



Feedback on Bill 47: *Intimate Partner Violence Intervention Act*

The New Brunswick Women's Council is pleased to support *Bill 47: Intimate Partner Violence Intervention Act (IPVI Act)*. The provisions included in the Act offer a much needed legal option to victims of intimate partner violence in New Brunswick, the majority of whom are women. Research indicates that civil protection orders, such as the emergency intervention order (EIO) proposed in the Act, can reduce the severity and frequency of violence and can act as a deterrent to perpetrators.

The council would also like to express its support for the collaborative process used to develop the Act. Government consultation with academic researchers, community-based experts and service providers, and IPV victims/survivors ensured that this bill reflects current research, the insights of those with direct service experience, and the wisdom held by individuals who have experienced IPV.

To further support dialogue on the Act, the Council is providing feedback on the bill. Our development process included consultation with local researchers and service providers with expertise in IPV. It is divided into three sections: 1) strengths 2) amendments for consideration 3) considerations related to the implementation of the Act's provisions.

The council is available to provide further supporting research or context for any of the information included in this document.

1) Strengths

The council would like to highlight a number of the Act's strengths. While the Act in its entirety offers an important tool, these specific provisions enhance its potential relevance and effectiveness because they provide significant protective measures that reflect a nuanced understanding of the complexities of IPV.

- **Section 1, "property" (c):** The inclusion of household pets within the definition of "property" provides a significant protective measure that reflects the unique challenges encountered by IPV victims when choosing to leave violent relationships. Concern for the well-being of a pet is a significant deterrent for individuals considering leaving situations involving IPV.
- **Section 4 (1):** The provision that application for the emergency intervention order (EIO) can be made prior to an act of IPV actually taking place reflects a commitment to prevention and harm reduction. Options for civil protection or other forms of legal action are often only available after an act of IPV takes place even when significant warning signs are present. This provision reflects a survivor-centred approach that respects a potential victim's knowledge and risk assessment of their situation and enables them to take legal action to prevent violence.

- **Section 4 (3), (4), (5):** The Act reflects current research in its identification of those factors that both can and cannot be considered when determining whether application for an EIO is made (3, 4), as well as the list of potential provisions to be included in the EIO (5). These provisions reflect an understanding of factors recognized as increasing the danger and risk to potential victims.
- **Section 4 (4) (f):** By specifying that an applicant's history of reconciling or residing with the respondent after an act of IPV cannot be used against the applicant as a reason to prevent the application of an EIO, the Act directly challenges societal beliefs about IPV that minimize the complexities of leaving a relationship or blame victims. It is well known by IPV advocates and researchers that an individual leaving a violent and abusive relationship often makes multiple attempts to do so; however, this is not necessarily the case for those with less familiarity with the issue. In including this provision, the legislation challenges societal attitudes about IPV.
- **Section 4 (5)(i) and 6 (3)(b):** Research indicates that the presence of firearms increases the risk of violence for those living in situations in which IPV is occurring. New Brunswick-based research indicates that this risk is compounded for women living in rural areas due to increased isolation and limited service options. The provisions to require the removal of firearms from the home and for the mandatory contacting of the chief firearms officer offers a further protective feature that supports those victims at higher risk.

2) Amendments for consideration

To further strengthen the provisions included in the Act, the council submits the following points for consideration.

- **IPV and individuals living with disabilities**
Section 2(1) (b) – Individuals living with a disability are at a heightened risk for IPV and the acts of violence committed against them may be specific to their disability (such as depriving them of access to communication, mobility, and other accessibility tools). Although Section 2(1) (b) should enable action in response to forms of IPV associated with disabilities, an express provision could be included to ensure protection for this population.

For consideration: Addition of “deprivation of access to communication, mobility, and other accessibility tools associated with disability.”

- **Conditions for EIO**
Section 4(1) – In the Act, three conditions must be satisfied to obtain an EIO: emergency, seriousness, and urgency. Given that emergencies are, by definition urgent, the inclusion of urgency as a condition may create a redundancy that could create unintended difficulties, limitations, or confusion.

For consideration: Consideration of whether requiring only “emergency” and “seriousness” is adequate and limits opportunities for confusion.

- **Provision for refusal of service**
Section 6 – An EIO may be issued within 24 hours of application; however, the respondent is not bound by the order until served. As there is no explicit provision for refusal of service included in the Act, it will be important to ensure that provision for substituted, waived, or avoidance of service is clearly set out in the Regulations. This provision is of particular relevance within the IPV context given that avoidance of service is well-documented in civil protection cases.

For consideration: Ensure provision for substituted, waived or avoidance of service is included in the regulations for the Act.

- **Process for setting aside EIO**

Section 9(4) – Allowing the judge discretion to determine whether an agreement made between the applicant and respondent to set aside the EIO is voluntary provides additional protective measures. There may be an opportunity to further strengthen this measure by providing the judge with the opportunity for a more fulsome assessment for any possible manipulation or coercion through extending the authority to hold a hearing.

For consideration: Additional provision authorizing judge to hold a hearing to assess the surrounding circumstances of the agreement to set aside the protection order to ensure the agreement to rescind is not the result of manipulation or intimidation.

3) Considerations relating to the implementation of the IPV Act

The council would like to highlight the following opportunities for further discussion related to the implementation of the Act. Specifically, the council emphasizes the need for adequate resources to support the meaningful implementation of its provisions, with particular consideration of the impact on the IPV sector.

- Development and facilitation of specialized training for professionals identified in the Act, including judges, deputy sheriffs, police, peace officers, chief firearms officer, and designated authorities. Training should be trauma-informed, provide education to challenge common misconceptions and stereotypes about IPV, and model a survivor-centred approach.
- Timely access to free legal or affordable counsel and victims services for applicants when necessary or requested.

- Development of processes to ensure this option for civil protection order does not diminish or compromise the onus for criminal investigation and prosecution and for offenders to be held criminally responsible, particularly in the case of repeat offenders.
- Development of protocols for sharing and exchange of information across systems (criminal, family, and child protection) and amongst relevant professionals.
- Additional funding to IPV sector, including transition and second-stage housing, to meet demands for service relating to this legal option.
- Increased access to services aimed at interrupting the cycle of violence, such as improved access to counselling and behaviour management for offenders, to support both applicants and respondents post-EIO.
- Development of legislation and/or protective measures to address family / domestic violence in situations involving someone other than an intimate partner.