

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](mailto: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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**Table 2: Number of protection order applicants in the Family Court per year, by applicant gender and application outcome**

*On notice protection order applications*

Applicant gender	Application outcome	On notice Protection Order												
		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Female	Application granted	200	150	172	162	146	171	182	153	137	123	88	29	49
	Dismissed or struck out	78	59	94	73	76	73	84	81	66	59	46	18	18
	Application lapsed, withdrawn or discontinued where temporary Protection Order not granted	232	204	221	216	171	207	256	207	182	172	116	60	47
	Application still active	0	0	0	0	0	0	0	0	0	0	0	2	23
Male	Application granted	15	17	15	27	17	19	26	20	19	17	11	8	7
	Dismissed or struck out	20	11	18	14	23	26	12	16	12	11	6	7	5
	Application lapsed, withdrawn or discontinued where temporary Protection Order not granted	40	49	44	47	43	49	46	34	26	37	34	25	7
	Application still active	0	0	0	0	0	0	0	0	0	0	0	0	9
Unknown	Application granted	7	4	6	4	4	4	4	2	1	1	3	0	2
	Dismissed or struck out	4	4	1	3	2	2	4	3	2	3	1	2	1
	Application lapsed, withdrawn or discontinued where temporary Protection Order not granted	10	9	4	1	3	7	3	4	1	6	0	1	0
	Application still active	0	0	0	0	0	0	0	0	0	0	0	0	0

*Without notice protection order applications*

Applicant gender	Application outcome	Without notice Protection Order												
		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Female	Application granted	2,281	2,186	2,185	2,294	2,185	2,296	2,287	2,033	1,779	1,933	2,164	2,256	2,165
	Dismissed or struck out	396	431	379	378	418	393	394	327	325	310	324	355	256
	Application lapsed, withdrawn or discontinued where temporary Protection Order not granted	881	934	888	903	921	1,009	969	840	736	821	976	1,041	861
	Application still active	0	0	0	0	0	0	0	0	0	2	7	34	414
Male	Application granted	116	105	116	109	118	107	116	81	91	85	95	127	108
	Dismissed or struck out	50	57	65	54	70	48	64	51	44	46	51	59	54
	Application lapsed, withdrawn or discontinued where temporary Protection Order not granted	133	108	109	138	126	108	118	116	98	90	138	132	115
	Application still active	0	0	0	0	0	0	0	0	0	0	1	3	61
Unknown	Application granted	71	86	25	23	27	42	27	27	30	32	37	36	40
	Dismissed or struck out	15	18	6	8	2	4	6	6	6	6	2	4	11
	Application lapsed, withdrawn or discontinued where temporary Protection Order not granted	22	33	18	13	15	21	15	6	9	8	19	14	7
	Application still active	0	0	0	0	0	0	0	0	0	0	0	0	4

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.

**Table 3: Number of applicants who filed a protection order without notice which was then directed to proceed on notice, by year and applicant gender**

Year	Gender of applicant		
	Female	Male	Unknown
2004	601	92	19
2005	564	88	19
2006	505	84	5
2007	451	84	12
2008	493	80	2
2009	548	83	15
2010	581	111	10
2011	475	87	4
2012	363	67	7
2013	412	62	6
2014	441	74	10
2015	385	99	6
2016	395	93	5

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

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