





STATUTORY INSTRUMENT.

No. of 2017.

Family Protection Regulation 2017.

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STATUTORY INSTRUMENT.

No of 2017.

Family Protection Regulation 2017.

Being a Regulation to provide for -

- (a) the protection of family; and
- (b) District Courts and Village Courts to make orders for victims of domestic violence, and for related matters.

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under Section 26 of the *Family Protection Act 2013*, and shall come into operation in accordance with a Notice in the National Gazette.

PART I. - PRELIMINARY.

1. APPLICATION OF THIS REGULATION.

This Regulation shall apply to proceedings in any court exercising jurisdiction under the Act.

2. JURISDICTION OF COURTS.

(1) A court with jurisdiction under the Act may also exercise that jurisdiction under other Acts.

(2) Unless otherwise specified, the remedies under the Act and this Regulation are in addition to and not in substitution for other remedies that are available under other laws.

3. INTERPRETATION.

(1) In this Regulation unless the contrary intention appears -

“Act” means the *Family Protection Act 2013*;

“assault” means -

- (a) the striking, touching, moving or otherwise the application of force of any kind to the person of another, either directly or indirectly without his consent, or with his consent if the consent is obtained under duress, by fraud or a false promise; or
- (b) by any bodily act or gesture, an attempt or threat to apply force of any kind to the person of another without his consent, under such circumstances that the person making the attempt or threat has an actual or apparent present ability to apply such force and for the purposes of this definition, the “application of force” includes the application of heat, light, sound, electrical force, gas odour or any other substance or thing if applied to such a degree as to cause any injury or personal discomfort;

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“counselling” means a process where a neutral person as counsellor assists or guides a person or persons to talk about and resolve their personal, interpersonal, social and psychological problems in a safe, trusted and confidential environment;

“exclusive occupancy” means the right of a person to live in or occupy a residence to the exclusion of one or more other persons;

“mediation” means a confidential, trusted and safe dispute resolution process where the participants, with the assistance of a neutral person as mediator -

- (a) listen to and are heard by each other; and
- (b) work out what the disputed issues are; and
- (c) work out what everyone agrees on; and
- (d) work out what is important to each person; and
- (e) aim to reach a workable agreement; and
- (f) develop options to resolve each issue; and
- (g) develop options and take into account each person’s needs and desires; and
- (h) discuss what everyone could do as a way of assessing the options and exploring what might lead to an outcome that everyone can accept;

“property” means -

- (a) real property, including -
 - (i) land and anything created on, growing on or affixed to land; and
 - (ii) buildings and crops; and
- (b) personal property, including -
 - (i) any assets and anything that can be the subject of ownership; and
 - (ii) personal possessions, documents, funds, money and other financial resources such as bank credits and deposits, cheques, money orders, shares, securities, bonds and letters of credit;

“psychological abuse” means behaviour towards another person that torments, intimidates, harasses or is offensive to the other person and includes -

- (a) repeated verbal abuse, derogatory remarks or humiliation; or
- (b) coercing, deceiving or controlling a person without their consent in a way that denies that person economic or financial autonomy or withholds the financial support necessary for meeting reasonable living expenses; or
- (c) preventing a person from making or keeping connections with the person’s family, friends or culture, including cultural or spiritual ceremonies or practices; or
- (d) causing or threatening to do harm to another person or to an animal;

“stalking” means doing any of the following conduct in addition to the conduct specified in Subsection 5(2):

- (a) publishing (including on the internet, by e-mail or another form of electronic communications) to the person a statement or other material relating to the person or purporting to relate to or originate from the person; or
- (b) tracing or intercepting the person’s mail or communications (including through use of the internet, by e-mail or through another form of electronic communications); or
- (c) making derogatory comments to other persons about that person; or

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- (d) interfering with property in the person's possession;
- "sexual abuse" includes -
- (a) any conduct that is sexual in nature that abuses, humiliates, degrades or otherwise violates the dignity of the person; or
 - (b) any conduct that forces, coerces, blackmails, bribes or intimidates a person to engage in sexual acts with or in front of another person.

(2) The definitions apply for the purposes of the Act and this Regulation.

PART II. - PROCEEDINGS GENERALLY.

4. PROMOTING THE OBJECTIVES AND UNDERLYING PRINCIPLES OF THE ACT.

A court shall apply the Act and this Regulation to promote -

- (a) the objectives set out in Section 3 of the Act; and
- (b) the underlying principles set out in Section 4 of the Act.

5. NON-COMPLIANCE WITH REGULATION.

(1) A person who fails to strictly comply with this Regulation shall not render the proceedings void in which the non-compliance occurred.

(2) Strict compliance with the forms prescribed under this Regulation is not required and substantial compliance is sufficient.

(3) A court may dispense with compliance with any of this Regulation at any time, before or after the occasion for compliance arises.

(4) This Regulation does not affect a court's other powers to waive procedural requirements under the Act, this Regulation or any other law.

6. COURT PROCEDURES.

(1) Where a practice or procedure is not provided for under the Act or this Regulation -

- (a) the practice and procedure provided for under the *District Courts Act 1963*, the *District Courts Regulation* (Chapter 40) and any court rules shall apply for matters in the District Court; and
- (b) the practice and procedure provided for under the *Village Courts Act 1989* or the *Village Courts Regulation* (Chapter 44) shall apply for matters in the Village Court.

(2) Where a Court is satisfied that -

- (a) the Act, the Regulation or any other relevant law does not provide a practice or procedure; or
- (b) a difficulty arises or doubt exists in relation to a matter of practice or procedure,

the Court may make such orders as it considers necessary.

7. FEES.

A person shall not pay a Court fee in or in relation to any proceeding under the Act or this Regulation.

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8. SERVICE.

(1) Except as otherwise provided for in the Act and this Regulation, Sections 47 and 48 of the *District Courts Act* (Chapter 40) shall apply to service of documents in District Court proceedings under the Act.

(2) The Court may direct the complainant or a member of the Police Force to serve documents or orders made under the Act or this Regulation.

9. APPLICATION FOR INTERIM PROTECTION ORDERS IN A VILLAGE COURT.

An application for an interim protection order under the Act to a Village Court shall be made in a Village Court which has jurisdiction to deal with it under Section 36 of the *Village Courts Act* 1989.

PART III. - APPLICATIONS FOR FAMILY PROTECTION ORDERS.

10. AUTHORISATION FOR ANOTHER PERSON TO APPLY FOR A FAMILY PROTECTION ORDER.

(1) Under Section 7(1) of the Act, a complainant may consent to another person to apply for a family protection order on behalf of the complainant in the District Court or a Village Court.

(2) An application made under Subsection (1) shall be in Form 1.

11. APPLICATION TO A VILLAGE COURT FOR INTERIM PROTECTION ORDER.

(1) An application to a Village Court under Section 7(2) of the Act for an interim protection order may be made orally or in writing.

(2) An application under Subsection (1) shall be made in Form 2.

(3) An application made in a Village Court -

(a) for an interim protection order may be made either with or without notice to the defendant; and

(b) may be heard without notice to the defendant if the Village Court is satisfied that the delay that would be caused by serving the defendant may put the complainant or a family member in danger of any form of domestic violence or cause them undue hardship.

(4) Other than to the extent dealt with under the Act or this Regulation, when exercising jurisdiction concerning an interim protection order, a Village Court may follow the same procedures as when exercising the Court's preventive jurisdiction under Division V.5 of the *Village Courts Act* 1989.

(5) An interim protection order -

(a) may be granted by a Village Court and the order shall be in Form 3; and

(b) made by a Village Court may include any of the conditions set out in Division III.3 of the Act and any other conditions as the Court considers appropriate; and

(c) if made by a Village Court without notice to the defendant, the Court shall adjourn the matter to a fixed date; and

(d) made by a Village Court shall be served on the defendant as soon as practicable.

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12. APPLICATION TO A VILLAGE COURT FOR THE EXTENSION, VARIATION OR REVOCATION OF INTERIM PROTECTION ORDERS.

- (1) An application made to a Village Court under Section 14 or 24 of the Act for -
- (a) the extension, variation or revocation of an interim protection order; or
 - (b) the variation or revocation of a condition in an interim protection order,
- may be made orally or in writing to the Village Court which made the order.
- (2) Subject to Section 19, upon hearing an application under Subsection (1), a Village Court may -
- (a) vary the interim protection order including any conditions imposed under the order; or
 - (b) extend the interim protection order for a period not exceeding 30 days; or
 - (c) revoke the interim protection order or any condition imposed under the order; or
 - (d) make such other orders under the Act or this Regulation as the Village Court considers appropriate.

13. APPLICATION TO A DISTRICT COURT FOR INTERIM PROTECTION ORDERS.

- (1) An application to a District Court for an interim protection order under Section 7(2) of the Act may be made -
- (a) verbally; or
 - (b) in writing in Form 4.
- (2) If an application under Subsection (1) is made verbally, the District Court shall -
- (a) reduce the application to writing as soon as practicable in Form 4; and
 - (b) assist the complainant or his representative to complete the documents required under Subsection (3).
- (3) An application to a District Court for an interim protection order -
- (a) shall be accompanied by -
 - (i) a summons upon complaint in Form 18 under the *District Courts Regulation* (Chapter 40); and
 - (ii) an affidavit in support; and
 - (b) may be made either with or without notice to the defendant; and
 - (c) may be heard without notice to the defendant if the District Court is satisfied that the delay that would be caused by serving the defendant may put the complainant or a family member in danger of any form of domestic violence or cause them undue hardship.
- (4) Other than to the extent dealt with under the Act or this Regulation, the practice and procedure of the *District Courts Act* (Chapter 40) and the *District Courts Regulation* (Chapter 40) regarding proceedings brought by complaint (including service) apply to interim protection proceedings in a District Court.

14. MAKING OF INTERIM PROTECTION ORDERS BY DISTRICT COURTS.

An interim protection order -

- (a) may be granted by a District Court in Form 5; and
- (b) made by a District Court may include any of the conditions set out in Division III.2 of the Act and any other conditions as the Court considers appropriate; and

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- (c) if made by a District Court without notice to the defendant, the Court shall adjourn the matter to a fixed date and direct that the application, summons, any affidavit in support and the order be served on the defendant as soon as practicable.

15. APPLICATION TO A DISTRICT COURT FOR A PROTECTION ORDER.

(1) An application to a District Court under Section 7(2) of the Act for a protection order may be made -

- (a) orally; or
- (b) in writing in Form 6.

(2) If the application under Subsection (1) is made verbally, the District Court shall -

- (a) reduce the application to writing as soon as practicable in Form 6; and
- (b) assist the complainant or his representative to complete the documents required under Subsection (3).

(3) An application to a District Court for a protection order shall be accompanied by -

- (a) a summons upon complaint and shall be in Form 18 under the *District Courts Regulation* (Chapter 40); and
- (b) an affidavit in support.

(4) Other than to the extent dealt with under the Act and this Regulation, the practice and procedure requirements under the *District Courts Act* (Chapter 40) and the *District Courts Regulation* (Chapter 40) regarding proceedings brought by complaint (including service) apply to protection proceedings in a District Court.

16. MAKING OF PROTECTION ORDERS BY DISTRICT COURTS.

(1) A protection order may be made by a District Court in Form 7.

(2) A protection order may be made by a District Court whether or not the defendant is present or represented but the requirements under Section 17 of the Act must be satisfied.

(3) A protection order made by a District Court may include any of the conditions set out in Division III.2 of the Act and any other conditions as the Court considers appropriate.

17. APPLICATION TO A DISTRICT COURT FOR THE EXTENSION, VARIATION OR REVOCATION OF FAMILY PROTECTION ORDERS.

(1) An application made to a District Court under Section 14, 19 or 24 of the Act for -

- (a) the extension, variation or revocation of a family protection order; or
 - (b) the variation or revocation of a condition in family protection order,
- may be made to the District Court which made the order.

(2) An application made under this section may be made verbally or in writing in Form 8 and accompanied by an affidavit in support.

(3) If an application under Subsection (1) is made verbally, unless the application is made during a hearing in which all parties are present, the District Court shall -

- (a) reduce the application to writing as soon as practicable in Form 8; and
- (b) assist the party or his representative to complete the documents required under Subsection (3).

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(4) Subject to Section 19, upon hearing an application under Subsection (1), a District Court may -

- (a) vary the family protection order including any conditions imposed under the order; or
- (b) extend -
 - (i) an interim protection order for a further period not exceeding 30 days; or
 - (ii) a protection order for such period as the court considers necessary to protect the person concerned but the total period for which the protection order is in place does not exceed 2 years; or
- (c) revoke the family protection order or any condition imposed under the order; or
- (d) make such other orders under the Act or this Regulation as the District Court considers appropriate.

18. REVOCATION OR NON-EXTENSION OF A FAMILY PROTECTION ORDER BY A DISTRICT COURT OR A VILLAGE COURT.

Before deciding to revoke or not extend a family protection order under Section 13 or 18, a Village Court or a District Court shall be satisfied on reasonable grounds that -

- (a) the protected person has been given an opportunity to be heard; and
- (b) the protected person has not been coerced into consenting to any revocation or non-extension; and
- (c) the safety and wellbeing of the protected person will not be adversely affected by the revocation or non-extension.

PART IV. - CONDITIONS IN FAMILY PROTECTION ORDERS.

19. CONDITIONS IN FAMILY PROTECTION ORDERS RELATING TO GOOD BEHAVIOUR, INDIVIDUAL PROTECTION AND PROPERTY.

- (1) An application for a condition in a family protection order may be made -
- (a) as part of an application for a family protection order; or
 - (b) orally to the court during the hearing of an application for a family protection order; or
 - (c) at another time in accordance with the practice and procedure requirements for interim applications of the court in which the proceedings are being conducted.

(2) A Court may impose a condition in a family protection order only if the court is satisfied that such a condition is appropriate on the following factors:

- (a) given the circumstances of the complainant; and
- (b) any children of the complainant; and
- (c) children of the defendant; and
- (d) any other family member proposed to be protected under the order; and
- (e) the defendant.

20. CONDITIONS RELATING TO OCCUPATION OF A RESIDENCE.

(1) A Court may, under Section 10(c) of the Act, grant the complainant the exclusive occupancy of a residence or a specified part of a residence if the Court is satisfied that the order -

- (a) is necessary to protect the complainant or any other family member proposed to be protected under the order; or
- (b) is in the best interests of any children of the complainant or the defendant.

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(2) In determining whether to make an order under Section 10(c) of the Act, the Court shall have regard to the reasonable accommodation needs of all persons affected by the order.

- (3) An order under Section 10(c) of the Act may be -
- (a) for a specified period; or
 - (b) on such terms and conditions relating to the occupation of the residence to which the order relates as the court thinks fit.

PART V. - COUNSELLING AND MEDIATION.

21. APPLICATIONS FOR COUNSELLING OR MEDIATION.

An application for counselling or mediation under Section 11 of the Act may be made -

- (a) as part of an application for a family protection order; or
- (b) orally to the court during the hearing of an application for a family protection order; or
- (c) at other times while a family protection order is in force, in accordance with the practice and procedure requirements for interim applications of the court in which the proceedings are being conducted.

22. ORDERS FOR COUNSELLING.

(1) When hearing an application for a family protection order, the Court shall inform the complainant of the right to apply for counselling, if counselling services are available at or near the place at which the Court is located.

(2) A Court may recommend that a complainant participate in individual counselling, whether or not the complainant has requested counselling.

(3) A Court shall not order that a complainant attend counselling unless the complainant consents.

(4) A Court may direct that the defendant participate in individual counselling, whether or not the defendant has requested or consented to counselling, if the court is satisfied that the counselling may assist the defendant to address his behaviour and reduce the risk of future domestic violence.

(5) A Court may direct that the complainant and the defendant to participate in counselling together if -

- (a) both parties consent; and
- (b) the court is satisfied that the attendance at counselling will not jeopardise the physical safety of any parties to the proceeding or of any other family member protected under a family protection order; and
- (c) the court is satisfied that counselling may assist the parties to resolve their problems and assist in preventing future domestic violence.

(6) Where a Court directs counselling, the Clerk of the Court shall arrange counselling as soon as possible and provide a copy of the counselling order to the counsellor.

(7) All counselling under the Act shall take place in private.

(8) One or more family members may take part in counselling with the agreement of the counsellor and the parties undertaking the counselling.

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23. CONCLUSION OF COUNSELLING.

(1) A counsellor to whom a person has been referred to for counselling under Section 23 shall report to the court within 14 days after -

- (a) the counsellor forms a view that it is not appropriate to continue with counselling; or
- (b) a person directed to participate in counselling fails to attend; or
- (c) the counselling has concluded.

(2) A report under Subsection (1) shall be in Form 9.

24. ORDERS FOR MEDIATION.

(1) Subject to Subsection (2), a Court may direct that the complainant and the defendant participate in mediation together in relation to -

- (a) the proceedings before the court in subject matter of the family protection generally; or
- (b) certain specified matters the subject of dispute between the parties in the proceedings under the Act (including conditions); or
- (c) any compensation that may be payable under Section 21 of the Act.

(2) A Court may direct mediation under Subsection (1) if -

- (a) the parties consent; and
- (b) the court is satisfied that -
 - (i) the attendance at mediation will not jeopardise the physical safety of any parties to the proceeding or of other family members protected under a family protection order; and
 - (ii) mediation may assist the parties to resolve their dispute and assist in preventing future domestic violence.

(3) For proceedings in a District Court, mediation may be conducted by a Magistrate or by another mediator subject to Sections 22B, 22C and 22D of the *District Courts Act* (Chapter 40) and any relevant court rules.

(4) The Courts shall not grant an order for mediation in relation to Section 6 of the Act.

(5) For proceedings in a Village Court, mediation may be conducted by Village Court Magistrate or by another mediator subject to Division V.6 of the *Village Courts Act 1989*.

(6) Where a court directs mediation, the Clerk of the Court shall arrange mediation as soon as possible and provide a copy of the mediation order to the mediator.

(7) For the avoidance of doubt, the parties may discuss and attempt to reach agreement on other matters in dispute during the mediation which the court has not expressly referred to mediation.

(8) Other family members may take part in the mediation with the agreement of the mediator and the parties undertaking the mediation.

25. CONCLUSION OF MEDIATION.

(1) Unless the mediator is a judicial officer, a mediator to whom the parties have been referred for mediation under Section 24 shall report to the court within 14 days after -

- (a) the mediator forms a view that it is not appropriate to continue with mediation; or

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- (b) a party directed to participate in mediation fails to attend; or
- (c) the mediation has concluded.

(2) A mediator's report shall be in Form 10 and shall include details of any agreement reached by the parties during the mediation.

(3) Subsection 22B(3) of the *District Courts Act* (Chapter 40) shall apply to any consent orders made by a District Court giving effect to the parties' agreement reached during a mediation.

26. CONFIDENTIALITY OF INFORMATION DISCLOSED TO MEDIATORS AND COUNSELLORS.

(1) Evidence of anything said or of any admission made in the course of mediation or counselling is not admissible in a court or in proceedings before any person authorised by law to hear, receive and examine evidence.

(2) A counsellor or mediator shall not disclose a communication made during counselling or mediation unless the disclosure is required or authorised by this Regulation.

(3) A counsellor or mediator may disclose a communication made during counselling or mediation -

- (a) if the person who made the communication is over the age of 18 and consents to the disclosure; or
- (b) if disclosure is made in circumstances in which the counsellor or mediator believes, on reasonable grounds, that the disclosure is necessary to -
 - (i) protect a child from the risk of harm (whether physical or psychological); or
 - (ii) prevent or lessen a serious and imminent threat to the life or health of a person; or
 - (iii) report the commission or preventing the likely commission, of an offence involving violence or a threat of violence to a person; or
 - (iv) prevent or lessen a serious and imminent threat to the property of a person; or
 - (v) report the commission, or prevent the likely commission, of an offence involving intentional damage to property of a person or a threat of damage to property; or
 - (vi) prevent or lessen a serious threat to public safety.

PART VI. - COMPENSATION ORDERS.

27. COMPENSATION ORDERS.

(1) An application to a District Court for compensation under Section 21 of the Act may be made by filing -

- (a) a complaint in Form 15 under the *District Courts Regulation* (Chapter 40); and
- (b) summons upon complaint in Form 18 under the *District Courts Regulation* (Chapter 40); and
- (c) an affidavit in support.

(2) The practice and procedure and jurisdictional limits that apply to District Court civil proceedings shall apply to application made to a District Court under Section 21 of the Act.

(3) In hearing an application for compensation, the District Court may take into account -

- (a) the degree and nature of any personal injury including mental injury to the complainant; and

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- (b) the pain and suffering of the complainant; and
- (c) any damage to or loss of the complainant's property; and
- (d) any out of pocket expenses of the complainant such as medical expenses, counselling treatment or relocation costs; and
- (e) any loss of earnings of the complainant; and
- (f) the relative financial position of the complainant and the defendant respectively; and
- (g) any payments already made by the defendant to the complainant personally; and
- (h) any order or payments made under the *Criminal Law (Compensation) Act 1991*; and
- (i) such other matters as the court considers appropriate.

(4) A complainant shall not apply for compensation under the Act if a court has already made a compensation order in favour of the complainant under the *Criminal Law (Compensation) Act 1991* in relation to the same conduct.

PART VII. - ENFORCEMENT AND OFFENCES.

28. DISTRICT COURT ENFORCEMENT OF BREACH OF VILLAGE COURT INTERIM PROTECTION ORDERS.

(1) If a person breaches any part of an interim protection order made by a Village Court, the complainant may apply to a District Court to enforce the order.

(2) Subject to Subsection (3), an application under Subsection (1) may be made in the same manner as an application to enforce a family protection order made by a District Court.

(3) An application to a District Court to enforce an interim protection order made by a Village Court must be accompanied by a referral from the Village Court in Form 11.

(4) A District Court has the same powers to enforce an interim protection order made by a Village Court as it does to enforce a family protection order made by a District Court.

(5) Before deciding to enforce an interim protection order made by a Village Court, a District Court shall be satisfied that -

- (a) the Village Court acted within its jurisdiction and powers; and
- (b) the interim protection order was justified in the circumstances; and
- (c) the interim protection order has been breached.

29. BREACH OF DISTRICT COURT FAMILY PROTECTION ORDERS.

(1) Where a person breaches any part of a family protection order made by a District Court, the complainant may make an application to enforce the order by filing -

- (a) an information in Form 16 of the *District Courts Regulation* (Chapter 40); and
- (b) a summons upon information in Form 17 of the *District Courts Regulation* (Chapter 40); and
- (c) an affidavit in support; and
- (d) a copy of the order.

(2) A police officer may arrest and charge a person for a breach of any part of a family protection order.

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(3) Where a juvenile breaches a family protection order, the District Court shall encourage the parties to pursue the enforcement option under Subsection (1) rather than Subsection (2).

(4) For the avoidance of doubt, Section 20 of the Act does not prevent a person being charged with another offence instead if the conduct which amounted to a breach of the family protection order also constituted another offence.

30. JURISDICTION REGARDING THE OFFENCE OF BREACHING A FAMILY PROTECTION ORDER.

The offence of breaching a condition or conditions of a family protection order under Section 20 of the Act is a simple offence.

31. JURISDICTION REGARDING THE OFFENCE OF DOMESTIC VIOLENCE.

(1) The offence of domestic violence under Section 6 of the Act is a simple offence.

(2) Where a person is charged with or convicted of an offence of domestic violence under Section 6 of the Act shall not affect a court's power to make a family protection order under the Act or this Regulation in relation to the same conduct.

PART VIII. - MISCELLANEOUS.

32. POWER TO MAKE RULES OF COURT.

The Chief Magistrate may make rules of court, not inconsistent with the Act and this Regulation, prescribing all matters that are necessary or convenient to be prescribed in relation to the practice and procedure of proceedings under the Act and this Regulation in the District Courts, including the forms to be used in such proceedings.

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Act. Sec. 7(1); Reg. Sec.10(2).

Form 1.

AUTHORISATION TO APPLY FOR A FAMILY INTERIM PROTECTION ORDER OR PROTECTION ORDER.

I *(write the complainant's name)*, the
Complainant.

of *(write complainant's address)*

give my consent for *(write name of authorised person)*

to apply for Interim Protection Order/Protection Order *(delete whichever not applicable)*

on my behalf against *(write name of defendant)*.

Dated this day of 20

.....
Complainant's signature or mark.

.....
Witness'/Interpreter's signature.

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Reg. Sec. 11(2).

Form 2.

In the Village Court of
(Viles Kot long)

FP No.

Aplikasen Bilong Oda Bilong Pinisim Hevi.

I, of
Mi (name/nem) istap long (village/ples).

apply for an Interim Protection Order (askim Viles Kot long oda).

Against of
agensim (name of defendant/nem bilong husat istap long (village/ples)
man/meri husat save kamapim hevi).

who is my
(family relationship/husat em)

Because/long wanem (explain why you want the order/as tingting o rison na yu laikim kot long maikim oda):

.....
.....
.....
.....

AND I believe that I am/and my family members are in danger from the defendant (na mi yet igat strongpela bilip olsem nogut mi na famili memba bilong mi bai bungim hevi long behain taim).

I am applying on behalf of myself and the following members of my family (long displa rison/a tingting na mi askim oda long Kot long karamapim miyet na ol narapla memba bilong famili bilong mi):

*(Write the names of children or other family members below who you want included in the order, if any)
(raitim nem bilong ol pikinini or narapla famili memba animit husat yu laik lo putim wantaim long dispela oda, sapos sampela i stap).*

.....

.....
Complainant (raitim nem bilong yu yet)

.....
Village Court Clerk (raitim nem bilong wokman bilong Kot/Kuskus).

Date (dei):

Family Protection



Family Protection Regulation 2017.

Act, Sec. 13(1); Reg. Sec. 11(5).

Form 3.

FP No.

INTERIM PROTECTION ORDER.

Oda Bilong Pinisim Hevi

VILLAGE MAGISTRATEof
Viles Majistret bilong

DATE OF ORDER
Dei bilong oda

FOR WHOM MADEof
Dispel Oda i go long: (name/nem) (bilong) (village/ples)

I , (VILLAGE MAGISTRATE, Viles Majistret)
(mi) (name/nem)

GRANTS AN INTERIM PROTECTION ORDER AGAINST
Mi makim oda olsem

.....of
(name/nem) (bilong) (village/peles)

WITH THE FOLLOWING CONDITIONS:
Imas behainim dispela ol kondisons bilong Oda:

.....
.....
.....

These orders start from when they are given to the defendant and are valid fordays.
Dispela Oda stap long taim Kot i givim long man/merina ibai stap igo(numba)(dei)

AND YOU MUST APPEAR BEFORE THE VILLAGE COURT AT

Na yu mas kamap long Viles Kot long (place, ples)

Time:Date:
long Dei

VILLAGE COURT MAGISTRATE OR CLERK (Signature)
Viles Majistret o Kuskus (raitim nem)

CAUTION/TOK SAVE:
If you disobey this order, you may be fined K 10,000 or imprisoned for up to 3 years, or both.
Sapos yu sakim dispela oda, Lo bilong Gavman i tok olsem yu bai baim Kot long K10,000 o yu bai kalabus tripela (3) yia.

Family Protection



Family Protection Regulation 2017.

Act, Sec. 7(2); Reg. Sec. 13(1).

Form 4.

In the District Court

FP No: of 20

held at:

.....
(Write name of Complainant and address)

AND:

.....
(Write name of Defendant and address)

COMPLAINT.

I, of
(write full name of Complainant here) (write Complainant's address here)

apply for an Interim Protection Order

against of
(write full name of Defendant(s) here) (write address of Defendant(s) here)

..... (state family relationship with Defendant) who has:

- assaulted me
- psychologically abused me or harassed and/ or intimidated me
- sexually abused me
- stalked me, causing me to be apprehensive and/or to feel fear
- behaved in an indecent and/or offensive manner to me
- damaged my property
- threatened to do one of the above things to me.
- (any other reasons).

AND I believe that I am/and my family members are in danger from the defendant doing one or more of the things above. (delete 'and my family members are' if no family members included).

Family Protection



Family Protection Regulation 2017.

Act. Sec. 13(1); Reg. Sec. 14(1).

Form 5.

In the District Court
held at

FP No: of 20

.....
(Write name of Complainant and address)

AND:

.....
(Write name of Defendant and address)

INTERIM PROTECTION ORDER.

On day of the Court heard an application from.....
..... *(write full name of Complainant).*

The Court granted an Interim Protection Order against the Defendant with the following conditions:

.....
.....
.....

These Orders are effective from the date these orders are served on the Defendant and valid for days.

The Court will hear this matter again on *(insert date)* at *(insert time)* and you must attend.

Dated:

Signature:

Magistrate

Notes:

If the defendant disagrees with this Order, he should go to the Court and ask for an earlier hearing date.

The complainant may seek a longer term protection order in the District Court if he is in need of ongoing protection.

A person who breaches these orders is liable to prosecution under Section 20 of the *Family Protection Act 2013*, the penalty for which is a fine not exceeding K10,000 or imprisonment not exceeding 3 years, or both.

Family Protection



Family Protection Regulation 2017.

Act, Sec. 7(2); Reg. Sec. 15(1).

Form 6.

In the District Court

FP No: of 20

held at

.....
(Write name of Complainant and address)

AND:

.....
(Write name of Defendant and address)

COMPLAINT.

I of
(write full name of Complainant here) (write Complainant's address here)

apply for a Protection Order

against of
(write full name of Defendant(s) here) (write address of Defendant(s) here)

..... (state family relationship with Defendant) who has:

- assaulted me
- psychologically abused me or harassed and/ or intimidated me
- sexually abused me
- stalked me, causing me to be apprehensive and/or to feel fear
- behaved in an indecent and/or offensive manner to me
- damaged my property
- threatened to do one of the above things to me.
- (any other reasons)

AND I believe that I am/and my family members are in danger from the defendant doing one or more of the things above.

Family Protection

APPLICATION FOR PROTECTION ORDER.

I am applying for and on behalf of myself and the following members of my family, namely:

(Write the names of the family members who you want included in the order, if any; delete if family members not included):

1.
2.
3.

I wish to apply for the following orders:

1.
2.
3.
4.

(Note: the conditions that the Court can impose under a Protection Order and the length of the Order are set out in Sections 8, 9, 10, 11 and 19 of the *Family Protection Act 2013*).

Dated this day of 2016.

.....
Signed by the Complainant.

Laid/sworn before me the day of (year) at
in Papua New Guinea.

.....
Magistrate.

Note: No fees are payable for making this application.

Family Protection



Family Protection Regulation 2017.

Act. Sec. 18(1); Reg. Sec. 16(1).

Form 7.

In the District Court

FP No: of 20.....

held at

.....
(Write name of Complainant and address)

AND:

.....
(Write name of Defendant and address)

PROTECTION ORDER.

On day of the Court heard an application from
..... *(write full name of Complainant).*

The Court grants a Protection Order against the defendant with the following conditions:

.....
.....
.....

These Orders are effective from the date these orders are served on the Defendant and valid fordays.

Dated:

Signature:

Magistrate

Notes:

A person who breaches these orders is liable to prosecution under Section 20 of the *Family Protection Act 2013*, the penalty for which is a fine not exceeding K 10,000 or imprisonment not exceeding 3 years, or both.

Family Protection



Family Protection Regulation 2017.

Form 8.

Act, Sec. 12, 19, 24; Reg. Sec.17(2).

In the District Court

FP No: of 20.....

held at.....

.....
(Write name of Complainant and address)

AND:

.....
(Write name of Defendant and address)

APPLICATION TO EXTEND, VARY OR REVOKE FAMILY PROTECTION ORDER.

I, of.....
(write full name of Applicant) (write Applicant's address here)

apply to extend/vary/revoke (indicate which one by circling) the following Interim Protection Order/Protection Order granted on the day of 20..... in the Court at

I wish to apply for the following orders instead:

1.
2.
3.

Dated this day of 2016.

.....
Signed by the Applicant.

Laid/sworn before me the day of (year) at in Papua New Guinea.

.....
Magistrate.

Note: No fees are payable for making this application.

Family Protection



Family Protection Regulation 2017.

Act, Sec. 11; Reg. Sec. 23.

Form 9.

In the District Court

FP No: of 20.....

held at.....

.....
(Write name of Complainant and address)

AND:

.....
(Write name of Defendant and address)

COUNSELLING REPORT.

On the Court directed that be referred to counselling.
(insert date) (insert names of party/parties)

Strike out the statements that do not apply:

1. On I conducted counselling with
(insert date's) (insert names of party/parties)

and/or

2. I have formed the view that it is not appropriate to continue with the counselling.

and/or

3. failed to attend the counselling.
(write names of party/parties)

and/or

4. The counselling has now concluded.

Dated:

Signature:

Name:

Counsellor.

Family Protection



Family Protection Regulation 2017.

Act, Sec. 11; Reg. Sec. 25(2).

Form 10.

In the District Court
held at.....

FP No: of 20.....

.....
(Write name of Complainant and address)

AND:

.....
(Write name of Defendant and address)

MEDIATION REPORT.

Onthe Court directed that be referred to mediation.
(insert date) (insert names of parties)

Strike out the statements that do not apply:

5. On I conducted mediation with
(insert date's) (insert names of parties)

6. I have formed the view that it is not appropriate to continue with the mediation.

or

7. failed to attend the mediation.
(write names of party/parties)

or

8. The mediation has concluded.

If applicable:

9. The parties reached the following agreement during the mediation:

.....
.....

Dated:

Signature:

Name:

Mediator.

Family Protection



Family Protection Regulation 2017.

Act. Sec. 20; Reg. Sec. 28(3).

Form 11.

In the District Court

FP No: of 20.....

held at.....

.....
(Write name of Complainant and address)

AND:

.....
(Write name of Defendant and address)

REFERRAL OF VILLAGE COURT INTERIM PROTECTION ORDER FOR ENFORCEMENT.

On the day of20..... the Village Court sitting atmade the following Interim Protection Order, a copy of which is **attached** to this Referral.

On day of20..... the complainant alleged that the defendant has breached the Interim Protection Order.

The Village Court is referring this matter to the District Court to consider enforcing the Order, pursuant to Section 20 of the *Family Protection Act 2013*.

Dated:

Signature: _____
Village Court Magistrate.

Notes:

A copy of the Village Court Interim Protection Order must be attached to this Referral Form.

The complainant must file an information (F16 under the District Courts Regulations), summons upon information (F17 under the District Courts Regulations), and affidavit in support, together with this Referral Form, in order to seek to have the Village Court's Interim Protection Order enforced.

Family Protection

MADE this

day of

,2017.

GOVERNOR-GENERAL.

