



REPUBLIC OF NAURU

DOMESTIC VIOLENCE AND FAMILY PROTECTION BILL 2017

No. of 2017

A Bill for 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

Certified: []

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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;