

REPUBLIC OF SOUTH AFRICA
The Department of Justice and Constitutional Development (DOJ&CD)

IN THE HIGH COURT OF SOUTH AFRICA

Appeal Case Number:

A Quo Case Number:

Urn number case : 4702024FCV001046

1.

In the matter between

Tshingombe tshitadi fiston

APPELLANT

and

Elizabeth lerumu ccma labour /

RESPONDENT

Department of labour

Department government

Department education high education db

Saqa

Department transport

Head argument , leave to appeal

Referral

Delivered: was handed down electronically by circulation to the parties' representatives

Civil procedure – final protection order – [Domestic Violence Act 116 of 1998](#) – Scope of protection order – Definition of domestic relationship,

Violence work place

1] This appeal is against the finding and order section 6 of the Domestic Violence Act, 116 of 1998 (the Act). The respondent brought an application for a protection order against the appellant pursuant to section 4(1) of the Act.

[2] The grounds of appeal are that the magistrate erred in the following respects. First, by erroneously finding that the respondent and the appellant are in a "domestic relationship" as defined in the Act. Secondly, by erroneously finding that the appellant's alleged denial of the respondent's version of events bears no evidential weight and falls to be rejected.

[4] The respondent's application for a protection order was

[5] The respondent alleged in her founding affidavit.

[6] By way of background, the respondent 12 years old when he was approximately 15 years old.

My Protection Order Cases

Your DOJ Online Protection Order Applications : [Create a new Protection Order Application](#)

Cases I created

Case Name	Serv ice Type	Case Type	Cre ate d At	Case Statu s	URN Number	Man age
Tshingombe	Domestic	Prote ction Order	Jul 22 2024 4 8:51 PM	Scree n Applic ation	4702024FCV 001046	

My Protection Order List

No records to display.

My Safety Monitoring Notice Application List

Tshingombe	Dome stic Violen ce	Protect ion Order	Nov 25 2024 5:44 PM	Screen Applica tion	4702024FCV00 1046
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DOJONLINEEST2024 08061672	Deceased Estate	ICT/System related	Awaiting DHA verification	tshingo mbe tshitadi	2024/0 8/06	I m student ID applied appeal home affairs work permit conditions,s chool irregularity and back log My query was conflic in civil procedure between system non resolution system agreement between national provide fund award ruling rescission Ccma and certified outcome transcript no agreement in work skill development ,my training college was irregularity and back log saqa dheth reason for ,saqa transcript record academic year grouped officer figthing in exam time table no statement of exam N1,n3 result come out n 4was	In Progr ess	2025/0 1/15
DOJONLINEEST2024 07221507	Deceased Estate	ICT/System related	Awaiting DHA verification	tshingo mbe tshitadi	2024/0 7/22	irregularity and back log saqa dheth reason for ,saqa transcript record academic year grouped officer figthing in exam time table no statement of exam N1,n3 result come out n 4was	In Progr ess	2025/0 1/15

Showing records from 1 to 5 of 4
[Cases I created](#)

Case Name	Service Type	Case Type	Created At	Case Status	URN	Manage
tshingo mbe tshitadi	Civil Law	Civil	Nov 19 2024 5:55 PM	Incomplete		
tshingo mbe tshitadi	Civil Law	Civil	Aug 9 2024 2:20 PM	Pending Document Review		
tshingo mbe tshitadi	Civil Law	Civil	Aug 5 2024 9:17 PM	Screen Application	1042024CIV004539	
tshingo mbe tshitadi	Civil Law	Civil	Aug 5 2024 4:23 PM	Screen Application	1042024CIV004511	
tshingo mbe	Civil Law	Civil	Aug 5	Screen Applic	112024CIV00013	

Case Name	Service Type	Case Type	Created At	Case Status	URN	Manage
tshitadi			2024 4:41 AM Aug	ation		
tshingo mbe tshitadi	Civil Law	Ci vil	5 2024 4:36 AM Aug	Screen Applic ation	112024CIV00 0012	
tshingo mbe tshitadi	Civil Law	Ci vil	5 2024 4:32 AM Aug	Screen Applic ation	112024CIV00 0011	
tshingo mbe tshitadi	Civil Law	Ci vil	5 2024 4:26 AM Aug	Screen Applic ation	112024CIV00 0014	
tshingo mbe tshitadi	Civil Law	Ci vil	4 2024 8:27 PM	Screen Applic ation	112024CIV00 0015	
tshingo mbe	Civil Law	Ci vil	Aug 4	Screen Applic	112024CIV00 0009	

Case Name	Service Type	Case Type	Created At	Case Status	URN	Manage
tshitadi			2024 8:21 PM Aug	ation		
tshingo mbe tshitadi	Civil Law	Ci vil	4 2024 8:03 PM Aug	Incom plete	112024CIV00 0008	
tshingo mbe tshitadi	Civil Law	Ci vil	4 2024 7:51 PM Aug	Screen Applic ation	112024CIV00 0006	
tshingo mbe tshitadi	Civil Law	Ci vil	4 2024 5:57 PM Jul	Screen Applic ation	112024CIV00 0007	
tshingo mbe tshitadi	Civil Law	Ci vil	21 2024 12:2 0PM	Screen Applic ation	112024CIV00 0005	
tshingo mbe	Civil Law	Ci vil	Jul 21	Incom plete		

Case Name	Service Type	Case Type	Created At	Case Status	URN	Manage
tshitadi			2024 12:1 8PM			

Re: referral.. Appeal council labour order index pleading, booking granted filing record transcript appointment court probono event..Meeting. employments, development justice land outcome, right justice labour mandatory

*Referral: revised.

Outcome review agreement

Nomination granted function posted graduated review finalize record job career low issue license permit

- chancellor policy awareness;

Referral notice :re - appeal

-

Introduction :

Background : review re appeal formal ,master form filing form instructional completed

Check list, affidavit answer sock evidence, affidavit evidence, complain form investigate answer evidence .unopposed.. Opposite sock council referral ,provisional bank response evidence balance onus. Unopposed bank fund ..petition unopposite learner council

chancellor unopposite , government unopposite proof service ,proof registered mail
unopposed .evidence clear ,, enforcement low unopposed event ..

- * content files :

- summary

1. Section :

Introduction

1.Background

1.1Judgement leave appeal : jr 2461/15,attach Ccma record ,,

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1.2 . Judgment leave judgment appeal

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1.4. letter security security :

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2.2. rescission ruling : guide

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Variation of ruling , arbitration award

4.2 leave to appeal

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.6 section :

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6.1 psira application regulation check application

Certificate occurent book.

6.2 register regulation nogada agreement job psira report individual Ccma ...:

6.3. pratice manual of the labour RSA ,ccm module course .:

6.4 labour ICBL ,check ,;permit work check saqa ,coid ,council job

- nomination form social work

-uif insurance labour ,application form appeal form :

- coid : application form instruction completed. ..regulation labour OSHA .nominate form,
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Rules

7. section :

7.1 report application head skill: development sale

7.2 record bookkeeping shop mall...:

7.3 .cna shopprite record extra saving: reward .office save office cna casebook .parking
cts return cash back job employment document wallet appointment .. company relia

hr ..experimental n.textbook .application tax.

8. Section :

8.1 .skill development sasseta :

,seta regulation , assessessment

sasseta ,

certificate form skill registration

Scie bono assessessment.

8.2.translate copy dr Congo ,saqa French English low attestation ,certificate diplomat ,
birthday document ..inpp

Saqa check list :

- 8.3.home affairs appeal check :

Conte file JA 37/19

-appeal ,Estes issue file

Re - appeal/ re- estate

- section 1.

1.1 section 1.: order court notice petition:

.1.2 case 297/11/2024-16 points .:

1.3 application for protection Cass :

.1.4. justice complains bargaining levies

Ordered ,compliance ,

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1.5. justice complains bargaining levies ordered .:

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1.7. index pleading :

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1.9. affidavit in support of service by registered:

1.10 .Proof affidavit :

1.11. Sherif complain : sherrif affidavit

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- 2.2.complain form : details employer

2.3. PFA complain form : detail

2.4. complain form details

2.5. affidavit in section criminel procedure ..

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-3. File appeal record file move :

3.1 pleading index retrieview file:

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3.3. master court documents files:

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3.5. referral.

- 3.6honorable justice labour and: registry labour :.

3.7 notice leave appeal :

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4.2 . submission.: transform industrial

4.3 application for judgement leave to appeal head argument.

4.4 master court jurisdiction index pleading rigty low legacy litigat in execution of sole property.:

4.5 .bid close : argument record retrieview files .head argument leave to appeal judge filing retrieved in support affidavit..

4.6 . agreements judgement order order petition agreemy ..

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- 5.1Ccma process in Limon ,con ARB , rescission review case audit ,case details eventy statist case file case audit audit award ..

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6.4 . Labour court and ccmz rules ..

6.5.skill development legisy reviews guide ..

Section .

-7. labour chairing disciplinary psira

7.1 department of labour register skill merseta topic. Peace ..

7.2. labour on labour appeal jhb force ..

7.3 To the director general : lab justice defense force .:

Enforcement low ruling award notice compagny

7.4. development section bargaining :

Sector report office drawing engineering trade skill manufacture related process claim

7.5. directive order enforcement:

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* Section

- background review :

Occured in labour court and labour appeal court psira complain exempted
investigation security private industrial investigate award ruling rescission and record
transcription provisional court execution rwiten sherrif labour granted review skill

development

Investigation trial court evidence low burn award and outcome certificate council private sector ,saps and safety in development justice protection order issue Manuel and humain rigth intelligence service trial court point investigate agreement national council bargaining private security and provide fund trial license term outcome ,cipic sars intellectual property and revenue pension fund sector , building council agreement justice labour policy procedure hr gift insurance and compensation dol building evidence high court summons notice motion on leave to appeal refuse granted success power arrested debator creditor appeal high court and labour court appeal leave levy skill magistratation „,righ humain legislator mendator security office and police office power attorney government framework regulator .trial cipic deregistered compagny private and private sector industrial ,revenue sector amendment business ,notice motion security docket saps docket system unity power arrest warrant arrested claim small business license labour appeal court and development justice master court .labour taxation matter and agreement provisional bargaining and judge order bargaining order pay R 70000Levie and saps member sapu order R 40000 levy contravention and deduction judges appeal debator high court order no cost notice petition labour ad Ccma no cost made order bargaining system agreement taxation job order transcription 500 rand retrieview order DOJ ,100000 rand public order bargaining union build security marksheet agreement post office challenge merite medal build post office function rank grade office safety minister police minister order taxation high court magistrate and labour appeal court security private function site .. postponed security office private guard court car guard court police car guard court metropolitain and safet transport. , investigator detective ,clearly guard order. Legal guard policy procedure chancellor

Parking mall court guard order security attorney and tenure order security bargaining security low tendered close order total claim 210500 rand claim in high court and labour appeal court guard court bargaing consolidation process before to protect compagny in process before to keep process of client bargaining agreement government minister

granted if judge process with file and put security challenges to keep protect process
judge must grant amount of money is cost in labour bargaining and Ccma ,, compaigny low
enforcement gaek must pay post registered mail ,,in case of continue assessment in case
library high court and labour appeal court open file book casebook retrieview must
granted review copyrith in case government notice open file investigation site
government legal paralegal warden safety saps must granted review in case warden
search ambassador for more job car guard minister said and safety homes affairs must
granted review for pliarism and copy of job in case minister education high and land
reform open supplieb open award outcome for review more skill development must
granted sassa uif coid claim by inspector lecture marker Sita project in case of irregularite
ad regulation file open Portofilio assessment accreditation seta sassetta skill minister
must granted notice of motion transcription..industrial minister society in case open files
way block .must pay manufacture low claim financial economic fund ..

Trial victim labour witness labour claim security in the minister deputy , bill Amandment
low .trial investigation claim contrevention .cash center bank stateme

In the labour court of South africa

In the labour appeal court of South Africa

In the developmt justice court master court

In high court magistrate

Held in Johannesburg

- in the matter between .: case No jr 2461/15

Ja 37/19

Referral :

NO | Description of document. | Page no

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-15. Notice outcome record gov appeal agreements (582-672)

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- 2 notice of motion submission for application : 36-80
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- 7.notice of record order transcript : 102-104
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- 9. Notice proof of service contractor close :138-200
- 10 notice proof of service applicant execution : 200-338
- 11. Notice proof of service : agreement contract : 338-416
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- 13. Notice of gov motion outcome : 458-488
- 14. Notice of contract close in limine : 788-
- 15. Notice of skill of development agree application ..

Master of the high court service :

- 1.court service :civil law

Name | service type | case type | created | case status | urn | manage •

-urn : 1042024CIV004539

- 1042024CIV004511

-112024CIV00013

-112024CIV00012

-112024CIV00011

-112024CIV00010

-112024CIV00009

-112024CIV00008

-112024CIV00007

-112024CIV00006

-112024CIV00005

- 2. Maintenance:

-3 protection order :

- 4 status tracking :

-5.Query management :

- my query list :

DOJONLINEEST 202312211 deceased estate ICT / system related , application

202312212 deceased estate .master file related query information ,, appointment

booking ...

Document

-Notice motion summon

-

ACTIVISM ROW STANDS FOR SOCIAL JUSTICE ORGANISATIONS & SOCIAL MOVEMENTS 2025

Inbox



Google Forms <forms-receipts-noreply@google.com>

Fri, Jan 31, 7:13 PM (2 days ago)

to me



Thanks for filling out [ACTIVISM ROW STANDS FOR SOCIAL JUSTICE ORGANISATIONS & SOCIAL MOVEMENTS 2025](#)

Here's what was received.

ACTIVISM ROW STANDS FOR SOCIAL JUSTICE ORGANISATIONS & SOCIAL MOVEMENTS 2025

Applications close on 07 March 2025, or When applications have reached capacity.

Email *

tshingombefiston@gmail.com

ORGANISATION DETAILS

What is the name of your organisation? *

Tshingombe Ccma labour court DOJ/ ass police engineering
Name of the contact person or representative *

Tshingombe
Contact Number of representative *

0725298946
Email Address of representative *

tshingombefiston@gmail.com
Briefly describe the work of your organisation. (Less than 75 words) *

Ccma labour court tshingombe vs security police officer rigth government mendator land
provide fund .granted review
Telephone Number for the organisation *

0725298946
Email address or the organisation *

tshingombefiston@gmail.com
Website URL *

[https:// tshingombe.com](https://tshingombe.com)
Please upload a high resolution logo of your organisation *

Submitted files
3formsubmission-request-ip-licence-mip-327-24-0100-000 sale force emet tshingombe
- tshingombe fiston.pdf

What festival theme would your organisation best fit under? *

- ☒ Racial justice and anti-racism
- ☒ Economic and social rights,
- ☒ Environmental justice
- ☒ LGBTQIA+ rights
- ☒ The right to a fair trial and access to justice.
- ☒ The rights of refugees and migrants
- ☒ Women's rights and gender equality



Children's rights



The rights of persons with disabilities

Other:

HUMAN RIGHTS FESTIVAL STAND REQUIREMENTS

What size stand would you like? *

3 x 3 Stand (R1000 - Includes table; 2 chairs and signage)

Do you require an electric plug point? This is an additional R150. *

Yes



No

[Create your own Google Form](#)

Does this form look suspicious? [Report](#)



Protection of Personal Information Act (POPI Act)

Welcome to the Protection of Personal Information Act (often called the POPI Act or POPIA) in the form of a website so everyone can access it quickly on all devices. It is so much better than a POPI Act pdf. You can also link to (or share) a specific section. We hope it empowers you and you find it helpful. This is POPIA (or the POPI Act) as enacted by the South African [Parliament](#), but we have reformatted it in the form of a website. The English text was signed by the [President](#). We have shortened the names of some chapters in the navigation on the left to make it easier for you to navigate. We [disclaim all liability](#).

You can read a [summary](#) of POPIA, attend a [POPI workshop](#), read POPIA [judgments and cases](#), get a [POPIA compliance framework](#) or join a [Data Protection Programme](#) and working through the [POPIA lens](#) to help you take the necessary action to comply.

Please note that we are not the [Information Regulator](#) who regulates POPIA. You can visit [their website](#) or [email them](#).

The commencement date of POPIA

It was 1 July 2020 and the one year grace period to comply ended on 30 June 2021. Parliament assented to POPIA on 19 November 2013. The commencement date of [section 1, Part A of Chapter 5, section 112](#) and [section 113](#) was 11 April 2014. The commencement date of the other sections was 1 July 2020 (with the exception of [section 110](#) and [114\(4\)](#)). The President of South Africa has proclaimed the [POPI commencement date](#) to be 1 July 2020.

Topics related to the POPI Act

- [POPIA regulations](#)
- [Application and commencement](#)
- [Unique to South Africa](#)
- [Access to information](#)
- [Actions to take first](#)
- [Big data](#)
- [Breach notification](#)
- [Children](#)
- [Code of conduct](#)
- [Consent](#)
- [Contract](#)
- [Cookies](#)
- [Data subject rights](#)
- [Direct marketing](#)
- [Information officer](#)
- [Information regulator](#)
- [Managing operator relationships](#)
- [Mapping activities](#)
- [Media](#)
- [Obligations](#)
- [Operator](#)
- [Opt out](#)
- [Personal Information](#)
- [Policies](#)
- [POPI Act](#)
- [POPIA](#)
- [Purpose](#)
- [Quick wins](#)
- [Reasonably practicable](#)
- [Records management](#)
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- [Responsible party](#)
- [Right to be forgotten](#)
- [Risks of non-compliance](#)
- [Securing information](#)
- [The conditions](#)

PROTECTION OF PERSONAL INFORMATION ACT (POPIA) – AN EMPLOYER’S PERSPECTIVE

by [Jan Truter](#) | May 11, 2021 | [0 comments](#)

Purposes of the Act

The Protection of Personal Information Act of 2013 (POPIA) follows the example of similar, quite onerous legislation in the European Union aimed at protecting individuals’ right to privacy. More specifically, the Act aims to give effect to the right to privacy as provided for in the Constitution’s Bill of Rights by limiting the extent to which personal information may be processed by others, including employers.

Personal information is defined as information that relates to a natural or juristic person (such as a company). This includes, e.g., someone’s physical address, email address, date of birth, ID number, race, gender but also their criminal, financial and employment history, personal opinions or beliefs, trade union membership, etc.

Some personal information is designated as special information, that is, personal information relating to information concerning children; religious or philosophical beliefs; race or ethnic origin; trade union membership; political persuasion; health, sex life or biometric data of a data subject (finger printing, blood typing, voice recognition); and criminal behaviour in certain instances.

Processing refers to the handling of personal information, e.g., the collection, recording, storing, updating or distribution thereof.

Impact on the employment relationship

In the employment context POPIA covers all personal and special personal information that an employer (referred to as a ‘responsible party’) might have about job applicants, employees and former employees (referred to as ‘data subjects’). The Act imposes several new responsibilities on employers:

- Employers must appoint an information officer who needs to be registered with the Regulator.
- Personal Information may, subject to certain exceptions, only be collected by an employer directly from the employee.

- Employees must be informed why the information must be collected (purpose) and who the intended recipients of the information are.
- Personal Information may only be processed for an explicit, specific and lawful purpose (such as the conclusion of an employment contract).
- Personal information may not be kept for longer than necessary to achieve the purpose for which it was collected. This means, e.g., that personal information collected from an unsuccessful applicant should be destroyed after the recruitment process has been finalised and a successful candidate appointed.
- Personal Information must be distributed in a way that is compatible with the purpose for which it was collected.
- Personal Information may not be distributed to other third parties, e.g., for instance for marketing purposes.
- Employers must take reasonable steps to ensure that the information collected is accurate, up to date and complete.
- Employers must ensure that the personal information is protected against risks of loss, damage, destruction or unauthorised access.
- Employees must also be allowed to access their personal information and can demand that the information be corrected if it is found to be inaccurate.

When may personal information be processed?

The Act provides for limited use of employee data in some cases, i.e.:

- If the employee consents;
- When processing is necessary for purposes of employment, e.g. details of banking accounts in order to be able to pay an employees' wage or salary; or for vetting relevant educational qualifications;
- If the employer has a legal obligation to perform processing, e.g., for tax purposes;
- To protect a legitimate interest of the employee's, e.g., collecting personal information required by a retirement fund to which the employee belongs or is required to belong; and
- If it is necessary to pursue the legitimate interests of the employer or a third party, e.g., doing a check on the criminal record of someone who requires security clearance; or providing information to an external party whom the employee has authorised to carry out deductions from her or his wage or salary.

Special personal information

Additional protections apply to special personal information. This may only be processed if :

- The processing is carried out with the consent of the employee (written consent is not required but is advisable);
- The processing is necessary for the establishment, exercise or defence of a right or obligation in law;

- The processing is necessary to comply with an obligation of international public law;
- The processing is necessary for historical, statistical or research purposes if this serves a public interest (e.g., disease control); or
- The information has deliberately been made public by the employee, e.g. on social media.

What about medical testing?

Medical testing of employees can yield particularly sensitive information about employees. The Act mirrors section 23 of the Employment Equity Act which permits medical testing only if it is required or permitted by legislation or if it can be justified in the light of medical facts, employment conditions, social policy, or the fair distribution of employee benefits or the inherent requirements of the job. Testing for an employee's HIV status is prohibited unless authorised by the Labour Court. Psychological testing and other similar assessments (such as psychometric tests) are also prohibited unless certain requirements are met, i.e., the test has been scientifically proven to be valid and reliable and that it can be applied fairly to all employees and is not biased against any employee or group of employees.

Rights of employees in respect of their personal information

Employees have the right to be notified by their employer that their personal information will be collected or has been accessed or acquired by an unauthorised person, i.e., someone who does not have consent to process the information. They also have the right to establish what information an employer holds and to request access to such information; to request the correction, destruction or deletion of personal information; to object on reasonable grounds to the processing of his/her personal information; and the right to submit a complaint to the Regulator or institute civil proceedings to protect their rights under the Act.

Consequences of non-compliance

The Act provides that employers can be fined between R1 million and R10 million, or imprisonment for one to ten years depending on the nature and seriousness of a transgression.

Some practical recommendations

Employers would be well advised to attend to the following:

1. Appoint an information officer or assign someone to take on this responsibility. It goes without saying that this person needs to become familiar with the broad purposes of the Act and their responsibilities in terms of it.
2. Develop a privacy policy or data privacy statement that:
 - mentions the circumstances under which personal information may be collected and what may it be used for;

- states what kinds of personal information may be collected; to which internal and external recipients or categories of recipients personal information may be supplied;
 - states whether the information may be distributed or stored outside of the country's borders; and
 - includes a general description of the of information security measures (such as fire walls) that will be implemented and monitored to ensure that the information is not accessible by unauthorised people.
3. Review or develop standard clauses on data protection in employment contracts and provide for employee consent to disclosure of information as authorised in terms of the Act.
 4. Conduct an audit in respect of personal information currently being held, where such information is being held and for how long it has been held.
 5. Raise awareness within the organisation of the implications of the Act and the importance of protecting privacy.
 6. Report data breaches to the Information Regulator and employees concerned.
 7. Do not share any personal information unless it would be permissible to do so in terms of the Act.

Implementation

Employers need to be compliant by no later than 30 June 2021, when the Act will come fully into effect. An organisation's Information Officer should be able to register with the Information Regulator any time from 1 May 2021.

Conclusion

While the Act seems very long-winded and makes for difficult reading, it should not be too difficult for employers to comply. There are several steps that need to be taken, but these should be relatively easy to implement. The approach that an employer takes, may vary depending on the nature and size of the

With the emergence of the Johnny Depp and Amber Heard Trial saga, domestic violence has never been more prevalent. South Africa, a country where the right to be safe and free is enshrined in our Constitution. The judicial system encompasses 2 types of Protection Orders 1. the [Domestic Violence Act 116 of 1998](#) (hereinafter referred to as the 'DPO') and 2. the [Protection from Harassment Act 17 of 2011](#) (hereinafter referred to as the 'HPO'). It is important to understand which Act has authority in which instance.

Be advised that an Interim Protection Order or a Final Protection Order only comes into effect when personally served upon the alleged abuser by either the sheriff of the Court or a Police official.

DOMESTIC VIOLENCE PROTECTION ORDER:

A Protection Order is an order issued by a court ordering a person with whom one has or has had a domestic relationship (the Respondent), to stop the abuse. This includes a roommate who shared a common residence. It's a legal document issued by a Magistrate in the jurisdiction area in which the abuse occurred that specifies the conditions that an abuser must adhere to, as specified by the courts.

HARRASMENT PROTECTION ORDER:

A Protection Order is an order issued by a court ordering a person with whom one is not in a domestic relationship i.e., a neighbour (the Respondent) and who doesn't share a common residence, to stop the harassment or abuse. It's a legal document issued by a Magistrate in the jurisdiction area in which the abuse occurred that specifies the conditions that an abuser must adhere to, as specified by the courts.

DO I QUALIFY FOR A DOMESTIC VIOLENCE PROTECTION ORDER?

The conditions for a Protection Order in terms of domestic/gender base violence are as follows:

1. There must be a pattern of abuse i.e., repetitive actions.
2. It must be a form of domestic violence which includes but are not limited to:
 1. Physical violence,
 2. Sexual violence,
 3. Financial abuse, and
 4. Emotional/verbal violence.
1. The order may also prohibit the Respondent from:
 1. enlisting the help of another person to commit any such act;
 2. entering a residence shared by a complainant and the Respondent or a specified part of the shared residence or the victims place of employment or where the victim resides; committing any other act as specified in the protection order including an order to seize any firearms or dangerous weapon from the Respondent; or
 3. financially threatening the victim by making monetary relief available to the victim.

DO I QUALIFY FOR A HARRASMENT PROTECTION ORDER?

1. No pattern is needed, and a first offence can be sufficient for a Harassment Order.
2. No relationship is required, and it can be against someone you don't even know.
3. No violence is required.
4. It must be a form of harassment which includes but are not limited to:

1. messaging,
 2. unwanted packages,
 3. letters, psychological harm,
 4. physical harm, and
 5. financial harm.
1. The order may also prohibit the Respondent from:
 1. To cease and desists with his/her stalking, harassing behaviour or enlisting the help of another person to commit any such act.

HOW DO I OBTAIN A PROTECTION ORDER?

The following procedure has been established to obtain a Protection Order:

1. OBTAINING AND COMPLETING:

For a Domestic Violence Application, one will need to obtain a Domestic Violence Act [Form 2](#) and complete the Form 2 as accurate as possible supported by an Affidavit setting out in detail what the Respondent did and on what date this incidents happened.

For a Harassment Protection Application, one will need to obtain the Protection against Harassment Act [Form 2](#) and complete the Form 2 as accurate as possible supported by an Affidavit setting out in detail what the Respondent did and on what date this incidents happened.

Any victim of domestic/gender-based violence is advised to first register a criminal case at their local police station. In doing so it supports the application for a protection order.

Requesting a protection order doesn't mean that you're laying a charge against your abuser. However, if you're a victim of a type of domestic abuse that's also a crime, then you can apply for a protection order, lay a criminal charge, or both. Some examples of abuse that are also crimes include common assault, rape, incest, attempted murder, and the abuse of animals.

2. DISCRETION OF THE COURT TO GRANT AN INTERIM ORDER:

Before obtaining a protection order, you need to apply for an interim protection order first. A magistrate court will consider the application. The court in its discretion will issue an interim protection order after a court date has been issued to the Respondent.

3. SERVICE UPON RESPONDENT:

An interim protection order will be granted and will then be served to the Respondent. The interim order specifies the date at which the final order will be considered. Only once the final order is made, it will be permanent and can only be changed by applying to the courts.

4. RESPONSE BY THE RESPONDENT:

The Respondent will now have an opportunity to file and serve an answering affidavit upon the complainant and the Court if the Application is opposed. If the Respondent decides not to oppose the Application, no further action is needed.

5. GRANTING A FINAL ORDER:

A court proceeding or hearing of evidence will determine whether a final protection order should be granted.

6. CONSEQUENCES FOR THE RESPONDENT:

Consequences for the Respondent if he/she violates the conditions of the final protection order. If your abuser breaches, or breaks the conditions of the protection order, the complainant/victim is obliged to go to the police station and open a criminal case. The complainant must file an affidavit and in an explicit manner and include all forms and dates of abuse in the affidavit. The Respondent will then be criminally charged with contempt of court. This applies even if the breach is not an actual crime, such as controlling behaviour. If the breach itself involves a crime, such as assault, then the abuser can be charged with both contempt of court and assault.

If your abuser is found guilty of breaking the conditions of a protection order in a criminal case, he or she can be fined or sentenced to prison for not more than 5 years.

To be successful in obtaining a Protection Order, one must note the dates, time and place where the harassment or abuse took place and thus documenting the abuse thoroughly as this will give the presiding officer the necessary evidence to grant an Interim Order against the Abuser. One should further avoid using a Protection Order maliciously, unreasonably and or vexatiously to obtain an upper hand in a litigation matter. If proven that one acted unreasonably, vexatiously and or maliciously an appropriate cost order will be granted against such a party.

Thus, it is important to call a qualified attorney to advise you on your prospects of succe

