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**An Act to provide criminal and civil remedies in respect of harassment.**

(13 July 2017)

**The Parliament of the Cook Islands enacts as follows—**

**1 Title**

This Act may be cited as the Harassment Act 2017.

**2 Commencement**

This Act comes into force on 1 December 2017.

**Part 1**

**Preliminary provisions**

**3 Interpretation**

(1) In this Act, unless the context otherwise requires,—

**applicant** means—

- (a) a person who applies for an order under this Act on his or her own behalf;
- (b) the person on whose behalf an application for an order is made under section 12 or 14

**associated respondent** means a person against whom a restraining order applies by virtue of a direction made under section 19

**court** means the High Court

**domestic relationship** has the same meaning as in section 90 of the Family Protection and Support Act 2017

**encourage** includes to incite, counsel, or procure

**family member** means—

- (a) a person who is or has been related to the person in question by blood or by or through marriage, by de facto relationship, or by adoption; or
- (b) a person who is a member of the person's culturally recognised family group

**harassment** has the meaning set out in section 4, and **harass** has a corresponding meaning

**minor** means a person under the age of 18 years

**property**, in relation to a person, means property (whether real or personal) that—

- (a) the person owns; or
- (b) the person does not own but—
  - (i) uses or enjoys; or
  - (ii) is available for the person's use or enjoyment; or
  - (iii) is in the person's care or custody; or
  - (iv) is at the person's dwellinghouse

**Registrar** means the Registrar of the High Court and includes a Deputy Registrar of the High Court

**representative**,—

- (a) in relation to a minor, means a guardian *ad litem* or next friend appointed, under rules of court, to take proceedings under this Act on behalf of that minor;
- (b) in relation to a person to whom section 14 applies, means a guardian *ad litem* appointed under that section to take proceedings under this Act on behalf of that person

**respondent** means a person against whom an application for a restraining order has been made under this Act; and includes a person (other than an associated respondent) against whom a restraining order is made under this Act

**restraining order** means an order made under section 17

**safety**, in relation to any person, includes that person's mental well-being

**special condition**, in relation to a restraining order, means any condition of the order imposed under section 21

**specified act** means one of the types of activity specified or described in section 5.

- (2) For the purposes of this Act, a person is in a family relationship with another person if the person—
  - (a) is a current or former spouse or de facto partner of the other person; or
  - (b) is a family member of the other person.

#### 4 Meaning of harassment

- (1) For the purposes of this Act, a person **harasses** another person if he or she engages in a pattern of behaviour that is directed against that other person, being a pattern of behaviour that includes doing any specified act to the other person on at least 2 separate occasions within a period of 12 months.
- (2) To avoid doubt,—
  - (a) the specified acts required for the purposes of subsection (1) may be the same type of specified act on each separate occasion, or different types of specified acts;
  - (b) the specified acts need not be done to the same person on each separate occasion, as long as the pattern of behaviour is directed against the same person.
- (3) For the purposes of this Act, a person also harasses another person if—
  - (a) he or she engages in a pattern of behaviour that is directed against that other person; and
  - (b) that pattern of behaviour includes doing any specified act to the other person that is one continuing act carried out over any period.
- (4) For the purposes of subsection (3), **continuing act** includes a specified act done on any one occasion that continues to have effect over a protracted period (for example, where offensive material about a person is placed in any electronic media and remains there for a protracted period).

#### 5 Meaning of specified act

For the purposes of this Act, a **specified act**, in relation to a person, has the same meaning as **stalking** in the Family Protection and Support Act 2017, namely, any of the following—

- (a) following the person;
- (b) watching or loitering outside or near a building or place where the person resides, works, farms, fishes, carries on a business or studies, or any other place frequented by the person;
- (c) telephoning, text messaging, emailing, or using other technologically assisted means to contact the person, or inducing another person to contact the person;
- (d) sending or delivering, or causing the delivery of letters, packages, or other objects to the person;
- (e) entering or interfering with property in the person's possession without the express consent of the person;
- (f) keeping the person under surveillance;
- (g) acting in any other way towards the person that could arouse fear in a reasonable person.

#### 6 Meaning of act done to person

An **act is done to a person (person A)**, for the purposes of this Act, if the act is done—

- (a) in relation to person A; or

- (b) in relation to any other person (**person B**) with whom person A is in a family relationship, and the doing of the act is due, wholly or partly, to person A's family relationship with person B.

## 7 **Object**

- (1) The object of this Act is to provide greater protection to victims of harassment by—
- (a) recognising that behaviour that may appear innocent or trivial when viewed in isolation may amount to harassment when viewed in context; and
  - (b) ensuring that there is adequate legal protection for all victims of harassment.
- (2) This Act aims to achieve its object by—
- (a) making the most serious types of harassment criminal offences; and
  - (b) empowering the court to make restraining orders to protect victims of harassment (other than those who are covered by Part 6 of the Family Protection and Support Act 2017); and
  - (c) providing effective sanctions for breaches of the criminal and civil law relating to harassment.
- (3) Any court that, or any person who, exercises any power conferred by or under this Act must be guided in the exercise of that power by the object specified in subsection (1).

## 8 **Act binds the Crown**

This Act binds the Crown.

## **Part 2 Criminal harassment**

### 9 **Criminal harassment**

- (1) Every person commits an offence who harasses another person in any case where—
- (a) the first-mentioned person intends that harassment to cause that other person to fear for—
    - (i) that other person's safety; or
    - (ii) the safety of any person with whom that other person is in a family relationship; or
  - (b) the first-mentioned person knows that the harassment is likely to cause the other person, given his or her particular circumstances, to reasonably fear for—
    - (i) that other person's safety; or
    - (ii) the safety of any person with whom that other person is in a family relationship.
- (2) Every person who commits an offence against this section is liable, on conviction, to imprisonment for a term not exceeding 2 years, to a fine not exceeding \$3,000, or to both.

### **Part 3**

#### **Civil harassment**

##### **10 Application for restraining order**

- (1) Any person who is being or has been harassed by another person may apply to the court for a restraining order in respect of that other person, unless subsection (4) applies.
- (2) If the person who is eligible to apply for a restraining order is a minor, the application must be made by a representative of the minor in accordance with section 12(2).
- (3) If the person who is eligible to apply for a restraining order is unable or unwilling, in the circumstances specified in section 14(1), to make the application personally, a representative appointed in accordance with section 14 may make an application on that person's behalf.
- (4) A person who is or has been in a domestic relationship with another person may not apply under this Act for a restraining order in respect of that other person (but may be able to apply for a protection order under Part 6 of the Family Protection and Support Act 2017).

##### **11 Contents of application**

Any application for a restraining order may seek a direction under section 19 that the order apply against a particular person, being a person whom the respondent has encouraged or is encouraging to do any specified act to the applicant.

##### **12 Application by minors**

- (1) A minor may apply for a restraining order under this Act.
- (2) An application by a minor must be made by a representative of the minor in accordance with rules of court.
- (3) An order may be made on the application, and enforced, as if the minor were of full age.

##### **13 Application against minors**

- (1) No application for a restraining order may be made against a minor, unless the minor is or has been married or in a de facto relationship.
- (2) The court must not make a direction under section 19 that a restraining order apply against a minor, unless the minor is or has been married or in a de facto relationship.
- (3) To avoid doubt,—
  - (a) an application for a restraining order may be made against a minor who is or has been married, or in a de facto relationship, and orders may be made on the application and enforced as if the minor were of full age; and
  - (b) the court may make a direction under section 19 that a restraining order apply against such a minor as if the minor were of full age.

**14 Application on behalf of certain persons**

- (1) This section applies where a person is unable or unwilling, whether because of physical incapacity or fear of harm or other sufficient cause, to make an application for a restraining order personally.
- (2) Where this section applies, the court or a Registrar may, on an application without notice made by any person, appoint a person to be a representative of another person for the purpose of making and prosecuting, on behalf of that other person, an application for a restraining order.
- (3) A person may not be appointed under this section to be a representative unless that person is—
  - (a) an adult person who is not under a disability; or
  - (b) a body of persons, whether corporate or unincorporated.
- (4) If an application for the appointment of a representative is made under subsection (2), the court or Registrar must make the appointment sought if the court or, as the case requires, the Registrar is satisfied—
  - (a) that reasonable steps have been taken to ascertain the wishes of the person to whom the application relates in relation to the matter; and
  - (b) where the wishes of that person have been able to be ascertained,—
    - (i) that the person does not object to the appointment; or
    - (ii) that the person's objection is not freely made; and
  - (c) either,—
    - (i) where the person to whom the application relates is unable to make the application for a restraining order personally, that it is in the best interests of that person to make the appointment; or
    - (ii) where that person is unwilling to make the application for a restraining order personally, that it is appropriate to make the appointment; and
  - (d) that the proposed appointee—
    - (i) has contented in writing to the appointment; and
    - (ii) if a natural person, is an adult who is not under disability; and
  - (e) that there is unlikely to be any conflict between the interests of the proposed appointee and the interests of the person in respect of whom the application is made.

**15 Minor's involvement in proceedings where representative appointed**

- (1) The fact that an application for a restraining order is made on behalf of a minor by a representative appointed under section 14 does not prevent the minor from being heard in the proceedings.
- (2) If the minor objects, at any time before the application is determined, to the continuation of the proceedings, no further steps may be taken in the proceedings unless the court is satisfied that the objection is not freely made.

**16 Application for restraining order to be on notice**

- Every application for a restraining order must be made on notice, in accordance with the rules of court, with a copy to—
- (a) the respondent; and

- (b) every person in respect of whom a direction under section 19 is sought.

### **17 Power to make restraining order**

- (1) Subject to section 18, the court may make a restraining order if it is satisfied that—
- (a) the respondent has harassed, or is harassing, the applicant; and
  - (b) the following requirements are met:
    - (i) that the behaviour in respect of which the application is made causes the applicant distress or threatens to cause the applicant distress; and
    - (ii) that the behaviour would cause distress, or would threaten to cause distress, to a reasonable person in the applicant's particular circumstances;
    - (iii) that in all the circumstances, the degree of distress caused or threatened by the behaviour justifies the making of an order; and
  - (c) the making of an order is necessary to protect the applicant from further harassment.
- (2) For the purposes of subsection (1)(a), a respondent who encourages another person to do a specified act to the applicant is regarded as having done that specified act personally.
- (3) To avoid doubt, an order may be made under subsection (1) where the need for protection arises from the risk of the respondent doing, or encouraging another person to do, a specified act of a different type from the specified act found to have occurred for the purposes of paragraph (a) of that subsection.

### **18 Defence to prove that specified acts done for lawful purpose**

A specified act cannot be relied on to establish harassment for the purposes of section 17(1)(a) if the respondent proves that the specified act was done for a lawful purpose.

### **19 Direction to apply restraining order to respondent's associates**

- (1) Subject to subsection (2), if the court makes a restraining order against a respondent, the court may direct that the order also apply against another person if the respondent is encouraging, or has encouraged, that other person to do any specified act to the applicant.
- (2) No direction may be made under subsection (1) in respect of a person unless the court is satisfied that—
- (a) the person is doing, or has done, a specified act to the applicant; and
  - (b) the following requirements are met:
    - (i) that the person's behaviour causes the applicant distress or threatens to cause the applicant distress;
    - (ii) that the behaviour would cause distress, or would threaten to cause distress, to a reasonable person in the applicant's particular circumstances;
    - (iii) that in all the circumstances, the degree of distress caused or threatened by the behaviour justifies the making of a direction under this section; and



- (c) the making of a direction under this section is necessary to protect the applicant from further harassment.
- (3) A direction may be made under subsection (1) whether the person in respect of whom the direction is sought did the specified act to the applicant before or after a restraining order was made.
- (4) Sections 17(2), 17(3), and 18 apply, with the necessary modifications, in respect of an application for a direction under subsection (1).

*Conditions of restraining orders*

**20 Standard conditions of restraining orders**

- (1) It is a condition of every restraining order that, except as permitted under any special condition of the restraining order, the respondent must not—
  - (a) do, or threaten to do, any specified act to the person for whose protection the order is made; or
  - (b) encourage any person to do any specified act to the person for whose protection the order is made, where the specified act, if done by the respondent, would be prohibited by the order.
- (2) It is a condition of every restraining order that applies to a continuing act (within the meaning of section 4) that the respondent must take reasonable steps to prevent the specified act from continuing.
- (3) Where, under a direction made under section 19, a restraining order applies against an associated respondent, the provisions of this section apply, with all necessary modifications, in respect of the associated respondent.

**21 Court may impose special conditions**

- (1) If the court makes a restraining order, it may impose any conditions that are reasonably necessary, in the opinion of the court, to protect the person for whose protection the order is made from further harassment by the respondent, by the associated respondent, or both.
- (2) If the court imposes a condition under this section, it may specify the period during which the condition is to have effect.
- (3) In the absence of a direction under subsection (2), a special condition has effect for the duration of the restraining order, unless sooner varied or discharged.

*Duration, variation, and discharge of restraining orders*

**22 Duration of restraining order**

- (1) A restraining order may be made for such period (whether longer or shorter than 1 year) as the court considers necessary to protect the applicant from further harassment.
- (2) A restraining order continues in force until—
  - (a) it is discharged under section 24; or
  - (b) where the court directs that the order is to be in force for a specified period, the expiry of that period; or
  - (c) in the absence of such a direction, the expiry of 1 year from the date on which the order is made.

**23 Power to vary restraining order**

- (1) The court may, if it thinks fit, on the application of the applicant or the respondent, vary a restraining order—
  - (a) by varying or discharging any special condition; or
  - (b) by imposing any special condition; or
  - (c) subject to subsection (4), by varying the duration of the order, whether by making a direction under section 22 or by varying any such direction.
- (2) If a restraining order applies against an associated respondent, the court may, if it thinks fit, on the application of the applicant or the associated respondent, vary the restraining order, in so far as it relates to the associated respondent,—
  - (a) by varying or discharging any special condition; or
  - (b) by imposing any special condition; or
  - (c) subject to subsection (4), by varying the duration of the order, whether by making a direction under section 22 or by varying any such direction.
- (3) The court may, if it thinks fit, on the application of the applicant, vary a restraining order by directing, under section 19, that the restraining order apply against a particular person.
- (4) The court must not extend the duration of a restraining order under this section unless the court is satisfied that the extension is necessary to protect the applicant from further harassment.

**24 Power to discharge restraining order**

- (1) The court may, if it thinks fit, on the application of the applicant or the respondent, discharge a restraining order.
- (2) On an application under subsection (1), the court may discharge a restraining order even though the order applies against an associated respondent under a direction made under section 19.
- (3) If a restraining order to which subsection (2) relates is discharged, the order ceases to have effect against the associated respondent as if that person had applied for and been granted a discharge of the order under subsection (4).
- (4) If a restraining order applies against an associated respondent under a direction made under section 19, the associated respondent may apply for the order to be discharged in so far as it relates to him or her.
- (5) On an application under subsection (4), the court may, if it thinks fit, discharge a restraining order in so far as it relates to the associated respondent.

**25 Variation or discharge on behalf of minors, etc**

Sections 12 and 14, so far as applicable and with the necessary modifications, apply in relation to the following in the same way that those sections apply to the making of an application for a restraining order:

- (a) an application for the variation or discharge of a restraining order;
- (b) the defending of an application for the variation or discharge of a restraining order.

*Enforcement of restraining orders***26 Offence to contravene restraining order**

- (1) Every person commits an offence who, without reasonable excuse,—
- (a) does any act in breach of a restraining order; or
  - (b) fails to comply with any condition of a restraining order.
- (2) A person who is convicted of an offence against this section is liable,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$1,000, or to both; and
  - (b) in any other case, to a fine not exceeding \$5,000.
- (3) A person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 2 years (or, in the case of a body corporate, a fine not exceeding \$10,000) if—
- (a) the person has previously been convicted on at least 2 different occasions of a qualifying offence; and
  - (b) at least 2 of those qualifying offences were committed not earlier than 3 years before the commission of the offence being dealt with by the court.
- (4) For the purposes of subsection (3), a **qualifying offence**, in relation to the offence being dealt with by the court, is an offence against subsection (1) where the 2 offences are committed in respect of—
- (a) the same restraining order; or
  - (b) restraining orders made for the benefit of the same person.

*Power to require person to supply particulars***27 Power to require person to supply particulars**

- (1) This section applies where—
- (a) a complaint is made to a constable alleging that a particular person (the **alleged harasser**) is harassing, or has harassed, another person; and
  - (b) the person making the complaint does not know the name, or the place of residence, or both, of the alleged harasser.
- (2) It is not necessary, for the purposes of this section, that the harassment to which the complaint relates constitutes an offence against section 9.
- (3) If this section applies, and a constable has reasonable grounds to suspect that the alleged harasser is harassing, or has harassed, the complainant,—
- (a) any constable may require the alleged harasser to give particulars of his or her name and place of residence to the constable; and
  - (b) the constable must tell the alleged harasser, at the time of requiring the particulars, that the particulars are being required under this section.
- (4) If the constable has reasonable grounds to suspect that any such particulars are false, that constable may require the alleged harasser to supply satisfactory evidence of those particulars.

- (5) If any person, without reasonable excuse, refuses or fails to supply any particulars or evidence when required to do so by any constable under this section, and persists in that refusal or failure after being warned by the constable, that person may be arrested, without warrant, by any constable.
- (6) For the purposes of this section, an alleged harasser includes a person who is being, or has been, encouraged, by another person, to do any specified act to a person.
- (7) Nothing in this section limits or affects any other power conferred on a constable to require a person to supply any particulars.

### **28 Offence**

Every person commits an offence and is liable on conviction to a fine not exceeding \$500 if the person, having been required by any constable to supply any particulars or evidence under section 27, without reasonable excuse,—

- (a) refuses or fails to supply the particulars or evidence; or
- (b) supplies any particulars or evidence knowing that the particulars or evidence are false in a material respect.

### **29 Police release of information to enable application to be made**

- (1) Where a constable knows the name, whereabouts, or place of residence of a person who is alleged to be harassing, or to have harassed, another person, any constable may, at the request of the other person (or, if a representative of the other person has been appointed, at the representative's request), disclose the information to the Registrar at a specified place.
- (2) Subsection (1) applies whether the information about the alleged harasser was obtained under section 27 or in some other way.
- (3) If information is disclosed to the Registrar under subsection (1), court staff must treat that information as confidential, and must not disclose the information other than under subsection (4).
- (4) The Registrar may, on request, disclose the information to the other person or, where applicable, to the other person's representative if, and only if, the Registrar is satisfied that the other person or his or her representative is to apply for—
  - (a) a restraining order against the alleged harasser; or
  - (b) a direction under section 19 in respect of the alleged harasser.
- (5) For the purposes of this section, an alleged harasser includes a person who is being, or has been, encouraged, by another person, to do a specified act to a person.

## **Part 4 General provisions**

### *Jurisdiction*

### **30 Civil jurisdiction of Justices**

The court presided over by a Justice has civil jurisdiction to—

- (a) hear and determine an application for a restraining order (including for a direction under section 19); and

- (b) hear and determine an application to vary or discharge a restraining order; and
- (c) hear and determine an application to appoint a representative under section 14; and
- (d) make an order under section 34 (which concerns vexatious proceedings).

**31 Standard of proof**

Every question of fact arising in any proceedings under this Act (other than criminal proceedings) must be decided on the balance of probabilities.

**32 Admission of evidence**

In any proceedings under this Act (other than criminal proceedings), and whether by way of hearing in the first instance or by way of appeal, or otherwise, the court may receive any evidence that would not otherwise be admissible in a court of law if the court is satisfied that the admission of the evidence is required in the interests of justice.

**33 Applications may be heard together**

- (1) The court may hear and determine an application for a restraining order in conjunction with 1 or more other applications for a restraining order in any case where all the applications are made against the same person (whether or not any or all of those applications also relate to any other person).
- (2) Subsection (1) does not limit any other provision under which applications may be dealt with together.

**34 Vexatious proceedings**

- (1) The court may dismiss any proceedings before it under this Act if it is satisfied that they are frivolous or vexatious or an abuse of the procedure of the court.
- (2) If the court is satisfied that a person has persistently instituted vexatious proceedings under this Act (whether against the same person or against different persons), the court may make an order prohibiting that person from commencing any proceedings under this Act, or proceedings of any specified kind or against any specified person, without the leave of the court.
- (3) The court must not make an order under subsection (2) prohibiting a person from commencing proceedings without giving that person an opportunity to be heard.
- (4) Nothing in this section applies in respect of criminal proceedings.
- (5) Nothing in this section limits any other power of the court to dismiss proceedings.

**35 Copies of orders to be sent to Police**

- (1) This section applies to the following orders made under this Act:
  - (a) a restraining order;
  - (b) any order varying or discharging a restraining order.
- (2) On the making of an order to which this section applies, the Registrar must ensure that a copy of the order is made available, without delay, to the officer in charge of the Police station nearest to where the person for whose protection the order was made resides.

- (3) For the purposes of this section, a copy of an order may be made available in any of the following ways:
- (a) by sending the copy by means of electronic transmission (whether by way of facsimile transmission, email, or other similar means of communication):
  - (b) by entering the copy on a database maintained in electronic form, where that database may be accessed by the person or persons to whom the copy is required to be made available:
  - (c) by sending the copy by ordinary post:
  - (d) by making the copy available in such manner as is prescribed by regulations made under this Act:
  - (e) by making the copy available in such other manner as is appropriate in the circumstances.

### *Appeals*

#### **36 Appeal to High Court**

- (1) Any party may appeal to the High Court against a decision by a Justice to—
- (a) make or refuse to make an order; or
  - (b) dismiss proceedings; or
  - (c) otherwise finally determine proceedings.
- (2) Every appeal must be heard by a Judge.
- (3) The Code of Civil Procedure applies to the conduct of an appeal under this section.

#### **37 Application of provisions relating to minors, etc**

Sections 12 and 14 apply, so far as applicable and with the necessary modifications, to the making, prosecution, and defending of any appeal against a decision under this Act relating to minors or people referred to in section 14(1).

#### **38 Effect of appeal**

Except where the court making the order appealed from otherwise directs,—

- (a) the operation of an order made under this Act is not suspended by an appeal; and
- (b) every order made under this Act may be enforced in the same manner in all respects as if no such appeal were pending.

### *Power to clear court and restrict publication of proceedings*

#### **39 Clearing court and restricting publication of proceedings**

- (1) Where, in any proceedings under this Act, the court is of the opinion that it is desirable to do so, after having regard to the interests of any person (including, without limitation, the privacy of the applicant) and to the public interest, the court may make any 1 or more of the following orders:
- (a) an order forbidding publication of any report or account of the whole or any part of either of the following:
    - (i) the evidence adduced:

- (ii) the submissions made:
  - (b) an order forbidding the publication of either of the following:
    - (i) the name of any person, or any name or particulars likely to lead to the identification of that person:
    - (ii) the affairs of any person:
  - (c) an order excluding all or any persons from the whole or any part of the proceedings, other than the parties to the proceedings, any lawyer engaged in the proceedings, and any officer of the court.
- (2) The court may make an order under this section on its own motion or on the application of any party to the proceedings.
  - (3) Every application to the court for an order under this section may be heard in open court or in chambers.
  - (4) An order made under subsection (1)(a) or (b),—
    - (a) may be made for a limited period or permanently; and
    - (b) if it is made for a limited period, may be renewed for a further period or periods by the court under section 40; and
    - (c) if it is made permanently, may be reviewed by the court at any time under section 40.
  - (5) Nothing in this section limits or restricts any other power of the court—
    - (a) to prohibit or restrict the publication of reports or particulars relating to proceedings; or
    - (b) to hear proceedings in private or to exclude any person from the court.

#### **40 Application for renewal or review of order made under section 39**

- (1) If the court makes an order under section 39(1)(a) or (b), any person may at any time apply to the court—
  - (a) for a renewal of the order, if the order was made for a limited time; or
  - (b) for a review of the order, if the order was made permanently.
- (2) An application may be made under subsection (1) by any person who was a party to the proceedings in which the order was made or by any other person.
- (3) After considering an application under this section, the court may renew, revoke, vary, or continue the order as it thinks fit.

#### **41 Contravention of orders made under section 39**

- (1) Every person commits an offence who breaches any order made under section 39(1)(a) or (b) or evades or attempts to evade any such order.
- (2) Every person who commits an offence against subsection (1) is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$1,000;
  - (b) in the case of a body corporate, to a fine not exceeding \$5,000.
- (3) The breach of any order made under section 39(1)(c), or any evasion or attempted evasion of it, may be dealt with as contempt of court.

*Rules and regulations***42 Regulations**

The Queen's Representative may, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing, for the purposes of section 35(3)(d), the manner in which copies of orders may be made available;
- (b) prescribing such forms as are necessary for the purposes of this Act, or authorise any specified person or persons to prescribe or approve forms, and require the use of such forms;
- (c) providing that proceedings may be stayed or dismissed, or that a party may not take certain steps or further steps in the proceedings (whether not at all or only on such terms as the court considers appropriate),—
  - (i) if certain specified requirements of the rules are not complied with; or
  - (ii) unless or until certain specified requirements of the rules are complied with; or
  - (iii) if any order made under the rules is not complied with; or
  - (iv) unless or until any order made under the rules is complied with;
- (d) providing that the Registrar may exercise specified powers of the court or a Judge;
- (e) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

*Savings and transitionals***43 Other remedies for harassment not limited or affected**

Nothing in this Act limits or affects any right or remedy that exists or is available, apart from this Act, in respect of harassment.

**44 Existing non-molestation orders**

- (1) Every non-molestation order in force immediately before this Act comes into force continues in force as if it was a restraining order made under this Act, and may accordingly be varied and discharged under this Act.
- (2) Any proceedings for a non-molestation order that were commenced, but not completed, under the Cook Islands Amendment Act 1994 before this Act comes into force are to be continued under this Act, with any necessary modifications, as if the proceedings were for a restraining order under this Act.
- (3) The penalty for the breach of a non-molestation order is,—
  - (a) if the breach occurred before this Act comes into force, the lesser of—
    - (i) the penalty provided for in the Cook Islands Amendment Act 1994 before its repeal by the Family Protection and Support Act 2017; and
    - (ii) the penalty provided in this Act; or
  - (b) if the breach occurred after this Act comes into force, the penalty provided in this Act.



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This Act is administered by the Ministry of Justice.  
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