



Domestic Violence (Programmes) Amendment Regulations 2002

Ivor Richardson, Administrator of the Government

Order in Council

At Wellington this 22nd day of April 2002

Present:

His Excellency the Administrator of the Government in Council

Pursuant to section 127 of the Domestic Violence Act 1995, His Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

<p>1 Title</p> <p>2 Commencement</p> <p>3 Interpretation</p> <p>4 New regulations 12 to 13A substituted</p> <p style="padding-left: 20px;">12 Chief executive may call for applications</p> <p style="padding-left: 20px;">13 Applications for approval as programme providers</p> <p style="padding-left: 20px;">13A Assessment of applications of individuals by chief executive</p> <p>5 New regulation 14 substituted</p> <p style="padding-left: 20px;">14 Approval of persons as individual programme providers</p>	<p>6 Regulation 17 revoked</p> <p>7 New regulation 18 substituted</p> <p style="padding-left: 20px;">18 Conditional approval of individual programme providers</p> <p>8 New regulation 19A inserted</p> <p style="padding-left: 20px;">19A Assessment of organisations by chief executive</p> <p>9 New regulation 20 substituted</p> <p style="padding-left: 20px;">20 Approval of organisations as approved agencies</p> <p>10 Requirements for approval as approved agencies</p> <p>11 Regulation 23 revoked</p>
---	--

- 12 New regulation 25 substituted
- 25 Notification of authorised persons
- 13 New regulation 34 substituted
- 34 Duration of approval
- 14 Notification of change in circumstances
- 15 Variation of approval
- 16 Heading above regulation 37 and regulations 37 to 39 revoked
- 17 Cancellation of approval of individual programme provider
- 18 Cancellation of approval as approved agency
- 19 Surrender of approval
- 20 Notification of decisions
- 21 Notification of proposed decisions
- 22 New Part IV substituted

**Part IV
Constitution and functions of approval panel**

- 46 Constitution and functions of approval panel
- 47 Appointment of members to approval panels
- 48 Procedure for appointment of members
- 49 Terms of members
- 50 Terms of departmental members
- 51 Vacancies in membership
- 52 Co-opted members
- 53 Terms and powers of co-opted members
- 54 Appointment of deputies
- 55 Terms of appointment of deputies
- 56 Removal or resignation from office
- 57 Remuneration and expenses
- General powers of approval panel*
- 58 General powers of approval panel

- 23 Chairperson
- 24 Meetings
- 25 Quorum
- 26 Decisions
- 27 Procedure
- 28 Conflict of interest
- 29 Regulation 66 revoked
- 30 New regulation 67 substituted
- 67 Request for further information
- 31 Regulation 68 revoked
- 32 New regulations 69 to 71 substituted
- 69 Appearance at panel meeting
- 70 Constitution of panel if regulation 27 applies to programme
- 71 Chief executive to keep register
- 33 New Part VI substituted

**Part VI
Transitional provisions relating to Domestic Violence (Programmes) Amendment Regulations 2002**

- 72 Duration of approvals
- 73 Applications made or decisions pending before commencement of Domestic Violence (Programmes) Amendment Regulations 2002
- 74 Existing panels and regulations remain in force for certain purposes
- 75 Application for renewal of approvals
- 76 Applications made on or after commencement of Domestic Violence (Programmes) Amendment Regulations 2002
- 77 Appointment of approval panel

Regulations

1 Title

- (1) These regulations are the Domestic Violence (Programmes) Amendment Regulations 2002.

- (2) In these regulations, the Domestic Violence (Programmes) Regulations 1996¹ are called “the principal regulations”.

¹ SR 1996/174

2 Commencement

These regulations come into force on 1 May 2002.

3 Interpretation

- (1) Regulation 2(1) of the principal regulations is amended by omitting the definition of **approval panel**, and substituting the following definition:

“**approval panel** means the approval panel established under regulation 46”.

- (2) Regulation 2(1) of the principal regulations is amended by revoking the definition of **region**.

4 New regulations 12 to 13A substituted

The principal regulations are amended by revoking regulations 12 and 13, and substituting the following regulations:

“12 Chief executive may call for applications

- “(1) The chief executive may call for applications from persons or organisations (whether incorporated or unincorporated) who wish to be approved as programme providers.
- “(2) Without limiting subclause (1), the chief executive may call for applications from persons or organisations (whether incorporated or unincorporated) who wish to be approved as programme providers in respect of particular client groups.

“13 Applications for approval as programme providers

- “(1) Every application for approval as a programme provider must be made in writing to the chief executive.
- “(2) Every application must be set out in 2 parts.
- “(3) Part 1 must contain the following information relating to the applicant:
- “(a) the full name and address of the applicant;
 - “(b) whether the applicant is a person applying for approval as an individual programme provider, or is an organisation applying for approval as an approved agency that

- may authorise persons to provide programmes in accordance with the terms of its approval:
- “(c) any other information that will assist the chief executive or approval panel, as the case may be, in assessing whether or not the applicant meets the requirements of regulations 15 and 16 (in the case of an application for approval as an individual programme provider) or regulations 21 and 22 (in the case of an application for approval as an approved agency):
 - “(d) whether, in the case of an application for approval as an individual programme provider, unconditional approval or approval subject to conditions is sought and, if conditional approval is sought, the nature of the proposed conditions.
- “(4) Part 2 must contain the following information relating to the programme that the applicant wishes to provide:
- “(a) the client group to which the programme relates:
 - “(b) any other information that will assist the approval panel or chief executive, as the case may be, in assessing whether the programme meets the requirements of regulation 26:
 - “(c) whether the programme is designed as a group programme or as an individual programme, or both:
 - “(d) if the programme is designed as a group programme, the proposed size of the group.
- “(5) Every application must also contain any other information reasonably required by the chief executive or the approval panel to enable the chief executive or the approval panel to perform the chief executive’s functions or the approval panel’s functions.
- “(6) If, in the same application, an applicant applies for approval as a programme provider in respect of—
- “(a) 2 or more client groups; or
 - “(b) 2 or more programmes,—
- the applicant must include the information that is sufficient to enable the chief executive or the approval panel, as necessary, to assess the application in relation to each client group or each programme, as the case may be.

“13A Assessment of applications of individuals by chief executive

“(1) The chief executive—

“(a) must assess, under subclause (2), an application for approval as an individual programme provider that is made in response to a call for applications under regulation 12:

“(b) may, but need not, assess, under subclause (2), an application for approval as an individual programme provider that is not made in response to a call for applications under regulation 12.

“(2) If an application for approval as an individual programme provider is assessed by the chief executive, the chief executive must refer it to the approval panel if the applicant satisfies the chief executive, by the production of any information that the chief executive reasonably requires, that the applicant meets the requirements of regulations 15(3) and 16.

“(3) For the purposes of subclause (2), the chief executive may, instead of requiring the applicant to produce further information, rely on—

“(a) any previous determination made by the chief executive in connection with a previous application by the applicant that the applicant meets the requirements of regulations 15(3) and 16:

“(b) any previous determination made by an approval panel before the commencement of the Domestic Violence (Programmes) Amendment Regulations 2002 in connection with a previous application by the applicant that the applicant meets the requirements of regulations 15(3) and 16.

“(4) If the chief executive decides, under subclause (1)(b), not to assess an application or if the application is assessed under subclause (2) but the chief executive is not satisfied that the applicant meets the requirements of regulations 15(3) and 16 and the chief executive does not instead refer the application to the approval panel under regulation 18(1), the chief executive must refuse the application.”

5 New regulation 14 substituted

The principal regulations are amended by revoking regulation 14, and substituting the following regulation:

“14 Approval of persons as individual programme providers

“(1) The approval panel may approve an applicant as an individual programme provider if—

“(a) the application is referred to the panel by the chief executive under regulation 13A(2) or regulation 18(1); and

“(b) the applicant satisfies the approval panel, by the production of any information that the approval panel reasonably requires, that—

“(i) the applicant meets the requirements of regulation 15(1), (2), and (4); and

“(ii) the programme that the applicant wishes to provide meets the requirements of regulation 26.

“(2) An approval may be unconditional or subject to conditions imposed by the chief executive under regulation 18.”

6 Regulation 17 revoked

Regulation 17 of the principal regulations is revoked.

7 New regulation 18 substituted

The principal regulations are amended by revoking regulation 18, and substituting the following regulation:

“18 Conditional approval of individual programme providers

“(1) Despite regulations 15 and 16, the chief executive, if he or she considers it appropriate, may refer an application to the approval panel if the chief executive is satisfied that an applicant for approval as an individual programme provider—

“(a) is not a member of a professional body of the kind referred to in regulation 16(1)(a), but is taking steps to attain such membership; or

“(b) is a member of a professional body of the kind referred to in regulation 16(1)(b), but—

“(i) is limited or restricted in the way in which he or she is permitted by that body to practice his or her profession; and

- “(ii) is taking steps to have those limits or restrictions removed.
- “(2) If the approval panel approves an applicant as an individual programme provider under regulation 14, following the reference of the application to the panel under subclause (1), the approval of the applicant as an individual programme provider is subject to any conditions imposed by the chief executive.
- “(3) The period for which a conditional approval is in force is 1 year.”

8 New regulation 19A inserted

The principal regulations are amended by inserting, after regulation 19, the following regulation:

“19A Assessment of organisations by chief executive

- “(1) The chief executive—
- “(a) must assess, under subclause (2), an application for approval as an approved agency that is made in response to a call for applications under regulation 12:
 - “(b) may, but need not, assess, under subclause (2), an application for approval as an approved agency that is not made in response to a call for applications under regulation 12.
- “(2) If an application by an organisation for approval as an approved agency is assessed by the chief executive, the chief executive must refer it to the approval panel if the applicant satisfies the chief executive, by the production of any information that the chief executive reasonably requires, that the applicant meets the requirements of regulation 22.
- “(3) For the purposes of subclause (2), the chief executive may, instead of requiring the applicant to produce further information, rely on—
- “(a) any previous determination made by the chief executive in connection with a previous application by the applicant that the applicant meets the requirements of regulation 22:
 - “(b) any previous determination made by an approval panel before the commencement of the Domestic Violence

(Programmes) Amendment Regulations 2002 in connection with a previous application by the applicant that the applicant meets the requirements of regulation 22.

- “(4) If the chief executive decides, under subclause (1)(b), not to assess an application or if the application is assessed under subclause (2) but the chief executive is not satisfied that the applicant meets the requirements of regulation 22, the chief executive must refuse the application.”

9 New regulation 20 substituted

The principal regulations are amended by revoking regulation 20, and substituting the following regulation:

“20 Approval of organisations as approved agencies

- “(1) If an applicant is an organisation, the approval panel may approve the applicant as an approved agency if—
- “(a) the application is referred to the panel by the chief executive under regulation 19A(2); and
 - “(b) the applicant satisfies the approval panel, by the production of any information that the approval panel reasonably requires, that—
 - “(i) the applicant meets the requirements of regulation 21; and
 - “(ii) the programme that the applicant wishes to provide meets the requirements of regulation 26.
- “(2) Without limiting subclause (1), an approval panel may require the applicant to provide information on all or any of the following matters to assist the approval panel in assessing whether or not the applicant meets the requirements of regulation 21:
- “(a) the persons who the organisation proposes to authorise to provide programmes, including (without limitation)—
 - “(i) the full names and addresses of those persons; and
 - “(ii) a summary of the knowledge, skills, and expertise of those persons:
 - “(b) the date on which the organisation was established:
 - “(c) the objectives and functions of the organisation:

“(d) whether the organisation has, in the past, provided programmes similar to those for which the applicant seeks approval.”

10 Requirements for approval as approved agencies

Regulation 21(2) of the principal regulations is amended by—

- (a) omitting from paragraph (b) the words “(a) to (c)”, and substituting the words “(a) and (b)”;
- (b) omitting from paragraph (d)(ii) the word “; and”, and substituting the expression “,—”;
- (c) omitting paragraph (d)(iii).

11 Regulation 23 revoked

Regulation 23 of the principal regulations is revoked.

12 New regulation 25 substituted

The principal regulations are amended by revoking regulation 25, and substituting the following regulation:

“25 Notification of authorised persons

Every approved agency must supply the chief executive with the names of those persons who are for the time being authorised by the agency to provide programmes—

- “(a) within 2 months after the date of the agency’s approval; and
- “(b) after that, whenever the name of any person is added to, or removed from, the agency’s list of persons who are authorised to provide programmes; and
- “(c) at any other times that the chief executive may require.”

13 New regulation 34 substituted

The principal regulations are amended by revoking regulation 34, and substituting the following regulation:

“34 Duration of approval

“(1) An approval—

- “(a) comes into force on the date of its issue; and
- “(b) continues in force until it is cancelled under any of regulations 40 to 42.

“(2) Subclause (1)(b) is subject to regulation 18(3).”

14 Notification of change in circumstances

- (1) Regulation 35 of the principal regulations is amended by omitting the words “approval panel”, and substituting the words “chief executive”.
- (2) Regulation 35 of the principal regulations is amended by adding, as subclauses (2) and (3), the following subclauses:
 - “(2) The chief executive must notify a change of circumstances to the approval panel if the chief executive is satisfied, whether on the basis of any notification made under subclause (1) or otherwise, that there has been a change of circumstances that may provide the approval panel with grounds for the cancellation of the approval of an individual programme provider as a programme provider or the cancellation of an agency’s approval as an approved agency.
 - “(3) Despite subclause (2), the chief executive is not obliged to notify any change of circumstances to the approval panel if, as a consequence of that change of circumstances, the chief executive—
 - “(a) cancels a person’s approval as an individual programme provider under regulation 40(1A) or an agency’s approval as an approved agency under regulation 41(1A); or
 - “(b) decides—
 - “(i) not to cancel a person’s approval as an individual programme provider under regulation 40(1A) or an agency’s approval as an approved agency under regulation 41(1A); and
 - “(ii) that the change of circumstances does not provide any other ground for cancellation of an approval.”

15 Variation of approval

Regulation 36 of the principal regulations is amended by omitting the words “the approval panel” in both places where they appear, and substituting in each case the words “chief executive”.

16 Heading above regulation 37 and regulations 37 to 39 revoked

The heading above regulation 37 and regulations 37 to 39 of the principal regulations are revoked.

17 Cancellation of approval of individual programme provider

- (1) Regulation 40(1) of the principal regulations is amended by—
- (a) omitting the words “an approval panel”, and substituting the words “the approval panel”; and
 - (b) omitting from paragraph (a) the words “of these regulations”, and substituting the words “that applied when the provider applied for approval”; and
 - (c) revoking paragraph (c).
- (2) Regulation 40 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

“(1A) Subject to regulation 45, the chief executive may, at any time, cancel a person’s approval as an individual programme provider—

- “(a) if—
 - “(i) that approval is subject to conditions; and
 - “(ii) the chief executive is satisfied that that person is not making reasonable progress towards meeting any of those conditions; or
- “(b) the individual programme provider no longer meets all or any of the requirements of regulation 15(3) or regulation 16 that applied when the provider applied for approval.”

18 Cancellation of approval as approved agency

- (1) Regulation 41(1) of the principal regulations is amended by—
- (a) omitting the words “an approval panel”, and substituting the words “the approval panel”;
 - (b) omitting from paragraph (a) the words “of these regulations”, and substituting the words “that applied when the provider applied for approval”.
- (2) Regulation 41 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

- “(1A) Subject to regulation 45, the chief executive may, at any time, cancel an agency’s approval as an approved agency if the chief executive is satisfied that the agency no longer meets all or any of the requirements of regulation 22 that applied when the provider applied for approval.”
- (3) Regulation 41 is amended by revoking subclause (2), and substituting the following regulation:
- “(2) If the approval panel or the chief executive cancels the approval of an agency under subclause (1) or subclause (1A) every authority given by that agency, to persons to provide programmes to which that approval relates is deemed to be cancelled.”

19 Surrender of approval

Regulation 42 of the principal regulations is amended by omitting the words “an approval panel” in both places where they appear, and substituting in each case the words “the approval panel”.

20 Notification of decisions

- (1) Regulation 44(1) of the principal regulations is amended—
- (a) by revoking paragraph (b); and
 - (b) by inserting, after the words “approval panel’s”, the words “or chief executive’s”.
- (2) Regulation 44(2) of the principal regulation is amended by revoking paragraph (e).
- (3) Regulation 44 of the principal regulations is amended by inserting, after subclause (2), the following subclause:
- “(2A) If the chief executive imposes conditions in respect of an individual programme provider under regulation 18(2), the provider must be notified in writing of the nature of the conditions.”
- (4) Regulation 44 of the principal regulations is amended by revoking subclause (3), and substituting the following subclause:
- “(3) If the approval panel or the chief executive declines an application for approval or cancels an approval (other than in accordance with regulation 42), the approval panel or the

chief executive, as the case may require, must include in the written notice the reasons for the decision.”

21 Notification of proposed decisions

(1) Regulation 45 of the principal regulations is amended by revoking subclauses (1) and (2), and substituting the following subclauses:

“(1) If the approval panel or chief executive proposes to cancel an approval (other than in accordance with regulation 42), the approval panel or the chief executive, as the case requires, must notify the programme provider in writing of its proposed decision in accordance with subclause (2).

“(2) The approval panel or chief executive, as the case requires, must include the following in the written notice under subclause (1):

“(a) the proposed decision:

“(b) the reasons for that proposed decision:

“(c) information about the right of the programme provider to make written representations in respect of that proposed decision before a specified date:

“(d) information about the right of the programme provider to appear before the approval panel or to meet with the chief executive, as the case requires, in respect of that proposed decision, if he or she or the agency or the chief executive so requests, before a specified date.”

(2) Regulation 45(3) is amended by inserting, after the words “approval panel”—

(a) in the first place where they appear, the words “or the chief executive, as the case requires”; and

(b) in the second place where they appear, the words “or the chief executive, as the case requires,”.

22 New Part IV substituted

The principal regulations are amended by revoking Part IV, and substituting the following Part:

“Part IV

“Constitution and functions of approval panel

“46 Constitution and functions of approval panel

The approval panel, whose members are appointed under regulation 47, has the following functions:

- “(a) responsibility for approving programme providers and programmes in accordance with these regulations:
- “(b) any other functions given to the panel under these regulations.

“47 Appointment of members to approval panels

- “(1) The chief executive must, by notice in the *Gazette*, appoint the members of the approval panel.
- “(2) Until the close of 31 July 2005, the approval panel may have a maximum of 10 members, including—
 - “(a) 1 member who is an employee or representative of the Department for Courts and who is the chairperson of the panel:
 - “(b) up to 9 other persons who have knowledge and understanding of the dynamics of domestic violence.
 - “(c) at least 5 members who have expertise in tikanga Māori (including the Māori values and concepts set out in regulation 27), and a knowledge and understanding of the impact of domestic violence on Māori communities:
 - “(d) at least 2 members who have expertise in Pacific culture, and knowledge and understanding of the impact of domestic violence on Pacific communities:
 - “(e) at least 2 members who have skills or experience in relation to adult victims of domestic violence:
 - “(f) at least 2 members who have skills or experience in working with children:
 - “(g) at least 2 members who have skills or experience in relation to persons who use domestic violence against others.
- “(3) On and after 1 August 2005, the approval panel may have a maximum of 10 members whose collective ethnic composition reflects, so far as is practicable, the anticipated likely ethnic composition of the persons and groups who participate in programmes, including—

- “(a) 1 member who is an employee or representative of the Department for Courts and who is the chairperson of the panel:
- “(b) up to 9 other members who have knowledge and understanding of the dynamics of domestic violence:
- “(c) at least 2 members who have skills or experience in working with children:
- “(d) at least 2 members who have skills or experience in relation to adult victims of domestic violence:
- “(e) at least 2 members who have skills or experience in relation to persons who use domestic violence against others.

“48 Procedure for appointment of members

- “(1) The chief executive must not appoint any person to the approval panel under regulation 47 unless the chief executive has,—
 - “(a) in a manner that the chief executive considers appropriate, called for nominations from interested persons and organisations; and
 - “(b) considered any nominations.
- “(2) Despite subclause (1), the chief executive must take all reasonable steps to ensure that the following are notified that nominations are being sought for the appointment of members to the approval panel:
 - “(a) persons and organisations who the chief executive considers have a professional or practical interest in programmes:
 - “(b) the Māori community, including—
 - “(i) the Māori Women’s Welfare League; and
 - “(ii) Māori organisations with an interest in the provision of programmes; and
 - “(iii) any other members of the Māori community, or other Māori organisations, that the chief executive considers should be notified:
 - “(c) the Pacific community, including—
 - “(i) Pacific organisations with an interest in the provision of programmes; and
 - “(ii) any other members of the Pacific community, or other Pacific organisations, that the chief executive considers should be notified.

- “(3) Any nominations made under subclause (1) must be made in writing and by the date specified by the chief executive when he or she calls for nominations.
- “(4) Subclause (5) applies if the chief executive has called for nominations under subclause (1), but—
- “(a) no nominations have been made by the specified date; or
 - “(b) insufficient nominations have been made to fill the number of appointments that must be made; or
 - “(c) insufficient persons have been nominated who meet the requirements of regulation 47(2) or (3), whichever is applicable.
- “(5) If this subclause applies, the chief executive may, after any further consultation that the chief executive considers appropriate with interested persons and the Māori community and Pacific community, appoint as members of the approval panel a person or persons who meet the requirements of regulation 47(2) or (3), whichever is applicable.

“49 **Terms of members**

- “(1) A member of the approval panel holds office for a term of 3 years.
- “(2) Despite subclause (1), the chief executive must appoint members of the approval panel so that all the terms of the members of the approval panel expire with the close of 31 July in the same year.
- “(3) Unless the member sooner vacates office under regulation 56, every member continues to hold office until the member’s successor comes into office, despite the expiry of the term for which the member was appointed.
- “(4) If a member continues in office for any period after the expiry of the member’s term, his or her successor’s term of office is reduced by that period.
- “(5) A member of the approval panel is eligible for reappointment from time to time, but subject to that member meeting the requirements of regulation 47(2) or (3), whichever is applicable.
- “(6) This regulation is subject to regulations 50 to 56.

“50 Terms of departmental members

Every member of the approval panel who is appointed under regulation 47(2)(a) or (3)(a) holds office at the pleasure of the chief executive.

“51 Vacancies in membership

- “(1) If a member of the approval panel dies or resigns or is removed from office or vacates office, the vacancy must be filled by the appointment of another member in accordance with subclause (2).
- “(2) Despite regulation 48, if there is a vacancy in the membership of the approval panel under subclause (1), the chief executive must, after consultation with any interested persons or organisations that the chief executive considers appropriate, appoint as a member of that approval panel a person who meets the requirements of regulation 47(2) or (3), whichever is applicable.
- “(3) Subject to regulation 49(3), if a member is appointed under this regulation, the member holds office for the period beginning on the date of his or her appointment and ending with the close of the date on which the vacating member’s term of office would, but for that vacancy, have expired.
- “(4) The powers of the approval panel are not affected by any vacancy in its membership.

“52 Co-opted members

- “(1) The approval panel may, from time to time, with the prior approval of the chief executive, co-opt a person to be a member of the approval panel, either generally or for the purpose of assisting with—
- “(a) a particular application for approval or the cancellation of a particular approval; or
- “(b) a particular class of applications for approval or the cancellation of a particular class of approvals.
- “(2) Despite subclause (1), a person may be co-opted under subclause (1) only if the members of the approval panel agree that the person will assist the approval panel to fulfil its functions under these regulations, and if that person has—
- “(a) knowledge and understanding of the dynamics of domestic violence; and

- “(b) relevant skills or relevant knowledge or a relevant cultural perspective additional to the skills or knowledge or cultural perspective of the members of the approval panel.
- “(3) The chief executive may co-opt a person to be a member of the approval panel if—
 - “(a) an approval panel is unable to agree on—
 - “(i) the need to co-opt a person under subclause (1);
or
 - “(ii) who should be co-opted under that subclause; and
 - “(b) the chief executive considers it desirable to co-opt a person.

“53 Terms and powers of co-opted members

- “(1) Subject to regulation 56, every person co-opted to be a member of the approval panel under regulation 52 holds office,—
 - “(a) if he or she is co-opted for the purpose of assisting with a particular application for approval or the cancellation of a particular approval, for the period required to consider and determine that matter:
 - “(b) if he or she is co-opted for the purpose of assisting with a particular class of applications for approval or the cancellation of a particular class of approvals, for the period specified by the approval panel (if he or she was co-opted by the approval panel) or for the period specified by the chief executive (if he or she was co-opted by the chief executive):
 - “(c) in any other case, for the period commencing on the date of his or her appointment and ending with the close of 31 July in the year in which the terms of office of the current members of the approval panel expire.
- “(2) A co-opted member of the approval panel is to be treated, for the purposes of these regulations, as a member of the approval panel only in respect of,—
 - “(a) if he or she is co-opted for the purpose of assisting with a particular application for approval or the cancellation of a particular approval, that matter:
 - “(b) if he or she is co-opted for the purpose of assisting with a particular class of applications for approval or the cancellation of a particular class of approvals, those matters,—

and, subject to regulation 65, may vote only in respect of the particular matter or class of matters, as the case may be.

- “(3) Subject to regulation 65, if a co-opted member has been co-opted generally, he or she is to be treated, for the purposes of these regulations, as a member of the approval panel and is entitled to take part in the approval panel’s proceedings in relation to any matter, and to vote on any such matter.

“54 **Appointment of deputies**

- “(1) The chief executive may, by notice in the *Gazette*, appoint any person to be the deputy of any member or members of the approval panel.
- “(2) Despite subclause (1), every deputy who is appointed under subclause (1),—
- “(a) in the case of a deputy of a member appointed under regulation 47(2)(a) or (3)(a),—
- “(i) must be an employee or representative of the Department for Courts; and
- “(ii) must not be appointed as the deputy of any other member of the approval panel; and
- “(b) in the case of a deputy of any other member or members, must have—
- “(i) knowledge and understanding of the dynamics of domestic violence; and
- “(ii) skills or experience in the same area as the member or members in respect of whom he or she will act as deputy.
- “(3) Every deputy may act for any member for whom he or she is appointed during any period for which the member is prevented by absence, illness, conflict of interest, or other cause from performing the member’s duties of office.
- “(4) If any person attends any meeting of the approval panel as the deputy of any member of the approval panel, that person must be treated as a member of the approval panel, and the fact that the person attends is sufficient evidence of that person’s authority to do so.

“55 **Terms of appointment of deputies**

Subject to regulation 56, a deputy of any member of the approval panel holds office for the term that is specified by the

chief executive in the deputy's notice of appointment, but in no case may the deputy's term of office exceed the term of office of all the members in respect of whom he or she acts as deputy.

“56 Removal or resignation from office

- “(1) The chief executive may, at any time, remove from office a member of the approval panel (including a co-opted member and a deputy) for inability affecting performance of duty, bankruptcy, or misconduct proved to the satisfaction of the chief executive.
- “(2) A member of the approval panel (including a deputy) may, at any time, resign by written notice to the chief executive.
- “(3) A co-opted member of the approval panel may, at any time, resign by written notice to the approval panel (if he or she was co-opted under regulation 52(1)) or by written notice to the chief executive (if he or she was co-opted under regulation 52(3)).

“57 Remuneration and expenses

- “(1) There must be paid out of the departmental bank account operated by the Department for Courts, to the members of the approval panel (including co-opted members and deputies), remuneration by way of fees or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act apply accordingly as if the approval panel were a statutory Board within the meaning of that Act.
- “(2) Nothing in this regulation applies to a person who is a member of the approval panel (including a co-opted member and a deputy) in his or her capacity as an employee or representative of the Department for Courts.

“General powers of approval panel

“58 General powers of approval panel

- “(1) In addition to any other powers conferred by these regulations, the approval panel has all the powers that are necessary or expedient to enable the approval panel to perform and exercise its functions and duties.

- “(2) Without limiting subclause (1), the approval panel may advise the chief executive on ways in which these regulations might be amended to ensure that the criteria and standards for the approval of programme providers and programmes continue to be appropriate and relevant.”

23 Chairperson

Regulation 60(2) of the principal regulations is amended by omitting the words “regulation 55 of these regulations”, and substituting the expression “regulation 54”.

24 Meetings

Regulation 61 of the principal regulations is amended by omitting the words “an approval panel” in both cases where they appear, and substituting in each case the words “the approval panel”.

25 Quorum

Regulation 62 of the principal regulations is amended—

- (a) by omitting the words “an approval panel”, and substituting the words “the approval panel”; and
- (b) by omitting the expression “3”, and substituting the expression “4”.

26 Decisions

- (1) Regulation 63(1) of the principal regulations is amended by omitting the words “an approval panel”, and substituting the words “the approval panel”.
- (2) Regulation 63 of the principal regulations is amended by revoking subclause (4).

27 Procedure

- (1) Regulation 64(1) of the principal regulations is amended by omitting the words “An approval panel”, and substituting the words “The approval panel”.
- (2) Regulation 64(2) of the principal regulations is amended by omitting the words “an approval panel”, and substituting the words “the approval panel”.

28 Conflict of interest

- (1) Regulation 65(1)(a) of the principal regulations is amended by omitting the words “an approval panel”, and substituting the words “the approval panel”.
- (2) Regulation 65 of the principal regulations is amended by revoking subclause (4).

29 Regulation 66 revoked

Regulation 66 of the principal regulations is revoked.

30 New regulation 67 substituted

The principal regulations are amended by revoking regulation 67, and substituting the following regulation:

“67 Request for further information

- “(1) If the chief executive has requested an applicant to provide the chief executive with any further information that the chief executive may reasonably require, the applicant must provide that information within 1 month of the chief executive’s request, or within any further period that the chief executive specifies.
- “(2) If the approval panel has requested an applicant to provide the approval panel with any further information that the approval panel may reasonably require, the applicant must provide that information within 1 month of the approval panel’s request, or within any further period that the approval panel specifies.
- “(3) If an applicant fails to provide an approval panel or the chief executive, as the case may be, with further information in accordance with subclause (1) or subclause (2), the approval panel or the chief executive, as the case may be, may decide the application on the basis of the available information and must notify the applicant in writing accordingly.”

31 Regulation 68 revoked

The principal regulations are amended by revoking regulation 68.

32 New regulations 69 to 71 substituted

The principal regulations are amended by revoking regulations 69 to 71, and substituting the following regulations:

“69 Appearance at panel meeting

- “(1) A person may appear before the approval panel on any matter if the panel considers that it would be appropriate to allow that person to appear before the panel.
- “(2) Subclause (1) is subject to regulation 45.

“70 Constitution of panel if regulation 27 applies to programme

If an application is made for approval to provide a programme to which regulation 27 applies, the approval panel must not consider or approve that application unless at least 1 of the members who consider the application has expertise in tikanga Māori (including the Māori values and concepts set out in regulation 27).

“71 Chief executive to keep register

- “(1) The chief executive must cause to be kept and maintained a register in which is recorded, in respect of every approval granted under these regulations, the following particulars:
- “(a) the name of the programme provider:
 - “(b) the date on which the approval was granted:
 - “(c) the nature of the programme and the client group to which the programme relates:
 - “(d) any conditions imposed in respect of the approval of an individual programme provider and,—
 - “(i) if the approval is varied, the date on which the approval is varied; and
 - “(ii) if the conditions are discharged, the date on which the conditions are discharged:
 - “(e) the name of the professional body or organisation of which the programme provider is a member or to which the programme provider is accountable:
 - “(f) if the approval is cancelled, the date on which the approval is cancelled.
- “(2) The approval panel must supply to the chief executive the particulars that will enable the chief executive to fulfil the requirements of subclause (1) as soon as practicable after—
- “(a) the approval panel has granted an approval; or
 - “(b) the approval panel has cancelled an approval.

- “(3) The chief executive—
- “(a) must keep the register open for public inspection, without fee, during ordinary office hours at the head office of the Department for Courts at Wellington; and
 - “(b) must supply to any person copies of all or part of the register on request and on payment of a reasonable charge for the production of the copy.
- “(4) The register may be kept in the manner that the chief executive considers appropriate, including, either wholly or partly, by means of a device or facility—
- “(a) that records or stores information electronically or by other means; and
 - “(b) that permits the information so recorded to be readily inspected or reproduced in usable form; and
 - “(c) that permits the information in the register to be accessed by electronic means, including (without limitation) by means of remote logon access.”

33 New Part VI substituted

The principal regulations are amended by revoking Part VI, and substituting the following Part:

“Part VI

“Transitional provisions relating to Domestic Violence (Programmes) Amendment Regulations 2002

“72 Duration of approvals

- “(1) An approval of an individual programme provider or an approved agency that is in force at the close of 30 April 2002 does not expire on the date specified in the approval, but instead continues in effect in accordance with regulation 34 (as substituted by regulation 13 of the Domestic Violence (Programmes) Amendment Regulations 2002).
- “(2) Subject to subclause (3)(b), subclause (1) does not apply if—
- “(a) an individual programme provider or an approved agency had received, before the close of 30 April 2002, notice under regulation 45 of a proposed decision to cancel the approval of the provider or agency; and
 - “(b) no final decision on whether to cancel the approval had been made by the close of 30 April 2002.

- “(3) If subclause (2) applies,—
- “(a) the approval panel that gave notification of the proposed decision to cancel approval must determine whether to cancel that approval (in accordance with the provisions of these regulations as they read before the commencement of the Domestic Violence (Programmes) Amendment Regulations 2002):
- “(b) if that approval panel decides not to cancel the approval, the expiry of that approval must be determined in accordance with subclause (1).

“73 Applications made or decisions pending before commencement of Domestic Violence (Programmes) Amendment Regulations 2002

- “(1) Any application made under these regulations for an approval or for a variation of an approval, but not determined before 1 May 2002, may be dealt with by an approval panel established in respect of a region.
- “(2) For the purposes of subclause (1),—
- “(a) an application referred to in that subclause must be dealt with under these regulations as they read before the commencement of the Domestic Violence (Programmes) Amendment Regulations 2002; but
- “(b) any approval once granted or varied must subsequently be treated as if it had been granted or varied in accordance with these regulations (as amended by the Domestic Violence (Programmes) Amendment Regulations 2002).

“74 Existing panels and regulations remain in force for certain purposes

For the purposes of regulations 72 and 73,—

- “(a) every approval panel established in respect of a region remains in existence for the purpose of considering and determining an application, or determining whether to confirm or set aside a proposed decision by the panel to cancel an approval, despite the abolition of the panel by the Domestic Violence (Programmes) Amendment Regulations 2002; and
- “(b) every person who was a member of an approval panel at the close of 30 April 2002 continues in office for the

purpose of considering and determining an application, or determining whether to confirm or set aside a proposed decision by the panel to cancel an approval, despite the abolition of the panel by the Domestic Violence (Programmes) Amendment Regulations 2002 or the expiry of the member's term of office; and

- “(c) subject to regulations 72(3)(b) and 73(2)(b), the principal regulations continue in force as if the Domestic Violence (Programmes) Amendment Regulations 2002 had not been made.

“75 Application for renewal of approvals

Every application for renewal of an approval that has been made, but not determined, before 1 May 2002 lapses on that date.

“76 Applications made on or after commencement of Domestic Violence (Programmes) Amendment Regulations 2002

Every application made under the principal regulations, on or after 1 May 2002, must be considered and determined under the principal regulations as amended by the Domestic Violence (Programmes) Amendment Regulations 2002.

“77 Appointment of approval panel

- “(1) The chief executive must, as soon as is practicable after 1 May 2002, exercise the powers conferred by regulations 47 and 48 of the principal regulations (as substituted by regulation 22 of the Domestic Violence (Programmes) Amendment Regulations 2002) to appoint members of the approval panel.
- “(2) Any decision required to be taken by the approval panel under these regulations (as amended by the Domestic Violence (Programmes) Amendment Regulations 2002) may be deferred until the appointment of the members of the approval panel referred to in subclause (1) takes effect.”

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 May 2002,—

- remove the requirement for programme providers and approved agencies to seek renewals of their approvals, and provide that existing approvals (other than conditional approvals) continue in force indefinitely (unless cancelled under the regulations):
- replace the existing regional approval panels constituted under the principal regulations with 1 national approval panel:
- provide a greater role for the chief executive of the Department for Courts in assessing whether applications for approval under the principal regulations comply with the relevant criteria:
- make other changes intended to make the procedures for assessment of applications for approval as a programme provider or approved agency more effective and less time consuming.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 26 April 2002.

These regulations are administered in the Ministry of Justice.
