



REPUBLIC OF NAURU

DOMESTIC VIOLENCE AND FAMILY PROTECTION ACT 2017

No. 10 of 2017

An Act to provide for the protection of victims of domestic violence, the rehabilitation of persons in domestic relationships against domestic violence and related matters

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Table of Contents

PART 1 - PRELIMINARY	4
1 SHORT TITLE.....	4
2 COMMENCEMENT.....	4
3 OBJECTS.....	4
4 DEFINITIONS	4
5 MEANING OF DOMESTIC RELATIONSHIP	6
6 DOMESTIC VIOLENCE.....	7
PART 2 – FAMILY PROTECTION COORDINATION COMMITTEE	7
7 ESTABLISHMENT	7
8 MEMBERSHIP.....	7
9 FUNCTIONS.....	8

10	MEETINGS.....	8
11	TABLING OF ANNUAL REPORT.....	8
	PART 3 - SAFETY ORDERS.....	9
12	SAFETY ORDER.....	9
13	ISSUE OF SAFETY ORDER.....	9
14	SERVICE OF SAFETY ORDER.....	10
15	DURATION OF SAFETY ORDER.....	10
16	CONDITIONS OF THE SAFETY ORDER.....	10
	PART 4 - PROTECTION ORDERS.....	11
	<i>Division 1 – Orders by the Court.....</i>	<i>11</i>
17	PROTECTION ORDERS.....	11
18	INTERIM PROTECTION ORDER.....	12
19	PERMANENT PROTECTION ORDER.....	12
20	ORDER ON COURT'S INITIATIVE.....	13
21	VARIATION AND REVOCATION OF ORDERS.....	13
	<i>Division 2 – Applications.....</i>	<i>14</i>
22	LODGING OF APPLICATION.....	14
23	FORM OF APPLICATION.....	14
24	STANDARD OF PROOF.....	14
	<i>Division 3 – Matters related to orders of the Court.....</i>	<i>15</i>
25	COMPENSATION ORDER.....	15
	PART 5 –COUNSELLING AND REHABILITATION OF FAMILY AND DOMESTIC RELATIONSHIPS.....	15
	<i>Division 1 – Counselling.....</i>	<i>15</i>
26	MANDATORY COUNSELLING.....	15
27	COUNSELLING.....	15
	<i>Division 2 - Counsellors.....</i>	<i>16</i>
28	REGISTERED COUNSELLORS.....	16
29	REGISTER OF COUNSELLORS.....	16
	PART 6 – DUTIES OF PUBLIC OFFICE HOLDERS.....	16
	<i>Division 1 – Health practitioners.....</i>	<i>16</i>
30	DUTY OF HEALTH PRACTITIONERS.....	16
	<i>Division 2 – Police officers.....</i>	<i>17</i>
31	DUTY TO INVESTIGATE AND PROSECUTE DOMESTIC VIOLENCE COMPLAINTS.....	17
32	DUTY TO ASSIST VICTIMS.....	17
	<i>Division 3 – Child protection officers.....</i>	<i>18</i>
33	DUTY OF CHILD CARE PROTECTION OFFICER.....	18
	PART 7 - OFFENCES AND PENALTIES.....	18
	<i>Division 1 – Offences.....</i>	<i>18</i>
34	BREACH OF PROTECTION ORDER.....	18
35	OBSTRUCTION OF SERVICE PROVIDER.....	18

36	EVASION OF SERVICE OF SAFETY AND PROTECTION ORDERS	18
	<i>Division 2 – Sentencing</i>	18
37	AGGRAVATING CIRCUMSTANCES	18
	PART 8 - PROCEDURES	19
38	APPLICATION OF CRIMINAL PROCEDURE ACT 1972	19
39	SERVICE	19
40	ABSENT RESPONDENT	20
41	WITHDRAWAL OF COMPLAINT	20
42	EVIDENCE	20
	PART 9 – APPEALS	20
43	APPEALS	20
	PART 10 - MISCELLANEOUS	21
44	HEARING OF APPLICATION NOT OPEN TO PUBLIC	21
45	RESTRICTION ON PUBLICATION OF PROCEEDINGS	21
46	APPLICATION FEES AND COSTS.....	22
47	REGULATIONS	22
48	POWER TO MAKE RULES	22
	SCHEDULE	23
	FORM 1	23
	FORM 2	24
	FORM 3	25
	FORM 4	26
	FORM 5	27
	FORM 6	28
	FORM 7	29
	FORM 8	30
	FORM 9	31

Enacted by the Parliament of Nauru as follows:

PART 1 - PRELIMINARY

1 Short title

This Act may be cited as the *Domestic Violence and Family Protection Act 2017*.

2 Commencement

This Act commences on 1 June 2017.

3 Objects

(1) The objects of this Act are to:

- (a) provide for the safety, protection and welfare of victims of domestic violence;
- (b) prevent and reduce incidents of domestic violence;
- (c) foster peaceful and enduring domestic relationships;
- (d) introduce measures for family mediation and rehabilitation;
- (e) establish a Family Protection Coordination Committee;
- (f) have regard to the Constitution of Nauru, and in particular, to promote and fulfil the right to equality, freedom and security of Nauruans; and
- (g) give effect to and implement Nauru's obligations under the United Nations Convention on the Elimination of all forms of Discrimination against Women and the United Nations Convention on the Rights of the Child.

(2) The objects in subsection (1) must be given due consideration in the interpretation of this Act.

4 Definitions

(1) In this Act:

'assault' has the same meaning as in Part 5, Division 5.1 of the Crimes Act 2016;

'child' means a person below the age of 18 years;

'coerce a person' means to compel or force a person, including by acts or threats of violence, humiliation or intimidation, to do or refrain from doing something;

'coercive control' includes a pattern of acts or threats of assaults, humiliation or intimidation, or other forms of abuse to cause physical or psychological harm, punishment or fear to a victim;

'Committee' means the Family Protection Coordination Committee established under section 7;

'complainant' means a person who is filing for a protection order on behalf of the victim;

'Court' means the District Court;

'Director of Child Protection' means Director for Child Protection provided for under the Child Protection and Welfare Act 2016;

'domestic' means relating to the home or household;

'domestic violence' has the meaning given by section 6;

'economic and financial abuse' means when a person has control over the financial and economic resources of the domestic relationship and diminishes the other person's capacity to support himself or herself and forces him or her to depend on the perpetrator economically and financially;

'health practitioner' means a practitioner of a class required to be registered under the Health Practitioners Act 1999;

'lay magistrate' has the same meaning given by the Courts Act 1972;

'maintenance' means the provision of financial and non-financial contribution towards the maintenance of another person in a domestic relationship and includes the provision of education and training in respect of a child;

'safety order' means an on-the-spot order issued by a police officer under Part 3 of this Act;

'protection order' means either a permanent or an interim protection order provided for in Part 4 of this Act;

'property of a person' includes property that the person does not own, but which:

- (a) is used and enjoyed by the person; or
- (b) is available for the person's use or enjoyment; or
- (c) is in the person's care or custody;

'respondent' means a person against whom a safety or protection order is sought or is in force under this Act;

'stalking' has the same meaning as in section 86 of the Crimes Act 2016 and includes:

- (a) making persistent telephone calls to the person or to the premises where the person lives or works;

(b) cyber stalking through persistently sending emails or messages using the internet that includes but is not limited to threats of harm or intimidation causing the person to fear for his or her safety and well-being; and

(c) causing or allowing another person to engage in any conduct described in paragraphs (a) and (b) above.

'sexual violence' has the same meaning as "unlawful sexual acts" as set out in Part 7 Divisions (2) and (3) of the Crimes Act 2016;

'victim' means a person who is in a domestic relationship with a respondent and who is or has been subjected to an act of domestic violence, including any child in his or her care;

'weapon' includes any object which can be used for causing injury to, or incapacitating an individual.

5 **Meaning of domestic relationship**

(1) For the purposes of this Act, a person is in a domestic relationship with another person if the person:

(a) is a spouse or partner of the other person;

(b) is a family member of the other person;

(c) ordinarily shares a household with the other person;

(d) is dependent on the other person for regular support because of disability, illness, or impairment; or

(e) has a close personal relationship with the other person.

(2) For the purposes of subsections (1) (c) and (e), a person is not regarded as sharing a household with another person by reason only of the fact that:

(a) the person has the following relationship with the other person:

(i) landlord and tenant; or

(ii) employer and employee;

(b) they occupy a common dwelling house whether or not other people occupy that same dwelling house.

(3) Without limiting the matters to which the Court may take into consideration in determining whether a person has a close personal relationship with another person for the purposes of subsection (1)(e), the Court must have regard to:

(a) the duration of the relationship;

(b) the nature and intensity of the relationship and, in particular:

- (i) the amount of time the persons spend together;
- (ii) the place or places where that time is ordinarily spent; and
- (iii) the manner in which that time is ordinarily spent.

6 Domestic violence

- (1) A person commits domestic violence if he or she threatens to or commits the following against a person with whom he or she is, or has been, in a domestic relationship:
- (a) assault;
 - (b) coercive control;
 - (c) economic and financial abuse;
 - (d) sexual violence;
 - (e) stalking;
 - (f) persistently behaving in an abusive, cruel, inhumane, degrading, provocative or offensive manner; and
 - (g) damage to property;
- (2) A person commits domestic violence if he or she engages or incites another person to commit any conduct in subsection (1).
- (3) Domestic violence may consist of a single act or a number of acts that form a pattern of behaviour, despite some of those acts when viewed in isolation appearing to be minor or trivial.

PART 2 – FAMILY PROTECTION COORDINATION COMMITTEE

7 Establishment

A Family Protection Coordination Committee is established.

8 Membership

- (1) The Committee shall consist of representatives appointed by the Cabinet from time to time from the following:
- (a) the Director of Women as the Chairperson;
 - (b) the Department of Home Affairs;
 - (c) the Department of Justice and Border Control;
 - (d) the Department of Health;
 - (e) the Nauru Police Force holding the rank of Sergeant or above;

- (f) civil society organisations;
 - (g) faith based organisations; and
 - (h) the community.
- (2) The Committee shall be chaired by the nominated representative of the Director of Women in his or her absence.
- (3) The Cabinet may at any time terminate the appointment of a member.

9 Functions

The functions of the Committee are to advise and make recommendations to the Minister for the following:

- (a) the implementation, effectiveness of, and proposals for amendments to the Act;
- (b) the efficient collaboration of community and government support services for victims of domestic violence;
- (c) training, education and public awareness programmes;
- (d) a national survey on the prevalence of domestic violence on a periodic basis as directed by the Minister;
- (e) development of a national plan of action for the prevention of domestic violence and assistance to victims of domestic violence;
- (f) implementation of Government policies regarding integrated prevention measures and assistance to victims of domestic violence;
- (g) any research undertaken and recommendations made on the prevalence of violence and any other matter relating to the implementation and preventive measures under this Act; and
- (h) any other directions given by the Minister.

10 Meetings

- (1) Meetings of the Committee shall be convened by the Chairperson or a nominated representative of the Chairperson in his or her absence.
- (2) The Director of Women shall keep minutes of all meetings of the Committee.

11 Tabling of annual report

- (1) The Committee must, as soon as practicable and no later than October in each year, prepare and furnish to the Minister a report including:
- (a) recommendations on the issues of domestic violence;
 - (b) the prevalence of violence and other related matters;

- (c) the implementation of the Act; and
 - (d) the work undertaken by the Committee and other related matters.
- (2) The Minister on receipt of the report must table a copy of the report in Parliament.

PART 3 - SAFETY ORDERS

12 Safety order

A safety order is issued by the Police to prohibit a respondent from attempting to or from committing any of the following:

- (a) entering or remaining at a specified place, or approaching within a specified distance of the place;
- (b) approaching the victim within a specified distance or place;
- (c) contacting the victim in any manner whatsoever;
- (d) engaging in behaviour that is likely to lead to domestic violence against the victim;
- (e) possessing weapons or a particular weapon; and
- (f) engaging or inciting another person to engage in any conduct described in paragraphs (a) to (e).

13 Issue of safety order

- (1) On the application of a victim or complainant, a police officer of the rank of Sergeant or above, may issue a safety order for the protection of a victim of domestic violence if the police officer believes on reasonable grounds that:
- (a) the victim is in a domestic relationship with the respondent;
 - (b) the respondent is likely to commit or has committed domestic violence against the victim; and
 - (c) the order is necessary:
 - (i) due to urgency; or
 - (ii) for the immediate protection of the victim.
- (2) The order must be issued in Form 1 of the Schedule.
- (3) The order may be issued without the consent of the victim.
- (4) A safety order issued for the protection of the victim may include other members in the domestic relationship if the police officer is reasonably satisfied that such members are at the risk of domestic violence.

- (5) The issuing of a safety order does not limit the duty of a police officer to investigate whether the respondent has committed an offence under the Crimes Act 2016 or any other law.

14 Service of safety order

- (1) A police officer must:
- (a) give a copy of the safety order to the complainant and the victim;
 - (b) serve the order to the respondent; and
 - (c) prepare and compile an affidavit of service in Form 6 of the Schedule.
- (2) The police officer must explain to the respondent:
- (a) the purpose, duration and effect of the order; and
 - (b) the consequences of breaching the order.

15 Duration of safety order

- (1) Subject to subsections (2) and (3), a safety order has effect from the time it is served on the respondent until the Court makes a decision on the complainant's or victim's application for an interim protection order.
- (2) The complainant or victim must apply to the Court for an interim protection order within 5 days of the service of the safety order.
- (3) A safety order expires and has no effect 7 days after the service of the order.

16 Conditions of the safety order

- (1) A respondent must not commit domestic violence against the victim or the complainant.
- (2) If the respondent breaches a safety order, the police may arrest him or her without a warrant and take him or her into custody for a period not exceeding 24 hours.
- (3) If the police officer fails to enforce a safety order, the complainant or victim may lodge a complaint to the Commissioner of Police who must:
- (a) direct the order be enforced by another police officer; and
 - (b) cause an investigation and if necessary, discipline the police officer concerned.

PART 4 - PROTECTION ORDERS

Division 1 – Orders by the Court

17 Protection orders

- (1) Upon an application of the victim or complainant, the Court may grant a protection order prohibiting the respondent from:
 - (a) approaching the victim and any other person included in the protection order;
 - (b) contacting the victim or any other person included in the protection order in person or by electronic means;
 - (c) being in or near specified premises, including where the victim and any other person included in the protection order live, work or frequent, even though the respondent has a personal or proprietary interest in the premises;
 - (d) communicating with the victim except to make arrangements for the children;
 - (e) damaging property of the victim or the complainant;
 - (f) possessing any or a particular weapon; and
 - (g) engaging or inciting another person to carry out any act referred to in paragraphs (a) to (e).
- (2) The Court may in its discretion impose other conditions relating to property by directing the respondent to:
 - (a) dispose into police custody weapons or a particular weapon for the duration of the order;
 - (b) return any specified personal property of the victim;
 - (c) allow the victim to recover, have access to or make use of any specified personal property;
 - (d) grant the victim exclusive occupancy to a residence or specified part of a residence whether or not the residence is solely owned or leased by the respondent; and
 - (e) not coerce or eject the victim from any premises by reason of any condition included in an order made under this section.
- (3) The Court may in its discretion impose either or both of the following conditions in respect of children:
 - (a) granting custody of any dependent child to the victim or to another appropriate person if the Court is satisfied that it is in the best interest of the child in question; and

- (b) directing the respondent to pay maintenance to the victim and any dependent children.
- (4) The Court may in its discretion also impose other conditions on the respondent if it considers it:
 - (a) necessary in the circumstances; or
 - (b) desirable in the interests of the victim or children of the domestic relationship.

18 Interim Protection Order

- (1) The Court may grant an interim protection order where an application is made orally or in writing in Form 2 of the Schedule and if satisfied that the respondent is likely to commit or has committed domestic violence against the victim.
- (2) The Court must determine an application for an interim protection order on the same day on which the application is made.
- (3) For the purposes of this section, a lay magistrate may hear an application for and may grant an interim protection order in accordance with this Act.
- (4) An interim protection order may be granted whether or not the respondent or victim is present.
- (5) The Court may include the name of any other member of the domestic relationship in an interim protection order made for the benefit of the victim if the Court is satisfied that other member is also at risk of domestic violence.
- (6) The Court must not refuse to make an interim protection order merely on the grounds of the existence of other legal proceedings involving the respondent and the complainant.
- (7) An interim protection order must be reviewed by the Court on a fortnightly basis and extend it from time to time as the Court deems fit and expedient.
- (8) The Court must explain to the complainant and the respondent, if they are in Court:
 - (a) the purpose, terms and effect of the order;
 - (b) what may happen if the person fails to comply with the order; and
 - (c) how the order can be varied or revoked.
- (9) An interim protection order including any conditions considered appropriate shall be in Form 3 of the Schedule.

19 Permanent Protection Order

- (1) On hearing an application, the Court may make a permanent protection order against a respondent if the respondent:

- (a) has habitually committed an act of domestic violence against the victim;
 - (b) is likely to repeat an act of domestic violence against the victim;
 - (c) has breached the safety or interim protection orders; or
 - (d) has received a report from a counsellor under Part 5 of the Act that the parties cannot reconcile.
- (2) Without limiting the jurisdiction of the Court in granting a permanent protection order, the Court must take into account the following matters:
- (a) the need to ensure that the victim is protected from domestic violence;
 - (b) the welfare of the victim and the victim's children; and
 - (c) the welfare of other family members.
- (3) The Court may include the name of another person in the domestic relationship in a protection order if the Court is satisfied that the respondent has committed, or is likely to commit, an act of domestic violence against that other person.
- (4) A permanent protection order including any conditions considered appropriate shall be in Form 3 of the Schedule.
- (5) A protection order continues to be in force until it is varied or revoked by the Court.

20 Order on Court's initiative

The Court may, on its own initiative, grant a protection order against a person if that person is convicted of an offence arising from domestic violence or a domestic relationship under the Crimes Act 2016 or any other Act.

21 Variation and revocation of orders

- (1) The Court may vary or revoke a protection order on an application made by a complainant, victim, respondent or any other person to whom the order applies.
- (2) An application by a person to vary or revoke a protection order must be made in Form 4 of the Schedule.
- (3) The summons must be served on the other party or parties who must appear in Court for the hearing of the variation or revocation of a protection order.
- (4) The Court may on its own initiative vary a protection order when dealing with a breach of a prevailing order.
- (5) Before the Court varies or revokes a protection order, the Court must take into the account the following factors:
 - (a) the need to ensure that the victim is protected from domestic violence;

- (b) the welfare of the victim and the victim's children;
 - (c) the welfare of other family members; and
 - (d) any other matter that the Court considers relevant.
- (6) If the Court varies or revokes a protection order, it must:
- (a) give a triplicate copy of the variation or revocation to the Police; and
 - (b) direct the Police to serve the variation or revocation order personally on the victim and the respondent.

Division 2 – Applications

22 Lodging of Application

An application for a protection order may be made to the Court by the following:

- (a) a victim;
- (b) a complainant;
- (c) any other interested person; or
- (d) any other person prescribed by law.

23 Form of application

(1) An application for a protection order may be made:

- (a) in person;
- (b) by telephone or other similar facility;
- (c) in writing; or
- (d) by electronic means.

(2) Where an application is made in person, by telephone or other similar facility, the person making the application must subsequently file in Court a written application in Form 2 with an accompanying affidavit in Form 9 of the Schedule and serve the application to the respondent.

24 Standard of proof

Save for any offence under this Act, every question of fact arising in any proceeding must be decided on the balance of probabilities.

Division 3 – Matters related to orders of the Court

25 Compensation order

- (1) The Court may make an order that the respondent pay compensation to the victim if he or she has, as a result of an act of domestic violence, suffered:
 - (a) damage to property; or
 - (b) financial loss.
- (2) In making an order for compensation the Court may take into account the following:
 - (a) the cost of any medical treatment;
 - (b) any loss of earnings suffered;
 - (c) the value of any property of the person that has been taken, destroyed or damaged; and
 - (d) any necessary and reasonable expenses incurred as a result of relocation resulting from the act of domestic violence.

PART 5 –COUNSELLING AND REHABILITATION OF FAMILY AND DOMESTIC RELATIONSHIPS

Division 1 – Counselling

26 Mandatory counselling

- (1) In granting a protection order, the Court must make a supplementary order for the parties to jointly or severally attend mandatory counselling.
- (2) Any person who fails to attend counselling without reasonable cause shall be in contempt of Court and may be liable to imprisonment for a period not exceeding 1 month.

27 Counselling

- (1) The Counsellor must take into account the following factors when providing counselling services:
 - (a) the collective unity and family values;
 - (b) traditions and culture;
 - (c) the welfare and best interests of the children;
 - (d) relationship with other relatives and members of the society;
 - (e) good order and peace of the family; and
 - (f) any special counselling, psychological or medical needs of the parties.

- (2) The counsellor must submit to the Court reports of counselling in each separate matter on a fortnightly basis or as directed by the Court.

Division 2 - Counsellors

28 Registered Counsellors

- (1) On receipt of an application by a person, the Director for Women in consultation with the Minister may register such person as a counsellor for the purposes of this Act.
- (2) The Director must not register a person unless the person:
- (a) is trained in counselling methodology approved by the Minister; and
 - (b) has at least 2 years of experience in domestic violence counselling.
- (3) The Director following consultation with the Minister may deregister a person as a counsellor if it is proved that the person has contravened practice standards approved by the Minister.

29 Register of Counsellors

- (1) The Director for Women must keep a current register of counsellors.
- (2) The register may be kept electronically.
- (3) A person may inspect the register free of charge during normal office hours.

PART 6 – DUTIES OF PUBLIC OFFICE HOLDERS

Division 1 – Health practitioners

30 Duty of health practitioners

- (1) If a patient notifies a health practitioner that he or she has been a victim of domestic violence, the health practitioner must:
- (a) examine and refer him or her for counselling or further medical treatment, as appropriate;
 - (b) with the patient's consent, refer him or her to an appropriate provider of support services for domestic violence;
 - (c) apply any relevant medical policies or protocols for examining victims of domestic violence issued by the Minister responsible for health;
 - (d) provide a report in relation to the matter to a child protection officer or police officer, if the patient is a child;
 - (e) with the consent of the patient, refer the matter to the police; and

- (f) on a monthly basis, provide statistics of domestic violence incidents to the Director of Women.
- (2) A health practitioner may provide a full written medical report of a particular victim of domestic violence:
- (a) with the consent of the particular victim;
 - (b) by order of the Court; or
 - (c) under any prescribed law.

Division 2 – Police officers

31 Duty to investigate and prosecute domestic violence complaints

- (1) Police officers have a duty to prevent domestic violence and to investigate, apprehend and bring offenders to justice.
- (2) When an incident of domestic violence is reported, the police officers must render assistance to the victim in a timely manner.
- (3) Upon receiving a complaint of domestic violence, the police officers must:
 - (a) record it as a complaint under the Crimes Act 2016 or any other Act;
 - (b) ensure and undertake to do all things necessary in order that a charge or information is laid in Court for prosecution; and
 - (c) not withdraw a charge or information laid under paragraph (b) or enter a motion for nolle prosequi.

32 Duty to assist victims

A police officer who issues a safety order must:

- (a) inform the victim about their rights under this Act; and
- (b) where requested, assist the victim to:
 - (i) make an application for a protection order;
 - (ii) locate a place of safety in the community; or
 - (iii) seek legal services from a legal officer appointed by the Government for the purposes of this Act and in his or her absence, from the Office of the Public Legal Defender.

Division 3 – Child protection officers

33 Duty of child care protection officer

Where necessary for the protection and safety of a child, the Director of Child Protection may apply to the Court and intervene in a domestic violence proceeding to protect the interests of the child.

PART 7 - OFFENCES AND PENALTIES

Division 1 – Offences

34 Breach of protection order

A respondent who breaches a protection order commits a contempt of court for which he or she is liable to a term of imprisonment not exceeding 12 months.

35 Obstruction of service provider

- (1) A person commits an offence if the person obstructs, threatens or intimidates a registered counsellor, health practitioner or other support worker providing services to a victim.
- (2) The penalty for an offence under subsection (1) is a term of imprisonment not exceeding 12 months.

36 Evasion of service of safety and protection orders

- (1) A respondent commits an offence if he or she wilfully evades the service of safety and protection orders.
- (2) Any person who wilfully withholds information, assists or conspires with the respondent to evade service of safety or protection orders commits an offence.
- (3) Any person who contravenes this section is liable to a term of imprisonment not exceeding 1 month.

Division 2 – Sentencing

37 Aggravating circumstances

Where an offence occurred in the context of a domestic relationship and the Court convicts an offender under the Crimes Act 2016 or any other law relating to domestic violence, the Court must consider the following aggravating circumstances when imposing sentence:

- (a) the offence was committed against a child or in the presence of a child;
- (b) the offence was committed against a person with a disability;
- (c) the offence was committed against a pregnant woman;
- (d) the offence was committed at night;

- (e) a weapon was used in the commission of the offence;
- (f) a drug or alcohol were contributing factors to the commission of the offence; and
- (g) the conduct constituting the offence was repeated.

PART 8 - PROCEDURES

38 Application of Criminal Procedure Act 1972

Unless otherwise provided, the Criminal Procedure Act 1972 applies to the proceedings under this Act.

39 Service

- (1) Where an application is made to the Court for a protection order under section 17, the Court must on filing of the application, issue a:
 - (a) summons directing the respondent to appear at the time and place set out in the summons in Form 7 of the Schedule; or
 - (b) warrant in accordance with subsection (2) for the arrest of the respondent.
- (2) Where an application is made to the Court for a protection order the Court may issue a warrant of arrest if the Court is satisfied that the personal safety of the victim would be adversely threatened unless the respondent is apprehended and brought into custody.
- (3) The Court shall give two copies of the application and any summons or warrant to the Police.
- (4) A police officer shall use all reasonable means to personally serve the application and summons on the respondent.
- (5) Where service is completed by the police officer, an affidavit of service in Form 6 of the Schedule shall be completed by the police officer who served the respondent and the affidavit shall be promptly returned to the Court for filing.
- (6) Where a police officer is unable to serve on the Respondent the application, summons or warrant, the police officer shall complete an affidavit in Form 6 setting out the reasons for the failure to serve the Respondent.
- (7) In the case of a warrant, the police officer shall arrest the respondent and take him or her into custody.

40 Absent respondent

- (1) Where the Court issues a summons and the respondent is served with the summons:

- (a) the respondent must attend Court on the date and time stipulated in the summons; and
 - (b) if the respondent fails to attend, the Court must issue a warrant for his or her apprehension.
- (2) Despite the absence of the respondent, the Court may proceed to hear and determine the application for a protection order.

41 Withdrawal of complaint

- (1) Any application for the withdrawal of an application for a protection order before or after a protection order is made must be made in writing in Form 8 of the Schedule.
- (2) The Court in considering an application for the withdrawal of an application for a protection order:
- (a) must enquire about the reasons for withdrawal;
 - (b) must consider the safety and welfare of the victim and any person at risk; and
 - (c) may make further directions.

42 Evidence

- (1) Despite any other law, the Court may receive any evidence which the Court considers necessary for it to make a decision, determination or direction for the granting or refusal of a protection order under the provisions of this Act whether the evidence is admissible or not by law.
- (2) The Court shall, in making a decision, determination or direction for the granting or refusal of a protection order, in cases where no procedure is specifically provided for, apply such procedure which the Court deems best calculated to promote the ends of justice.

PART 9 – APPEALS

43 Appeals

- (1) An appeal on the law or facts may be made to the Supreme Court against a decision of the Court to:
- (a) make a permanent protection order;
 - (b) refuse to make, vary or revoke a permanent protection order.
- (2) An appeal to the Supreme Court:
- (a) may be made by the complainant or the respondent; and
 - (b) must be made within 14 days from the day on which the Court delivers the decision is appealed from.

- (3) A notice of appeal shall specify with particularity the grounds of appeal.
- (4) Unless a stay is granted by the Court or Supreme Court, the order appealed against remains extant and in force.

PART 10 - MISCELLANEOUS

44 Hearing of application not open to public

- (1) The hearing of an application for a protection order is not open to the public.
- (2) Subject to subsection (3), a person may not be present during the hearing of an application unless he or she is:
 - (a) an officer of the Court;
 - (b) a party to the application or the legal or other representative of the party;
 - (c) a witness; or
 - (d) any other particular person whom the Court permits to be present.
- (3) A victim is entitled to have a person with him or her throughout the proceedings to provide support and other assistance.

45 Restriction on publication of proceedings

- (1) This section applies to any proceedings before the Court under this Act, other than proceedings for an offence under sections 34, 35 or 36.
- (2) A person must not publish:
 - (a) otherwise than by the display of an Order in the premises of the Court, a notification of the proceedings, identified by reference to the names of the parties to the proceedings;
 - (b) any account of the proceedings or of any part of those proceedings identified by reference to the name of the parties to the proceedings; or
 - (c) personal details of the parties to the proceedings or any description of them by which they can be identified unless the Court expressly permits the publication and the complainant and respondent have given their oral or written consent to the publication.
- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction:
 - (a) if the person is an individual, to a fine not exceeding \$2,000 or imprisonment for a term not exceeding 12 months; or
 - (b) in any other case, to a fine not exceeding \$5,000.
- (4) Subsection (2) does not apply if the publication:

- (a) is of a technical nature that is intended primarily for circulation amongst members of the legal, medical, psychiatric, psychological or social welfare profession; or
- (b) is a transcript of the evidence used in relation to disciplinary proceedings against members of any such profession.

46 Application fees and costs

No fees or charges are payable to the Court in relation to the making of an application for a protection order.

47 Regulations

The Minister may make regulations to give effect to the objects and to the implementation of this Act.

48 Power to make Rules

The Chief Justice may from time to time make rules in relation to:

- (a) forms and the use of forms as necessary for the purposes of this Act;
- (b) applications for protection orders made by telephone and other similar facility; and
- (c) any other relevant matter in relation to this Act.

SCHEDULE



FORM 1

Nauru Police Force

SAFETY ORDER

BETWEEN: (NAME), of (ADDRESS), (PROFESSION), (Complainant/Victim)

AND

(NAME), of (ADDRESS), (PROFESSION),(Respondent)

(NAME), of (ADDRESS), (PROFESSION), must not do the following*:

- Commit domestic violence against the victim or the complainant;
- Enter or remain at a (*specified place*), or approach within a (*specified distance of the place*);
- Approach the victim within a (*specified distance or place*);
- Contact the victim in any manner whatsoever;
- Engage in behaviour that is likely to lead to domestic violence against the victim;
- Possess weapons or a particular weapon; and
- Engage or incite another person to engage in any conduct described above.

Duration of Order:

This Order remains in force until the earlier of the following events:

- a decision is made on the complainant's application for a protection order; or
- the expiry of 7 days from the date of service of this order.

Penal notice:

It is an offence to breach any condition of this Order. If you, (NAME), of (ADDRESS), (Respondent) breach this Order, the police may arrest you without a warrant and take you into custody for a period not exceeding 24 hours.

Date of Order:

Signature of issuing police officer: _____

**Please tick whichever is applicable*



FORM 2
APPLICATION FOR PROTECTION ORDER

In the District Court of Nauru
Yaren District

BETWEEN: (NAME), (ADDRESS), (PROFESSION),
(Complainant/Victim)

AND
(NAME), (ADDRESS), (PROFESSION),
(Respondent)

1. NATURE OF THE ORDER SOUGHT*:

- Interim Protection Order
- Permanent Protection Order

2. RELATIONSHIP BETWEEN VICTIM AND RESPONDENT: _____

3. NATURE AND REASONS FOR COMPLAINT [Provide brief outline of domestic violence problems]

4. NATURE OF RELIEF SOUGHT AGAINST RESPONDENT*: *Respondent to:* -

- Not approach the victim and any other person included in the protection order;
- Not contact the victim or any other person included in the protection order in person or by electronic means;
- Not be in or near specified premises, including where the victim and any other person included in the protection order live, work or frequent, even though the respondent has a personal or proprietary interest in the premises;
- Not communicate with the victim except to make arrangements for the children;
- Not damage property of the victim or the complainant;
- Not possess any or a particular weapon;
- Not to coerce or eject me from any premises;
- Not engage and incite another person to carry out any act listed above;
- Dispose into police custody weapons or a particular weapon;
- Return (specify property);
- Allow use of or have access to (specify property);
- Grant exclusive occupancy to a residence or part of residence (specify);

5. LIST AND ATTACH ANY FAMILY LAW OR PROTECTION ORDERS IN PLACE:

Date of application:

Signature of applicant: _____

Court seal

**Please tick applicable box(es)*



FORM 3
INTERIM/PERMANENT PROTECTION ORDER*

In the District Court of Nauru
Yaren District

Domestic Violence Suit No. _____

BETWEEN: (NAME), (ADDRESS), (PROFESSION), (Complainant/Victim)

AND
(NAME), (ADDRESS), (PROFESSION), (Respondent)

UPON the application for an interim/permanent protection order by the (complainant/victim), it is this day ordered as follows:

You (NAME), of _____, (PROFESSION), the Respondent, must not*:

- Approach the victim and any other person included in the protection order;
- Contact the victim or any other person included in the protection order in person or by electronic means;
- Be in or near specified premises, including where the victim and any other person included in the protection order live, work or frequent, even though the respondent has a personal or proprietary interest in the premises;
- Communicate with the victim except to make arrangements for the children;
- Damage property of the victim or the complainant;
- Possess any or a particular weapon; and
- Engage and incite another person to carry out any act listed above.

Further conditions of order*: [*name of respondent*] must:

- Dispose into police custody weapons or a particular weapon;
- Return (specify property) belonging to the victim;
- Allow victim to recover, have access to or make use of (specify property);
- Grant the victim exclusive occupancy to a residence or part of residence (specify);
- Must not coerce or eject victim from any premises by reason of any condition.

Further orders:

- Custody of child (x) granted to (name of victim).

Duration of order:

This order remains in force until [*date or event*]

Penalty notice:

Any breach of this Order is a contempt of Court for which you the respondent will be liable to imprisonment for a term of up to 12 months.

Dated this _____ day of _____ 20____

Registrar/Clerk of Court

**Please tick whichever is applicable.*

***Insert information required in brackets.*



FORM 4
APPLICATION FOR *VARIATION/REVOCAION OF PROTECTION ORDER

In the District Court of Nauru
Yaren District

Domestic Violence Suit No. _____

BETWEEN: (NAME), (ADDRESS), (PROFESSION), (Complainant/Victim)

AND

(NAME), (ADDRESS), (PROFESSION),(Respondent)

Details of order to be varied or revoked:

Grounds for application:

Details of variation sought:

(1)

(2)

(3)

Date of application: _____

Signature of applicant: _____

Court seal



FORM 5

NOTICE OF *VARIATION/REVOCATION OF PROTECTION ORDER

In the District Court of Nauru
Yaren District

Domestic Violence Suit No. _____

BETWEEN: (NAME), (ADDRESS), (PROFESSION),

COMPLAINANT/VICTIM*

AND

(NAME), (ADDRESS), (PROFESSION),

RESPONDENT

The protection order made on [*insert date*] has been revoked/has been varied* as follows:

[*describe variation*]

Dated this _____ day of _____ 20____

Registrar/Clerk of Court

**delete whichever is not applicable*



FORM 6
AFFIDAVIT OF SERVICE

I, [*name of police officer*] being a member of the Nauru Police Force, *state on oath/solemnly and sincerely affirm and declare:

1. At [*time*] on [*date*] at [*place of service*] I served [*name of person served*] with the following document(s):

- Police safety order
- Application for protection order
- Summons to attend
- Interim protection order
- Protection order
- Application for variation or revocation of protection order
- Notice of variation or revocation of protection order

2. I served the document by [*state method of service e.g. personally handed to person*].

3. I identified the person by [*state method of identification*]

4. Exhibit A to this affidavit is a copy of the document served.

Dated this _____ day of _____ 20____

*Judge/Magistrate/Registrar of the
Supreme Court/Clerk of the District
Court/Commissioner for Oaths

**delete whichever is not applicable*



**FORM 7
SUMMONS TO ATTEND**

In the District Court of Nauru
Yaren District

Domestic Violence Suit No. _____

BETWEEN: (NAME), (ADDRESS), (PROFESSION),
COMPLAINANT/VICTIM*

AND
(NAME), (ADDRESS), (PROFESSION),
RESPONDENT

The attached application* was made on [date]:

- (a) for a protection order against you;
- (b) to vary a protection order in force in relation to you;
- (c) to revoke a protection order in force in relation to you.

You are required to attend [place] on [date] at [time] for the hearing of the application.

If you fail to attend at the specified time:

- (a) the application may be heard in your absence; and
- (b) a warrant will be issued for your arrest.

Dated this _____ day of _____ 20____

Registrar/Clerk of Court

**delete whichever is not applicable*



FORM 8

WITHDRAWAL OF APPLICATION FOR PROTECTON ORDER

In the District Court of Nauru
Yaren District

Domestic Violence Suit No. _____

BETWEEN: (NAME), (ADDRESS), (PROFESSION),

COMPLAINANT/VICTIM

AND

(NAME), (ADDRESS), (PROFESSION),

RESPONDENT

I [*name of complainant*] withdraw my application for a protection order made against [*name of respondent*] on [*date*].

Signature of complainant: _____

Reason(s) for withdrawal of application:

Dated this _____ **day of** _____ **20**_____

Registrar/Clerk of Court



FORM 9

AFFIDAVIT VERIFYING APPLICATION FOR PROTECTION ORDER

I, **(Complainant/Victim)**, of **(ADDRESS)**, **(PROFESSION)**, make oath and say as follows:

(a) I am (state relationship with the respondent).

(b) I am making this application on the basis of the complaint contained in the application.

(c) I verify that the contents of the application for a protection order are true and accurate to the best of my knowledge and information.

(d) I seek an order in terms of the notice of application for a protection order.

*Sworn/Affirmed by [name] on [date] at [place]

*Judge/Magistrate/Registrar of the
Supreme Court/Clerk of the District
Court/Commissioner for
Oaths/Police officer

**delete whichever is not applicable*