



FAMILY COURT OF THE FIJI ISLANDS

PROPERTY

When people end their marriage relationship there are often difficult issues to decide about the property which has been gathered together during the life of the relationship. These issues often cause differences and pain and sometimes outside help is needed to sort them out. (See the list below for where to get help.)

The Court requires the husband and the wife to attend a conference with a Registrar before the Court is able to decide about the property.

What is the property of the marriage?

The Family Court can only look at the property of the husband and the wife.

Property is everything you own and can sell if you wanted to.

It also includes the money in the FNPF account BUT it does NOT include the interest of any person in real or leasehold property which is inalienable. (s.154)

This means that your village land interests or any native title land cannot be sold or divided by you at the time that your relationship ends.

Freehold land or crown lease lands can be looked at by the Family Court.

What can the Court do?

The Court has the power to decide who owns property and also the power to change property interests.

The Court can order:-

- Division and / or sale of the property
- Change particular property for other property interests
- Transfer of property
- Who can live on the property either on a temporary or permanent basis

The Court is required to make orders about the property interests that are just and fair in all the circumstances.

Generally, the Court will consider that the husband and the wife have equally contributed to the property accumulated or acquired during the marriage.

What issues will the Court consider?

- The direct and indirect financial contributions made towards the property even if that property no longer belongs within the family.
- Other non-financial contributions both direct and indirect such as improving the property, building a garden, even if that property no longer remains within the family.
- The contributions that are made by the homemaker parent who cares for the children.
- Eligibility for a pension, allowance or benefit (including superannuation) within Fiji or overseas
- Age and health of both the husband and the wife
- Income, property and financial resources, including inalienable interests (mataqali interests, village property interests)
- Ability of both parties to get work (to be employed)
- Responsibility for children under 18 years
- Responsibility for himself or herself and others
- The standard of living that in all the circumstances is reasonable
- The financial resources available to a person living with another person
- The duration of the marriage
- Any orders for spousal or child maintenance
- Any other fact or circumstance that the Court considers important.

How do I apply for a court order about our property?

Firstly file your papers in the Family Court Registry in your area. After this attend a conference with the Court Registrar (*see: GIS 2 on Case Assessment Conferences*).

IF YOU NEED HELP

Please contact:

1. Family Court Counselling Service,
Suva Tel: 3211811, Lautoka Tel: 6660016,
Labasa Tel: 8811772
2. Legal Aid Office
Suva - Telephone: 3311195, PMB, Suva.
Lautoka - Telephone: 6650011, PMB,
Lautoka
Labasa - Telephone: 8815118; PO Box
1241, Labasa
3. Department of Social Welfare, (Suva) Telephone
3315585
4. Fiji Law Society Secretary, (Suva) Telephone:
3315690

Please ask Court staff for other organisations in your area which may be able to assist you.

FAMILY COURT LOCATIONS

There are specialist Family Courts in Suva, Lautoka and Labasa, but every Court across the Fiji Islands can hear your Family Court matter.

Central/Eastern Division

Suva - Government Buildings, Telephone: 3211341, GPO Box 2215 Government Buildings, Suva.

Navua - Navua Court : The court operates on ad hoc basis. Contact Suva Family Court.

Nasinu - Nasinu Magistrate's Court, Telephone: 3390466, PO Box 7748, Nasinu.

Nausori - Nausori Magistrate's Court, Telephone: 3400006, PO Box 227, Nausori.

Vunidawa - Vunidawa Court – Ad hoc basis only, contact Nausori Magistrate's Court.

Korovou - Tailevu Court House, Telephone: 3430060, PO Box 102, Tailevu.

Levuka - Levuka Magistrate's Court, Telephone: 3440355, PO Box 66, Levuka.

Western Division

Lautoka - Lautoka Magistrate's Court
- Telephone: 6660016, PO Box 103,
Lautoka.

Lautoka High Court - Telephone:
6660877, PO Box 388, Lautoka.

Sigatoka - Sigatoka Magistrate's
Court, Telephone: 6500067, PO
Box 87, Sigatoka.

Nadi - Nadi Magistrate's Court,
Telephone: 6701322, PO Box 1275,
Nadi.

Ba - Ba Magistrates Court,
Telephone: 6674096, PO Box 430,
Ba.

Tavua - Tavua Magistrate's Court –
Telephone: 6680023, PO Box 516,
Tavua.

Rakiraki - Rakiraki Magistrate's
Court, Rakiraki, Telephone: 694348.

Northern Division

Labasa - Labasa Magistrate's Court,
Telephone: 8811772, PO Box 56,
Labasa.

Nabouwalu - Nabouwalu
Magistrate's Court - contact
Nabouwalu Police Station: 8836022.

Savusavu - Savusavu Court,
Telephone: 8850272, PO Box 160,
Savusavu.

Taveuni - Taveuni Magistrate's
Court, Telephone: 8880081, PO
Box 31, Taveuni.