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Authorised by Hon Andrew Little MP, Parliament Buildings, Wellington 6160, New Zealand

## Minister of Justice

Pānui Pāpāho  
Media Statement

1 August 2018

# Panel appointed to re-write 2014 Family Court reforms

Three experts have been appointed to an Independent Panel to examine the changes made to the family justice system in 2014 by the previous National Government, Justice Minister Andrew Little announced today.

"The Panel will consist of former Chief Human Rights Commissioner Rosslyn Noonan, and family law experts, La Verne King and Chris Dellabarca, who will be supported by an expert reference group," says Andrew Little.

"The 2014 changes were meant to help people resolve parenting disputes without having to go to court, but have in fact led to the opposite as there's been a huge increase in the number of urgent 'without notice' applications which have to be put before a Family Court judge.

"I am concerned that families and children are losing out as a result of not receiving adequate advice and support during this distressing time. The last Government removed access to lawyers in many cases and I'm concerned about how this and the other changes have impacted on access to justice.

"I'd like to thank the Panel members for taking on this important work. It was essential to secure Panel members who have the skills and necessary experience to comprehensively assess the issues in the family justice system, and avoid the missteps of previous reforms.

"The expert reference group will also play an important role, giving the Panel access to people with expertise across a range of disciplines, including law, mediation, child psychology, kaupapa Māori and family violence to ensure its findings reflect current research and best practice.

"I've directed the Panel to take a human rights approach when considering improvements to ensure that welfare and best interests of the children are paramount when settling disputes about their care.

"A human rights approach will ensure everyone's perspectives are considered, including survivors of family violence, and men who say they're not being given the opportunity to do some of the parenting when relationships end. Talking with children who have experienced the Family Court system will also be vital for establishing how the system can work better for those who need it most," says Andrew Little.

### Additional notes:

#### Who is on the Independent Panel?

The Panel will be chaired by Rosslyn Noonan. Ms Noonan is the current director of the Centre for Human Rights at Auckland University's Law School, and the former Chief Commissioner for the New Zealand Human Rights Commission.

Family lawyers La-Verne King and Chris Dellabarca have been appointed as Panel members. Ms King has over two decades experience in family law, and now runs her own practice in Taipa, Northland. Mr Dellabarca has been practicing law since 1995, and is currently a partner at a family law firm in Wellington.

The Panel will be supported by an Expert Reference Group. The Expert Reference Group is intended to include experts in child psychology, mediation, family law, kaupapa Māori research, and family violence. It will also include representation for professionals working in the family justice system. The members will be announced shortly.

### **What will the Independent Panel be considering? What will not be considered?**

The Panel will be evaluating a package of changes to the family justice system made by the previous Government in 2014. These changes have had wide-ranging impacts across the family justice system and the Minister of Justice's priority in family law is to examine how they can be improved. The Panel will consider the 2014 reforms' effectiveness in protecting the interests of children, and achieving safe and durable outcomes for them when resolving disputes about their care or contact.

This work is not a first principles review of the Family Court and it will not be considering matters about care and protection. However, the Minister of Justice recognises that wider concerns will be raised. The Minister has asked the Panel to collate this information and report it back to him to be considered alongside the Panel's recommendations. For more information on the scope of the work, please see the Terms of Reference.

### **What did the 2014 reforms change?**

The 2014 reforms were intended to make the Family Court more efficient and cost effective, with key changes including:

- Introduction of mandatory family dispute resolution (FDR) which requires most parties to attempt a mediated settlement before applying to the Court;
- Removal of lawyers in the initial stages of proceedings under the Care of Children Act 2004, except for urgent (without notice) applications.

Concerns have been raised about the way the system is now working and the appropriateness and adequacy of the support and advice available to separating couples.

The number of without notice (urgent) applications has increased significantly, likely because it offers parties the opportunity to have legal representation. This has caused delays, especially in resolving cases regarded as non-urgent, which can be harmful to the children involved.

### **How can I have my say?**

The Panel is particularly interested in hearing from members of the public and relevant interest groups who have first-hand experience of family justice system.

*The Panel is currently finalising its consultation plan. People can make a submission or get in touch with the Panel by emailing [FamilyJusticeReforms@justice.govt.nz](mailto:FamilyJusticeReforms@justice.govt.nz). More information about submissions and event dates will be published at the [Ministry of Justice website](#)*