

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

*House of Representatives, 7 December 1995.*

**Clause 105B of this Bill was formerly clauses 105B and 105c of the Domestic Violence Bill: 58—2.**

[AS REPORTED FROM THE JUSTICE AND LAW REFORM COMMITTEE]

*House of Representatives, 10 October 1995.*

**Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.**

*Hon. D. A. M. Graham*

## **FAMILY PROCEEDINGS AMENDMENT (NO. 2)**

### ANALYSIS

Title				105c. Circumstances where joint counselling not to be required
1. Short Title and commencement				
105b. Counselling commenced	where	proceedings		

### A BILL INTITULED

#### **An Act to amend the Family Proceedings Act 1980**

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title and commencement**—(1) This Act may be cited as Family Proceedings Amendment Act (No. 2) 1995, and shall be read together with and deemed part of the Family Proceedings Act 1980 (hereinafter referred to as the principal Act).

10 (2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

No. 58—3D

**105B. Counselling where proceedings commenced—**  
 Section 10 (3) of the principal Act is hereby amended by  
 repealing paragraph (a), and substituting the following  
 paragraph:

“(a) The respondent has used violence (within the meaning  
 of **section 3 (2)** of the **Domestic Violence Act 1995**) against the  
 applicant or a child of the marriage; or”.

**105c. Circumstances where joint counselling not to be  
 required—**The principal Act is hereby amended by inserting  
 in Part II, after section 19, the following section:

“19A. (1) Notwithstanding anything in this Part of this Act, a  
 party to a marriage shall not be required, under any provision  
 of this Part of this Act, to attend counselling at which the other  
 party to the marriage is also present, in any case where the  
 other party to the marriage has used violence (within the  
 meaning of **section 3 (2)** of the **Domestic Violence Act 1995**) against the  
 first-mentioned party, or against a child of the marriage.

“(2) Nothing in this section prevents the provision of  
 counselling in the circumstances referred to in **subsection (1)** of  
 this section with the agreement of the first-mentioned party.”