor at a time and place to be specified in the summons.

“(5) Subsections (1), (2), (3), and (5) of section 20 of the Summary Proceedings Act 1957 shall apply to a summons under this section as if it were a witness summons issued under that section.

“(6) No evidence shall be admissible in any Court, or before any person acting judicially, of any information, statement, or admission disclosed or made to a counsellor exercising functions under this section.

“(7) Except to the extent that it is necessary for a counsellor to do so in the proper discharge of that counsellor’s functions, every counsellor commits an offence and is liable on summary conviction to a fine not exceeding \$500 who discloses to any other person any information, statement, or admission received by or made to the counsellor in the exercise of the counsellor’s functions under this section.”

**“37B. Notice of conclusion of counselling—**(1) The counsellor to whom the respondent is referred under section 37A (2) of this Act shall notify the Registrar in writing when the counselling has concluded.

“(2) The Registrar shall thereupon notify the applicant for the order referred to in section 37A (1) of this Act or that applicant’s barrister or solicitor that the counselling has concluded.”