

COMMENCEMENT OF PROTECTION FROM HARASSMENT COURT ON 1 JUNE 2021.

1. The Ministry of Law (“MinLaw”) will be operationalising the Protection from Harassment Courts (“PHC”) on 1 June 2021.
2. The PHC is a specialist court dedicated to dealing with harassment matters, whether online or offline. The PHC will have oversight of all criminal and civil cases under the Protection from Harassment Act (“POHA”). With the operationalisation of the PHC:
 - Expedited Protection Orders (EPO) applications are targeted to be heard within 48 to 72 hours of application, and within 24 hours where there is a risk of violence or actual violence. Protection Orders (PO) applications are targeted to be heard within 4 weeks.
 - A simplified process, at a lower cost, will apply to certain types of POHA applications.
 - Judges will be specially trained to deal with harassment matters.

Background

3. POHA was enacted in 2014 to provide a range of criminal and civil remedies against harassment as well as civil remedies for victims of falsehoods.
4. On 7 May 2019, the Protection from Harassment (Amendment) Act 2019 was passed by Parliament to:
 - a. Strengthen protection for harassment victims and related persons;
 - b. Enhance protection for victims of falsehoods and other undesirable online behaviour; and
 - c. Establish a specialist court for harassment matters.
5. MinLaw brought some of these enhancements into force in two earlier stages. The new offence of doxxing and enhanced penalties were brought into force on 1 January 2020. The amendments relating to falsehoods were brought into force on 1 April 2020.
6. In the third stage, MinLaw will operationalise the newly established PHC. All the remaining sections in the Protection from Harassment (Amendment) Act 2019 (except for sections 25 and 31) will also come into force on 1 June 2021.

7. In the final stage of commencement, sections 25 and 31 will come into force. These provisions concern the commencement or transfer of harassment proceedings between the PHC and the Family Court and will come into force at a later date. Until then, POHA proceedings may **not** be commenced in, or transferred from the PHC to, the Family Court.

Simplified Proceedings

A. Online system, simplified forms and cheaper fees

8. During the Second Reading of the Protection from Harassment (Amendment) Act 2019, the Senior Minister of State for Law explained that: “*processes under (the Act) (could) be simplified further, made cheaper and also faster.*” This was in the context of feedback provided by stakeholders that the existing process under the Rules of Court was expensive and not easy to navigate for laypersons.

9. Therefore, a key enhancement is the adoption of simplified proceedings conducted through an online filing system (known as Community Justice and Tribunals System or CJTS) which has been specially created to provide for a less expensive and simpler court user experience. This means that victims may now seek relief by simply making an **application online**, using a **simplified form**, at a **lower cost**.

10. Simplified proceedings will not apply where:

- (a) Where there is a claim under section 11 of POHA for damages exceeding \$20,000;
- (b) Where there are more than 5 respondents;
- (c) Where there is more than 1 claimant;
- (d) The claim is commenced more than 2 years after the claim accrued; or
- (e) Where a non-POHA proceeding is to be heard together with the POHA proceeding.

11. The table below highlights the aforementioned enhancements:

Court Process	Existing	Simplified
Filing of application	File on <i>e-Litigation</i> (which is not accessible by the public) and will require a litigant-in-person to physically travel to CrimsonLogic (located in the	File on <i>CJTS</i> , which is done online.

Court Process	Existing	Simplified
	Supreme Court or China Town Point) to do the necessary filings.	
Application forms	Standard court forms and documents (i.e. originating summons, supporting affidavit)	Simplified forms and documents on <i>CJTS</i>
Filing Fee for: <ul style="list-style-type: none"> • PO (including EPO) • False Statement Order (FSO) or Interim FSO 	S\$100 (excluding cost of supporting affidavit)	S\$30

B. Third party representation for litigants-in-person (LIPs)

12. Another key enhancement is the ability for an LIP who is party to a simplified proceeding in the PHC to be represented in court by a third party who can provide support and represent the victim in court proceedings.

13. This is important because matters under POHA usually involve a victim seeking relief against his/her stalker or harasser. The victim may not be comfortable acting in person or facing the stalker or harasser even if the matter is not complex.

- For example, where a victim is unable to present his or her own case because he or she is a victim of abuse. Other instances where a victim may be represented in court by a third party include situations where the victim is unable to represent his or her own case because of old age or because the victim is illiterate.

C. Judge-led & exclusion of certain court applications

14. Finally, simplified proceedings in the PHC will be judge-led.

15. This means that PHC judges will take a more proactive role in court proceedings.

- For example, the PHC will not be bound by the rules of evidence in the conduct of simplified proceedings and may take evidence directly from parties or inform itself of any matter in such manner as it thinks fit.
- The judge may also conduct proceedings in an informal manner and may also, where appropriate, direct parties to alternative means of dispute resolution such as counselling or mediation.

16. Simplified proceedings will also be streamlined as certain court applications which are available in standard proceedings, such as applications for summary judgment, striking out, and interrogatories, will not apply. This is to ensure that simplified proceedings will be heard and disposed of expediently and not unnecessarily protracted.

Key Changes Applicable For POHA Proceedings (Simplified & Standard Proceedings)

A. Streamlined processes

17. Currently, an applicant has to first obtain directions on service from the court before effecting service of the application on the respondent or other relevant parties. Under the revised procedure, the applicant will only be required to seek the court's direction on service where the proper address of the respondent, or other relevant parties, is not known, and the applicant wishes to effect service by a non-default method of service.

- An example of a non-default method of service is service by way of email or on any social media or social networking website, if the respondent has an account on that social media or social networking website and there is a mechanism for the respondent to receive electronic communications in that account.
- For such cases, the applicant can file a request to attend before the duty Judicial Officer ("JO") to obtain directions for service before the first case conference. If the request is accepted, the applicant can attend a hearing before the duty JO (which may be conducted via video-conference) within the same day, or on the next day, to seek the necessary directions.

18. Otherwise, the revised procedure provides that the victim has to effect service of the application on the respondent within 14 days after the application is filed and may do so through the default service methods¹, without seeking the court's direction on service. This revised procedure is intended to ensure that proceedings can move faster than they do under existing processes. A flowchart of the revised procedure is set out in the **Annex**.

B. Referral to police and helping victims meet burden of proof for POs

19. Where the courts make an EPO against a respondent, the courts now have a duty to proactively consider the facts and circumstances in the grant of the EPO and assess whether criminal investigation is warranted. If so, the judge must refer the matter to the police. The intention is for serious cases of hurt or harassment

¹ The following methods of service do not require the court's direction on service: (a) by leaving with the respondent a copy of that application; (b) by posting a copy of that application on the front door of the proper address of the respondent; or (c) by sending a copy of the application by registered post to the proper address of the respondent.

which come to the court to be referred to the police, if not already done so. This will ensure that the authorities can intervene at an early stage to reduce the risk of further hurt to the victim.

20. Relatedly, the burden of proof for victim in applying for a PO will also be made easier. If the harasser has been convicted of a hurt offence under the Penal Code, or a POHA offence, the requirement to show that the respondent has contravened the relevant offending provision under POHA will be deemed satisfied.

C. Transfer mechanism to other courts

21. Another key enhancement for POHA proceedings is the ability of the applicant to transfer proceedings from the PHC to other courts in which the applicant has related civil proceedings or related family proceedings that are pending. This is provided that such a transfer is just, expeditious and economical for the disposal of those proceedings.

22. This enhancement was made in response to feedback that harassment sometimes occurs against the backdrop of other ongoing related proceedings, such as divorce proceedings. With this enhancement, applicants need not shuffle between different courts to seek various forms of relief as the transferee court will be able to dispose of both the POHA proceeding, as well as the related civil or family proceeding.

23. The relevant processes pertaining to the transfer of POHA proceedings from the PHC to the Family Court are however still in the midst of being developed will only be **operationalised at a later date**. Until then, POHA proceedings may not be transferred from the PHC to the Family Court.

Other Amendments Coming Into Force On 1 June 2021

A. Enhanced protection afforded by PO/EPOs

24. Apart from the amendments relating to the PHC and court processes, the remaining POHA amendments which strengthen protection for victims of harassment and related persons will come into force on 1 June 2021:

- a. POs and EPOs will be extended to protect persons related to the victim, as these persons are often at risk of violence from the harasser as well.
- b. Interim relief will also be more permanent. EPOs will remain in effect until the PO hearing is concluded, unless it is successfully challenged. This means that pending disposal of the PO application, the victim will no longer have to renew the EPO every 28 days in order to ensure continued protection.

- c. Additionally, it will be clarified that domestic exclusion orders (i.e. orders restraining the respondent from entering the applicant's residence or parts of the residence) can be granted as part of a PO. This will ensure better protection for victims who may reside in the same residence as the harasser.

B. Mandatory Treatment Order (MTO)

- 25. In addition, if a PO is granted, the courts will additionally be empowered to make an MTO requiring the respondent to undergo psychiatric treatment for a period not exceeding 36 months. This is in response to feedback that the harasser's conduct may be due to an existing mental illness.
- 26. Therefore, in order to make an MTO, the courts must be satisfied that the respondent has a psychiatric condition that is capable of being treated and the respondent must be suitable for treatment. Further, the psychiatric condition must have also contributed to the offending conduct which formed the basis for the grant of the PO.

C. Arrestable Offences

- 27. Finally, the POHA amendments making breaches of a PO/EPO arrestable where the respondent fails to comply with a domestic exclusion order, there is continued harassment or hurt involved will also come into force on 1 June 2021.