

Reprint
as at 1 July 2019



Family Violence (Public Registers) Regulations 1998 (SR 1998/342)

Family Violence (Public Registers) Regulations 1998: revoked, on 1 July 2019, by regulation 25(b) of the Family Violence Regulations 2019 (LI 2019/96).

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 9th day of November 1998

Present:

His Excellency the Governor-General in Council

Pursuant to sections 121 and 127 of the Domestic Violence Act 1995, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Justice.

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Part 1
Preliminary provisions

- 1 Title and commencement**
- (1) These regulations may be cited as the Family Violence (Public Registers) Regulations 1998.
- (2) These regulations come into force on 15 December 1998.

Regulation 1(1): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

1A Renaming of these regulations, and references to their previous name

- (1) These regulations are the Domestic Violence (Public Registers) Regulations 1998 as renamed by the Family Violence Act 2018.
- (2) After the commencement of this regulation, a reference in an enactment or in a document to the Domestic Violence (Public Registers) Regulations 1998 must, unless the context otherwise requires, be read as a reference to the Family Violence (Public Registers) Regulations 1998.

Regulation 1A: inserted, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

the Act means the Family Violence Act 2018

agency, in relation to a public register, means the agency responsible for administering the public register

direction means a direction made under section 109 of the Act

office, in relation to an agency, includes—

- (a) a district office; and
- (b) an office of any person authorised by the agency to perform any of the agency's functions in respect of a public register administered by the agency

protection order has the same meaning as in section 2 of the Act; and includes any order that is deemed by section 133(3) of the Act to be a protection order

Registrar-General means the Registrar-General appointed under the Births, Deaths, Marriages, and Relationships Registration Act 1995

Registrar-General of Land has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017

working day, in relation to an agency, means any day of the week on which an office of the agency is open for business.

- (2) Unless the context otherwise requires, words or expressions used in these regulations have the same meaning as in the Act.
- (3) In these regulations, a reference to a numbered form is a reference to the form so numbered in Schedule 2.

Regulation 2(1) **the Act**: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 2(1) **District Land Registrar**: revoked, on 12 November 2018, by regulation 4(1) of the Domestic Violence (Public Registers) Amendment Regulations 2018 (LI 2018/191).

Regulation 2(1) **Registrar-General**: amended, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Regulation 2(1) **Registrar-General of Land**: inserted, on 12 November 2018, by regulation 4(2) of the Domestic Violence (Public Registers) Amendment Regulations 2018 (LI 2018/191).

3 Application

These regulations apply to public registers maintained under any of the provisions specified in Schedule 1.

Regulation 3: replaced, on 12 November 2018, by regulation 5 of the Domestic Violence (Public Registers) Amendment Regulations 2018 (LI 2018/191).

Part 2 Procedural provisions

4 Application forms may be approved for certain public registers

- (1) This regulation applies to the following agencies:
 - (a) the Registrar of Companies:
 - (b) the Registrar-General:
 - (c) the Registrar of Incorporated Societies:
 - (d) the Registrar of Industrial and Provident Societies.
- (2) An agency to which this regulation applies may approve a form for use by persons who wish to apply for a direction in relation to relevant information on any public register administered by that agency.
- (3) An approved form must include information to assist the applicant to specify with due particularity the relevant information in respect of which a direction is sought, so that the agency may locate that relevant information.
- (4) Copies of approved forms must be available, on request, at every office of an agency to which this regulation applies, while the office is open to the public.

5 Application for direction

- (1) A protected person who wishes to apply for a direction in respect of relevant information on a public register must make the application to the agency responsible for administering that public register.
- (2) The application must be in writing.
- (3) An application to an agency to which regulation 4 applies must be in the form (if any) approved by that agency.
- (4) Where no form is approved, an agency must give such reasonable assistance as is necessary in the circumstances to enable the applicant to specify with due particularity the relevant information in respect of which a direction is sought.
- (5) An application may be made in any of the following ways:
 - (a) by posting the application to the agency:
 - (b) by sending the application to the agency by facsimile transmission:
 - (c) by leaving the application at any office of the agency when it is open to the public:

- (d) in any other way approved by the agency.

6 When separate applications required

- (1) A protected person who wishes to apply for a direction in relation to more than 1 public register must make a separate application in respect of each such register.
- (2) However, if those public registers are administered by the same agency, the protected person may make a single application to that agency in relation to those public registers.

7 Decision to be made without delay

An agency to which an application is made under section 108(1) of the Act must, without delay, and in no case after the expiry of 10 working days after the date on which the agency receives the application,—

- (a) decide, in accordance with section 109 of the Act, whether the application is to be granted or declined; and
- (b) notify the applicant of its decision in accordance with section 110 of the Act.

8 Notice of result of application

- (1) When an agency notifies an applicant that it has made the direction sought by the applicant, the agency must also inform the applicant about the effect of the direction.
- (2) It is sufficient compliance with subclause (1) if the applicant is given a notice in form 1 or a notice to similar effect.
- (3) When an agency notifies an applicant that his or her application for a direction has been declined, then, in addition to the matters specified in section 110(2) of the Act, the agency must inform the applicant about the steps that he or she may take to make a complaint to the Privacy Commissioner.
- (4) It is sufficient compliance with subclause (3) if the applicant is given a notice in form 2 or a notice to similar effect.

9 Period during which information not to be disclosed

- (1) Where an application is made under section 108(1) of the Act, then, unless the application is sooner withdrawn, section 112 of the Act applies, as if the direction sought had been made, from the expiry of 3 working days after the date on which the application is received by the agency until the expiry of 5 working days after notice of the agency's decision on the application is communicated to the applicant.
- (2) Subclause (1) is subject to section 111 of the Act.

10 Period after which direction ceases to be in force

- (1) Where, in accordance with section 114(3) of the Act, the person on whose application a direction was made or a Registrar notifies an agency that the protection order to which the direction relates has been discharged, the direction ceases to be in force on the expiry of 5 working days after the date on which the agency receives that notification.
- (2) Despite subclause (1), where a direction relates to any public register maintained under the Births, Deaths, Marriages, and Relationships Registration Act 1995 or the Marriage Act 1955, the direction ceases to be in force on the expiry of 10 working days after the date on which the agency responsible for administering that public register receives notification in accordance with section 114(3) of the Act.

Regulation 10(2): amended, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

11 Complaints to Privacy Commissioner

A complaint made to the Privacy Commissioner under section 118(1) of the Act must be made within 5 working days after notice of the decision is communicated to the applicant or within such further period as the Privacy Commissioner may allow on application made either before or after the expiration of that period of 5 working days.

12 Notices

- (1) Any notice required by Part 6 of the Act to be given to any applicant for a direction may be given by—
 - (a) delivering it to that person; or
 - (b) leaving it at that person's usual or last known place of residence in New Zealand; or
 - (c) posting it in a letter addressed to that person at the person's usual or last known place of residence in New Zealand.
- (2) If any such notice is sent to any applicant by post then, in the absence of proof to the contrary, the notice is taken to have been delivered to that person when the letter would have been delivered in the ordinary course of post, and in proving the delivery it is sufficient to prove that the letter was properly addressed and posted.

Part 3

Disclosure of information under Births, Deaths, Marriages, and Relationships Registration Act 1995

Part 3 heading: amended, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

13 Effect of direction on indexes provided by Registrar-General

- (1) Even though a direction is in force in respect of relevant information included on a public register maintained under the Births, Deaths, Marriages, and Relationships Registration Act 1995, nothing in section 112 of the Act applies to the inclusion of that information in an index provided by the Registrar-General (appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995) before the commencement of section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008.
- (2) A notice given by the Registrar-General (as described in subclause (1)) under regulation 7(b) must include information about any index that was kept by the Registrar-General prior to the commencement of section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 that includes relevant information, including the type of relevant information the index contains and the availability of access to the register by the public.

Regulation 13: substituted, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

14 Disclosure of information under Births, Deaths, Marriages, and Relationships Registration Act 1995 for administration of estates

- (1) Where a direction is made, nothing in Part 6 of the Act or in these regulations prevents the Registrar-General from permitting a person to inspect any document containing information to which section 76(1) or section 77(4) of the Births, Deaths, Marriages, and Relationships Registration Act 1995 applies, or from providing any person with a printout or copy of any such document or a printout of any such information, if the Registrar-General is satisfied that—
 - (a) the person wishes to inspect the document or have the printout or copy for a purpose in connection with the administration of an estate or trust; and
 - (b) the person is executor, administrator, or trustee of the estate or trust; and
 - (c) the information is relevant for that purpose.
- (2) Before relevant information in respect of which a direction is in force is disclosed under subclause (1), the Registrar-General must notify the person to whom that direction relates, in writing, of the proposed disclosure.

- (3) Despite subclause (2), if it is not practicable to give notice under that subclause before disclosure of the relevant information, then the Registrar-General must give that notice as soon as practicable after disclosure of that information.

Regulation 14 heading: amended, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Regulation 14(1): amended, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Part 4

Disclosure of information under Land Transfer Act 2017

Part 4: replaced, on 12 November 2018, by regulation 6 of the Domestic Violence (Public Registers) Amendment Regulations 2018 (LI 2018/191).

15 Disclosure of information under Land Transfer Act 2017 for certain purposes

- (1) Where a direction is made, nothing in Part 6 of the Act or in these regulations prevents the Registrar-General of Land from providing (under section 40 of the Land Transfer Act 2017) a copy of an instrument or a record of title to a person who requires it—
- (a) to conduct a transaction with the person to whom that direction relates; or
 - (b) to have an instrument registered or noted under the Land Transfer Act 2017 or any other enactment; or
 - (c) to exercise a right held, or satisfy an obligation owed, in relation to the particular land (but not land generally), such as the right to sell the land under a mortgagee's power of sale.
- (2) The person provided with the copy must not disclose the copy, or any information obtained from the copy, to anyone else except for the purpose for which the copy was required under subclause (1).
- (3) The Registrar must give notice to the person to whom the direction relates—
- (a) before providing the copy of the instrument or record of title to the person who requires it; or
 - (b) as soon as practicable after providing the copy to the person who requires it, if it is impracticable to give notice before that.
- (4) The notice must be given in accordance with section 221 of the Land Transfer Act 2017 and must specify—
- (a) the instrument or record of title of which a copy will be provided; and
 - (b) the person to whom the copy will be provided; and
 - (c) when the copy will be provided.

Regulation 15: replaced, on 12 November 2018, by regulation 6 of the Domestic Violence (Public Registers) Amendment Regulations 2018 (LI 2018/191).

Part 5

Revocation

16 Revocation

The Domestic Violence (Public Registers) Regulations 1996 (SR 1996/149) are revoked.

Schedule 1

Public register provisions

r 3(1)

Enactment	Public register provision
Births, Deaths, Marriages, and Relationships Registration Act 1995	Sections 5, 7(2), 8, 21B, 24, 25, 34, 36, 48(3), 50, 53, 56, 58, 62A, and 62C
Building Act 2004	Sections 216, 273, and 298
Civil Union Act 2004	Section 29
Companies Act 1955	Sections 105 and 111
Companies Act 1993	Sections 87, 88, 189, and 360
Deeds Registration Act 1908	Sections 21, 22, and 30
Dog Control Act 1996	Section 34
Electoral Act 1993	Sections 100, 101, 103, 104, 105, 106, 107, 108, 109, 211, and 212
Friendly Societies and Credit Unions Act 1982	Sections 5, 40, and 130
Incorporated Societies Act 1908	Section 33
Industrial and Provident Societies Act 1908	Section 3D
Insolvency Act 2006	Section 62
Land Transfer Act 2017	Section 9
Land Transfer Regulations 2018	Regulation 24
Land Transport Act 1998	Section 234
Local Elections and Polls Act 1976	Sections 7B, 7BA, 7BB, 7BC, and 7BD
Marriage Act 1955	Section 7
Personal Property Securities Act 1999	Section 139
Private Security Personnel and Private Investigators Act 2010	Section 97
Rating Powers Act 1988	Section 113
Rating Valuations Act 1998	Section 7
Te Ture Whenua Maori Act 1993	Section 263

Schedule 1: amended, on 12 November 2018, by regulation 7 of the Domestic Violence (Public Registers) Amendment Regulations 2018 (LI 2018/191).

Schedule 1: amended, on 1 May 2011, by section 35(5) of the Land Transport Amendment Act 2009 (2009 No 17).

Schedule 1: amended, on 1 April 2011, by section 121(2) of the Private Security Personnel and Private Investigators Act 2010 (2010 No 115).

Schedule 1: amended, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Schedule 1: amended, on 3 December 2007, by section 445 of the Insolvency Act 2006 (2006 No 55).

Schedule 1: amended, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

Schedule 1: amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Schedule 1: amended, on 1 May 2002, by section 191(2) of the Personal Property Securities Act 1999 (1999 No 126).

Schedule 2

Forms

Form 1

Information for applicant about effect of direction relating to information on
[*name of register(s)*]

r 8(2)

Section 233, Family Violence Act 2018

The direction that has been made in your favour under Part 9 of the Family Violence Act 2018 applies only to information on [*specify which register(s) the notice relates to*] that discloses, or is likely to disclose, the whereabouts of [*specify either the applicant or the child of the applicant's family or both, as the case may require*].

- If you think that this kind of information is also held on another public register **and** you do not want that information disclosed, you will need to apply to the agency responsible for administering that register for a direction.
- This direction does not apply to information entered in the register(s) after this direction is given.

Effect of direction

This direction has the following effect:

- Information that is included, or is about to be included, in the register and that discloses, or is likely to disclose, the whereabouts of [*specify either the applicant or the child of the applicant's family or both, as the case may require*] must not be included in—
 - (a) any copy (including a printout) of all or any part of the register:
 - (b) any index to the register:
 - (c) any extract from, or certificate as to information that is recorded on, the register that is made available to the public after the direction is made.
- This information must not be made available for inspection by members of the public (other than yourself).
- Where, before the date on which the direction was made, an application was made for the inclusion of information on the register, that application may not be made available for public inspection to the extent that it contains information about the whereabouts of [*specify either the applicant or the child of the applicant's family or both, as the case may require*].

There are 3 important qualifications to these general rules—

- The information is still included in the register for all other purposes.
- The direction applies only to information that the agency is reasonably able to identify, having regard to the information you provided in your application.

- The information can be disclosed to the public, even though a direction is in force, if you consent (*and in the following circumstances: [*include examples of when disclosure permitted*]).

You can apply for another direction in respect of—

- (a) information that is located on parts of the register not covered by the first direction:
- (b) information that goes on to the register after the first direction is made:
- (c) new information (eg, if you change your address).

In these cases you will have to make an application in the same way as you applied for the original direction.

Duration of direction

*This direction is made in respect of a temporary protection order and lasts for 4 months. If the temporary order is discharged before the 4 month period expires, the direction expires.

If the temporary protection order becomes final, or a final order is substituted for it, and you wish this direction to continue, you need to tell the agency responsible for administering the register yourself or ensure that the agency has received a notice from the court. Where the temporary protection order becomes final, or a final order is substituted for it, the direction lasts for 5 years unless the order is discharged in the meantime. At the end of the 5 year period you may ask for another direction to be made.

*This direction is made in respect of a final protection order and lasts for 5 years, unless the protection order is discharged in the meantime. At the end of the 5 year period you may ask for another direction to be made.

You may ask at any time for the direction to be revoked.

If a direction expires or is revoked or ceases to be in force, that does not prevent a further direction being made in respect of the same information.

*Delete or omit if inapplicable

Schedule 2 form 1 heading: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Schedule 2 form 1: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Form 2
Notice to applicant where application for direction declined

r 8(4)

Section 233(2), Family Violence Act 2018

Your application for a direction under Part 9 of the Family Violence Act 2018 in relation to information on [*specify which register(s) the notice relates to*] that discloses, or is likely to disclose, the whereabouts of [*specify either the applicant or the child of the applicant's family or both, as the case may require*] has been declined for the following reason(s): [*state reason(s)*]

Important information

You have the right to complain to the Privacy Commissioner about this decision. [*Insert the address and telephone number of the office of the Privacy Commissioner nearest to the applicant.*]

If you wish to make a complaint it must be made within 5 working days after you receive this notice.

You can ask the Privacy Commissioner to extend this period.

The complaint can be made orally or in writing.

The information in respect of which you sought a direction will not be made publicly available until the expiry of 5 working days after you receive this notice or, where the Privacy Commissioner extends the period for making a complaint, until the expiry of that longer period.

If you do make a complaint, the information will not be made publicly available until the Privacy Commissioner has dealt with your complaint.

Schedule 2 form 2 heading: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Schedule 2 form 2: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Marie Shroff,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Family Violence (Public Registers) Regulations 1998 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Family Violence Regulations 2019 (LI 2019/96): regulation 25(b)

Family Violence Act 2018 (2018 No 46): section 259(2)

Domestic Violence (Public Registers) Amendment Regulations 2018 (LI 2018/191)

Private Security Personnel and Private Investigators Act 2010 (2010 No 115): section 121(2)

Land Transport Amendment Act 2009 (2009 No 17): section 35(5)

Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48): section 49(2)

Insolvency Act 2006 (2006 No 55): section 445

Civil Union Act 2004 (2004 No 102): section 46

Building Act 2004 (2004 No 72): section 414

Personal Property Securities Act 1999 (1999 No 126): section 191(2)