



12 MAY 2017

Office of Hon Amy Adams

Member of Parliament for Selwyn

Minister of Justice

Minister for Courts

Minister for Social Housing

Minister Responsible for Social Investment

Minister Responsible for HNZC

Associate Minister of Finance

The Backbone Collective
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Dear Deborah Mackenzie, Tania Domett and Ruth Herbert

Backbone Collective's report on the Family Court

Thank you for your correspondence of 11 April 2017 enclosing the Backbone Collective's report (the report) on proceedings in the Family Court.

As I am sure you are aware as Minister of Justice, I am unable to comment on judicial decision making. It is a fundamental principle of our constitutional system that the judiciary operates as an independent branch of government. Parliament makes laws, and judges apply those laws in the cases that come before them.

Many of the concerns raised in the report allege that the closed nature of the Family Court has resulted in processes that are unfair and biased and that the Court makes poor decisions. I am not satisfied that allegations of bias on the basis of anecdotal evidence prove systemic bias in the Family Court. There are several mechanisms in place that allow for public oversight of judicial decisions (while protecting the privacy of the families, and particularly children, concerned) to ensure this is not the case.

Accountability in the Family Court

The judge's role in proceedings is to listen to the evidence, and give a reasoned decision, applying the law to the facts. Parties are involved at each stage of the process and have the opportunity to provide evidence to the Family Court in support of their case. If a party is unhappy with a decision, there may be a right to either a rehearing or appeal to the High Court depending on the circumstances.

Complaints about the conduct of judges may be made to their Head of Bench or the independent Judicial Conduct Commissioner. Complaints about other professionals involved in Family Court proceedings may be dealt with by the Family Court and/or each profession's regulatory body. Information about making a complaint is available on the Ministry of Justice website.

Family Court proceedings are not open to the general public; however, parties are able to have support people with them in court, with the judge's agreement. The role of the support person is to reduce the stress or trauma a party may be feeling.

The media are entitled to attend Family Court proceedings. No one, including the media may publish identifying information about particular proceedings without the leave of the Court. This is because many family cases involve highly personal facts and parties may be reluctant to have details of their lives reported in the media. The stress associated with publicity can have harmful effects and make children involved in family proceedings particularly vulnerable.

In addition, many Family Court decisions (with identifying information removed) are publically available on the Ministry of Justice website. Restrictions on publication also enable Family Court users the opportunity to voice their opinions about their experiences of court processes without fear of identification.

Proposed changes to family violence laws to better respond to family violence

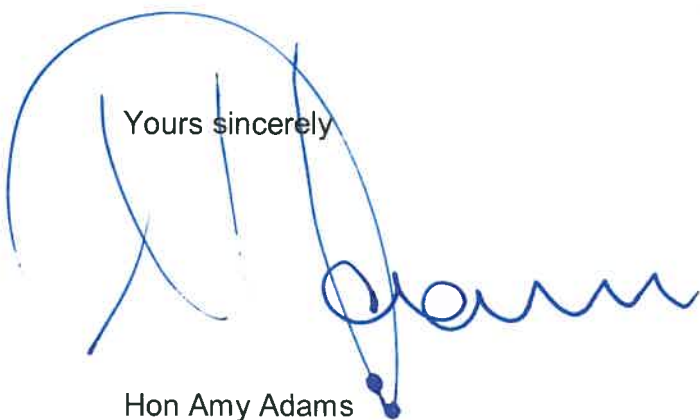
Many of the issues raised in the report concern proceedings where there is family violence. The Government has made reducing family violence a priority. The rate of family violence in New Zealand is unacceptable and has a devastating impact on individuals and communities. Growing up with family violence is a major risk factor for our children.

As Minister of Justice I, along with the Minister for Social Development, Hon Anne Tolley, co-chair the Ministerial Group on Family Violence and Sexual Violence. As part of this Group's work programme, I undertook a review of family violence legislation which involved extensive consultation with stakeholders and the public. The Ministry of Justice received around 500 submissions on how to improve family violence laws from a wide range of people and organisations: people who have experienced family violence, professionals who work with victims and perpetrators, and professional and community organisations.

I recently introduced the Family and Whānau Violence Legislation Bill into Parliament. The Bill was informed by the review. It is a critical part of this Government's work to develop an integrated family violence system that will support better practices, better outcomes, and better safety for the victims of family violence in New Zealand. The Bill picks up on several of the issues raised in the report about better responding to family violence.

The Justice and Electoral Committee are seeking public submissions on the bill. Submissions close on 24 May 2017. I encourage you, if you have not already done so, to consider making a submission on the Bill.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amy Adams', with a large, sweeping flourish above it.

Hon Amy Adams
Minister of Justice