

Introduction

1. The National Collective of Independent Women's Refuges (NCIWR) is a non-governmental organisation delivering services to women and children affected by domestic violence in New Zealand. NCIWR receives nearly 30,000 crisis calls per year (nearly 80 per day), and provides support, advocacy, legal, and health services to nearly 50,000 clients annually.
2. We would like to thank the Select Committee for the opportunity to submit on this Bill, which we are broadly in support of.
3. We propose expanding the scope of what is considered a 'high-risk' offender to expressly include perpetrators of family violence, including those who have no convictions but demonstrate elevated risk of severe violence.
4. Perpetrators who demonstrate violent or controlling behaviour toward women partners, and who also have access to firearms, are considered the highest-risk group for the perpetration of intimate partner homicide. Improved safety for women and children, particularly in their own homes, relies on agile safety measures that can be enacted protectively for them.
5. Please note we would like to appear in person to submit on this Bill and are contactable at Research@refuge.org.nz.

Intersection of family violence and firearms

6. New Zealand has an extraordinarily high rate of violence against women, with one in three women being subjected to physical or psychological violence by an intimate partner over the course of their lifetime¹.
7. The proportion of cases where firearms are used is small but substantial². In New Zealand, almost one fifth of homicide cases in which a man has killed a woman involved a firearm.³ Importantly, most perpetrators had little or no criminal history.⁴
8. Access to firearms is associated with increased lethality of family violence perpetrators and is commonly implicated as a risk factor in murder-suicides⁵. Women are 20 times more likely to be killed if the perpetrator has threatened them with, or used, a weapon.⁶

The case for FPOs that consider Family Violence

9. The success of FPOs has been identified in Australia in NSW and Victoria. In the NSW Ombudsmen 2016 review of NSW FSP search powers, a significant reduction in firearms violence was shown, with a particular focus on

¹ Fanslow, J., & Robinson, E. (2004). Violence against women in New Zealand: prevalence and health consequences. *New Zealand Medical Journal*, 117 (1206), 1-12.

² NZ Family Violence Clearinghouse (2022). Submissions open on Firearms Prohibition Orders Legislation Bill. Retrieved from <https://nzfvc.org.nz/news/submissions-open-firearms-prohibition-orders-legislation-bill>

³ Zeoli, A., Malinski, R. & Brenner, H. (2017). The intersection of firearms and intimate partner homicide in 15 nations. *Trauma, Violence & Abuse*. (Advance online publication).

⁴ Family Violence Death Review Committee (2015). Health Quality and Safety Commission New Zealand, Retrieved from Health Quality and Safety Commission New Zealand. Retried from: <https://www.hqsc.govt.nz/assets/Uploads/FVDRC-5th-report-Feb-2016.pdf>

⁵ sCheung, G., Hatters Friedman, S., & Sundram, F. (2016). Late-life homicide-suicide: a national case series in New Zealand. *Psychogeriatrics*, 16 (1), 76-81.

⁶ Parliament of Victoria, Legal and Social Issues Committee. (2016). Inquiry into firearms legislation. 9-10

counterterrorism, and organised crime, associated with the introduction of FPOs and the strengthening of police search functions.⁷ However, there appeared to be a lesser focus on establishing the use and impact of FPOs for situations of family violence.

10. We support the proposed FPOs and the prospective safety they offer victims. As many of our frontline advocates reported to us in recent weeks, these protections may offer greater safety to the victims at the most risk. They referred in particular to women harmed by perpetrators who carefully pre-planned their abuse and concealment of it in order to remain free from convictions, thus retaining their access to firearms.
11. We therefore urge the committee to strongly consider the safety of victims, and to broaden the Bill's scope of 'high-risk' to encompass high risk perpetrators of violence who do not have convictions.
12. We are aware that protection orders typically contain a provision restricting firearm use. However, victims at the most risk of harm often do not apply for or are not granted protection orders, fearing retributive violence or financial disadvantage may follow. Protection order status is therefore an unevenly accessed instrument of safety, and should not be the only available option to restrict perpetrators' access to firearms; often a pattern of coercive control is a greater predictor of risk than protection order status.
13. Equally, however, breaches of protection orders are a predictor of escalating physical violence, and we support these being classified as 'high-risk' behaviour.
14. Alongside any changes to FPOs which consider family violence, we recommend that decision making around the administration of FPOs for 'high risk' family violence offenders be informed by victims and victim-advocates.

Classifying 'high risk'

15. Although use of firearms in family violence deaths is not prevalent, the threat of firearm use is sufficient to evoke victims' fear and compliance. For example, a recent client reported severe abuse to Police. She was assisted to apply for a protection order after a severe assault, which was granted. However, her perpetrator had a military background and was afforded firearm access. He subsequently moved two houses down from her house, despite the protection order prohibiting proximity of closer than 100 metres. He wants reconciliation; she is still recovering from the physical injuries he inflicted. He occasionally reminds her that he still has firearm access, if not ownership, and can use it at any time without getting caught. When he is displeased, he tells her graphic stories of shooting people. She sees no safe pathways to resolution of the constant threat she perceives to her life.
16. This anecdote is a common story heard by our advocates, many of whom feel a lack of mental health services and the rise of methamphetamine may trigger further firearm-related family violence.
17. Most family violence is unreported and so does not lead to firearm restriction. Yet as the perpetrator continues to harm the victim, their access to firearms becomes a symbolic threat, such as through the ostentatious cleaning of a firearm after an argument, the unlocking of the safe where it is kept during violence, or the keeping it close to the bedroom.
18. In more extreme cases, victims we have spoken to have been hit with guns, had them pushed into their abdomens or pointed at their faces, or had their pets shot in front of them as part of an increasingly dangerous sequence of violence.
19. These events are never the first or only acts of coercion in a perpetrator's pattern of violence. Information about their patterns of abuse held by specialist organisations may more effectively demonstrate risk than factors such as prior conviction, which is often contingent on victim disclosure/reporting and evidential

⁷ NSW Ombudsman (2016), Review of police use of the firearms prohibition order search powers: Section 74A of the Firearms Act 1996.

sufficiency. We therefore propose that the Bill is amended to allow for the subjective judgement of perpetrators' patterns of behaviour irrespective of conviction history.