

House of Representatives

Supplementary Order Paper

Tuesday, 16 November 2010

Child and Family Protection Bill

Proposed amendments

Jacinda Ardern, in Committee, to move the following amendments:

Clause 5

To add the following subclauses as subclauses (2) and (3):

- “(2) The definition of **child** in section 2 is amended by omitting “17” and substituting “18”.
- “(3) The definition of **representative** is amended by omitting “16 or under” in each place where it appears and substituting in each case “under 18 years”.

New clauses 5A and 5B

To insert the following clauses after *clause 5*:

5A Applications by minors

- (1) Section 9 is amended by repealing subsection (2A) and substituting the following subsection:
 - “(2A) A minor who is aged 16 years or 17 years and who wishes to apply for a protection order may either—
 - “(a) make the application on his or her own behalf; or
 - “(b) make the application by a representative.”
- (2) Section 9(3) is amended by omitting “17” and substituting “18”.
- (3) Section 9 is amended by repealing subsection (4) and substituting the following subsections:
 - “(4) A minor who is aged 18 years or over and who wishes to apply for a protection order must make the application on his or her own behalf without a next friend or guardian ad litem.
- “(5) **Subsections (2A) and (4)** are subject to sections 11 and 12.

“(6) Where a minor makes an application under **subsection (2A) or (4)**, orders may be made on the application, and enforced, as if the minor were of full age.”

5B Applications against minors

Section 10 is amended by omitting “age of 17” in each place where it appears and substituting in each case “age of 18”.

Clause 6

To insert the following subclause as *subclause (1)*:

(1) Section 16(1) is amended by adding “until that child reaches the age of 18 years, unless the order is sooner discharged”.

New section 16(1A) and (1B): To omit these subsections and substitute the following subsections:

“(1A) The Court, on an application by a child of the applicant’s family, must direct that a protection order continues to apply for his or her benefit after he or she has attained the age of 18 years until whichever of the following occurs first:

“(a) he or she no longer ordinarily or periodically resides with the applicant; or

“(b) the order is discharged by the Court.

“(1B) An application for a direction under **subsection (1A)** may be made by—

“(a) the child; or

“(b) a representative of the child.”

New section 16(5): To omit this subsection and substitute the following subsection:

“(5) A protection order that has not lapsed or been discharged continues to apply for the benefit of a person described in subsection (1) or (2) notwithstanding the death of the applicant.”

New clauses 11A and 11B

To insert the following clauses after *clause 11*:

11A Applications for property orders by minors

(1) Section 71(1)(a) is amended by omitting “17” and substituting “18”.

(2) Section 71(2) is amended by omitting “16 years” and substituting “16 years or 17 years”.

11B Applications for property orders against minors

Section 72 is amended by omitting “17” in each place where it appears and substituting in each case “18”.

Explanatory note

This Supplementary Order Paper amends the Child and Family Protection Bill to change the definition of a child in the Domestic Violence Act 1995 from a person under the age of 17 years, to a person under the age of 18 years. This change brings that definition into line with the definitions in the Care of Children Act 2004, the Children’s Commissioner Act 2003, and the United Nations Convention on the Rights of the Child. It is important that New Zealand’s legislation in this area is consistent, and that we meet our international obligations.
