

The Court can also make additional orders concerning any children of the marriage or relationship and make orders for financial support.

Police safety notice

Police have the power to issue a Police Safety Notice on the spot to protect you in urgent circumstances if you:

- experienced violence OR
- fear you are likely to experience violence from a family member.

The Police Safety Notice expires 21 days after personal service on the Respondent. Police should then assist you to apply for a Protection Order within 21 days of issuing the Police Safety Notice. Can be extended once only for further 21 days.

What happens if a police safety notice or protection order is breached?

If a Police Safety Notice or a Protection Order is issued and is not followed by the Respondent, this is a serious crime. The Police have the power to charge the Respondent with a criminal offence. The penalty if found guilty is a maximum fine of \$30,000 or 3 years' imprisonment or both.

Visiting a lawyer

You can visit a lawyer who can help you to protect yourself against violence. A lawyer at the PSO will help you to understand your legal rights, assist you to prepare your application for a Protection Order, go to court with you and put your case to the Magistrate.

The lawyer will ask you to explain your situation. You will need to tell your story about the abuse or violence of how you will likely suffer. This can be difficult but it is important. PSO lawyers are trained to be sensitive and compassionate, to listen to your story and to give you confidential legal advice.

The lawyer will prepare an application to the court based on the information you give. The lawyer will then represent you in court and help you obtain a Protection Order. PSO lawyer can also assist you to obtain other support services offered by SAFENET.

About the Public Solicitor's Office

The Public Solicitor's Office is an independent public office established under the Constitution to provide legal aid, advice and assistance to persons in need. Please ask at our offices for the circumstances and conditions of how we can assist you with your legal problems.

Public Solicitor's Office

Honiara Office

Placemakers Building,
P.O. Box 553
Honiara, Solomon Islands.
☎ 22348/28404/28405/28406

Auki Office

(within the precincts of the Auki
Magistrate's Court)
PO BOX Auki 44
☎ 40008/40006

Gizo Office

(next to the Gizo Magistrate's Court)
PO BOX Gizo 84
☎ 60682

Lata Office

☎ 53004

Kirakira Office

☎ 50153

Munda Office

☎ 6204

✉ pubsol@pso.gov.sb

Honiara Legal Clinics Timetable

Family Legal Clinic

Tuesdays
9.00am to 12.00noon

Civil Legal Clinic

Wednesdays
2.00pm to 4.00pm

Criminal Legal Clinic

Thursdays Wednesdays
2.00pm to 4.00pm

Land Legal Clinic

Fridays
9.00am to 12.00noon

Legal Clinic for People with Disabilities, every Thursday on a fortnightly basis from 9am to 1pm. People with Disabilities Solomon Islands (PWDSI) Office, DSE Building, New China Town.

DISCLAIMER: The information displayed on this page is provided for information purposes only and does not constitute legal advice. If you have a legal problem, you should see a lawyer.



GETTING HELP FOR DOMESTIC VIOLENCE

INFORMATION ABOUT THE FAMILY PROTECTION ACT AND KEEPING YOU AND YOUR FAMILY SAFE

Information about your rights and
responsibilities from the
PUBLIC SOLICITOR'S OFFICE



FAMILY PROTECTION ACT (FPA)

The FPA is an Act to support victims of violence. It offers several legal options and greater protection for victims, and more opportunities for support. The FPA is law in the Solomon Islands and it must be followed by everyone. The law states that violence against family members is unacceptable because of culture, Kastom or any other reason.

The FPA tells you what domestic violence is and how you can get protection orders to protect you or your family members from domestic violence.

What is domestic violence?

The FPA makes domestic violence a serious crime.

Domestic violence is abuse and violent behaviour between people who are or once were in a family relationship, living in the same household, have children together or are related by marriage or blood.

There are 4 types of abuse:

1. **Physical abuse** – including slapping, hitting, kicking, punching, pulling hair, dragging, using a weapon;
2. **Sexual abuse** – including forcing sexual acts when the partner says “no”, sex with a child, unwanted sexual touching, using threats or violence to force consent
3. **Economic abuse** – including not providing for members of the family, cruelty, neglect, destroying property, using money as a tool of control within the family; and
4. **Psychological abuse** – including putting a person down, making them feel bad about themselves, making another person feel scared or unsafe, threats, stalking, insulting, shouting, invading privacy, intimidation, name calling, manipulation.

If someone is abusing you or someone in your home, you do not have to accept it – even if your husband or wife is the abuser or close relative. The police and courts can help to stop the abuse.

Everyone has the right to live free from violence.

Children and people with disabilities

The FPA has special provisions to protect children and people with cognitive impairments (reduced mental abilities). It is important

that the community help children and people with disabilities who are the victims of domestic violence.

A Protection Order can be obtained on behalf of a child or person with disabilities who is the victim of domestic violence. A Protection Order can also be obtained if the child or person with disabilities is being exposed to domestic violence that is being perpetrated against someone else in the family.

Who can apply for a protection order?

The affected person can apply for a Protection Order. Children of the affected person can be included in the Order.

If the affected person is a child or person with cognitive impairment, a parent or guardian or person who cares for that person can apply for the Order.

Protection orders can protect more than one affected person. A person can apply on behalf of another person.

Who can issue a protection order?

A Magistrates' Court can hear an application for a protection order and has the power to issue an Interim Protection Order and a Final Protection Order. The Magistrates Court also has the power to change, extend or remove a Protection Order

A Local Court Justice only has the power to issue only an Interim Protection Order. A Final Protection Order can be valid for up to 5 years and Interim PO for 3 years.

Going to court

In court, the Magistrate needs to be satisfied that you have been threatened with violence or that you have suffered abuse, or likely to suffer violence or abuse before he/she can make a Protection Order for you.

Witnesses, including police officers or family members can help to support your case.

If you are a friend or a family member

You can do something. Encourage the victim to get to safety and help keep the person safe or provide them with information on a place of safety

- Refer the victim to a service provider
- If you see or know violence is happening, call the police.

Service providers

- Emergency: Police ☎ 999
- Enquiries ☎ 22999
- Medical First Aid
 - Seif Ples ☎ 24677
 - National Referral Hospital (NRH) ☎ 23600
 - Accident and Emergency ☎ 44000 or ☎ 911 for ambulance
 - Mental Health ☎ 20830
 - Psychosocial Care Services ☎ 20690
- Pastoral Care: Christian Care Centre ☎ 7651223
- Counselling: Family Support Centre ☎ 20619
- Social Welfare: ☎ 20830
- 24 hour Hotline ☎ 132
- Emergency Accommodation (24 hour)
- Solomon Islands Planned Parenthood Association (IPPF): ☎ 22991

Legal words explained

- **Applicant** – person applying for Protection Order
- **Affected person** – is the person seeking the Protection Order
- **Court** – means the Magistrates' Courts
- **Police Safety Notice** – obtained directly from Police and valid for 21 days; the Notice directs the Respondent to stop using violence and any other directions that are necessary for the safety of the affected person/s. The police safety notice can only be renewed once, for further 21 days.
- **Respondent** – the person against whom the order is brought, i.e. the perpetrator of the abuse and violence.
- **Service** – the handing over of the Police Safety Notice or Protection Order to the Respondent. This must be done in person by a Police Officer.

Protection orders

A Protection Order is a court order that tells someone who has been or is being violent or abusive to you or any member of your family to stop their violent or abusive behaviour.

There are two types of Protection Order - an Interim Protection Order and a Final Protection Order.

Relief available under a Protection Order can be made for your specific needs and concerns. For example, the order can state that the abuser must stay away from you or must stop contacting you (including by phone, through third parties or visiting your workplace). It can also order the abuser to move out of your home.