

Family Violence Protection Order Application

Preliminary Conference

Information for Respondents



**Magistrates
Court**

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If you have immediate concerns for your safety, contact the police on 000.

Key terms

- **Applicant:** A person who has applied to the Court for a family violence order.
- **Affected person:** A person against whom family violence has been, or is likely to be, committed.
- **Respondent:** A person against whom the family violence order is sought or made.
- **Interim family violence order:** A short-term order that is in place until the application for a final order (a long-term order) is decided by the Court.
- **Final family violence order:** A long-term order that is in place for a set period of time.
- **Undertaking:** A promise to the Court to comply with conditions agreed between the parties. A breach of an undertaking is not an offence.
- **Consent order:** A final family violence order that parties agree (consent) to being in place. Consent orders are legally enforceable.
- **Unrepresented person/party:** Person who is not assisted by a lawyer.

Making an application for a family violence order

You must attend all court dates for your application. If you do not attend, the Court may dismiss your application.

1

Application for a family violence order

An application for a family violence order is filed with the Magistrates Court. This application is for a final order. As part of this application, an applicant may seek an interim family violence order.

2

Interim family violence order

If the applicant seeks an interim family violence order, the Court will set a date to hear the application for an interim order not later than 2 days after the day the application is filed.

3

Preliminary conference

The parties attend a preliminary conference facilitated by a deputy registrar of the Court. The conference is an opportunity for parties to reach agreement about the application.

You are here

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Directions hearing

If parties do not reach an agreement about the application at preliminary conference, parties are required to attend a directions hearing. On this date a registrar will make orders directing parties to take steps to prepare for a final hearing.

5

Final hearing

Pre-hearing callover

On the day of the final hearing, parties are required to attend a pre-hearing callover before a magistrate. The magistrate will confirm that parties have not reached an agreement to resolve the matter and allocate the application to a magistrate to conduct a final hearing that day.

Final hearing before a magistrate

A magistrate conducts a final hearing and decides whether to make a final family violence order.

What is a preliminary conference?



- When an application for a family violence order is filed with the Court, a preliminary conference will be listed to allow both parties the opportunity to resolve the application by agreement without having to proceed to a hearing before a magistrate.
- The preliminary conference is confidential, meaning that what is discussed at the conference generally cannot be presented as evidence at a hearing. Parties are not permitted to record the conference.
- The preliminary conference is not an opportunity to present evidence.

- On the day, the deputy registrar will facilitate a shuttle conference. This means you will be in a separate room from the respondent, and the deputy registrar will go between the parties to determine if an agreement can be reached.
- The deputy registrar will explain the conferencing process to each party and the resolution options available.
- If parties reach an agreement, it will be written down and signed by the parties.
- If parties don't reach an agreement, the deputy registrar will list the application for a family violence order for a directions hearing before a registrar on another day.

Attending court



Before you attend court

- Plan how you will get to court and make any arrangements to allow you to attend on the day, such as organising time away from work, or arranging childcare. The Court does not have childcare facilities.
- Plan to be at court for a few hours.
- Think about whether you want to bring a support person with you to court.

On the day

- Arrive at court at least 15 minutes early to allow time for security screening.
- Go through security screening.
- Once through security, take a numbered ticket in the court registry foyer. A counter staff member will call your number and advise you where to go next.
- Be prepared to wait. Your matter may not be heard immediately.

You can ask court staff questions

Remember: court staff, registrars and magistrates cannot provide legal advice. If you require legal advice, you can contact the legal services found at the end of this booklet.

Make sure you tell the registrar or magistrate if you don't understand an instruction or question.

Possible Outcomes

Matter resolved by agreement – undertakings

Parties can agree to the respondent making a promise to the Court called an 'undertaking'. This means the respondent promises to comply with certain conditions about their behaviour towards the protected person. A breach of an undertaking is not an offence.

If parties agree to an undertaking, the application for final family violence protection orders is discontinued and any interim orders will no longer be in place.

Matter resolved by agreement – consent order

Parties can agree to final orders being made by agreement (consent). The orders require the respondent to comply with certain conditions about their behaviour towards the protected person. A consent order is legally enforceable. This means that if a respondent breaches the order, they can be charged by police with an offence.

Parties can agree to the conditions and length of time of the consent order.

No agreement reached to resolve the matter

If parties don't reach agreement to resolve the application, the next court date will be a directions hearing. The purpose of a directions hearing is to prepare the matter for hearing by a magistrate.

The directions hearing is conducted by a registrar in a courtroom. Both parties are required to attend at the same time in the same courtroom unless other arrangements have been made.

Applicant chooses to discontinue application

An applicant can decide to discontinue (withdraw) their application at any time.

Frequently asked questions

What happens if I don't come to court?

If you don't attend a court listing, the Court may make a decision in your absence. This may include making a final family violence order. If you cannot attend the preliminary conference for any reason, you must contact the Court as soon as possible before the listing date.

Do I need a lawyer?

Seeking legal advice is a matter for you to decide. Court staff cannot provide legal advice to you. If you have questions about how you should proceed, you should consider seeking legal advice. Information about legal services can be found at the end of this booklet.

Can I attend remotely?

You can read about applying to attend Court remotely [here](#). You must attend court in person unless you receive written confirmation from the Court that you can attend remotely.

Will I see the other party?

You will not be in the same room as the applicant during the preliminary conference, however you may encounter them in public areas of the court building. Security staff and Court Sheriffs are present throughout the Court building at all times. If you have any concerns about this, you should contact the Court to discuss your options for attendance as soon as possible.

What does 'without admissions' mean?

'Without admissions' means that a respondent does not admit to any of the behaviour alleged in the application.

If you have any questions or require support, you should contact the Court as soon as possible. More information about support can found at the end of this booklet

Next step – Directions hearing



The directions hearing takes place in a courtroom, and both parties are required to attend in person unless the Court has confirmed otherwise.

At the directions hearing, a registrar will ask questions of both parties that will assist to prepare the matter for a hearing. These questions will likely include:

- if parties have reached an agreement since the preliminary conference; and
- how many witnesses each party will ask to give evidence at the final hearing.

The registrar will then list the matter for a final hearing on another day and direct how and when each party is to file their evidence.

You should be aware that:

- Interim family violence orders that have been made will generally continue to the final hearing. You should check the copy of the interim order given to you by the Court to confirm the length of an interim order.
- Family Violence Orders are nationally recognised across Australia and New Zealand, which means they can be enforced anywhere in Australia or New Zealand.
- A final hearing will likely be several months after the preliminary conference.
- It is a criminal offence to publish and/or reproduce the interim family violence order. It is also a criminal offence to publish information about a family violence proceeding that identifies a party, witness or someone related to the proceedings. This includes information that allows the identity of the person to be worked out.
- [Practice Direction 4/2024 – Family and Personal Violence Matters](#) sets out how applications for Family Violence Protection Orders proceed through the Court.

Legal Services



Legal Aid ACT

Legal Aid has a walk-in (duty) service available every day at the ACT Magistrates Court.

Helpline number: 1300 654 314 or 6207 1874

Email: DV@legalaidact.org.au

Website: www.legalaidact.org.au

Office: 2 Allsop Street, Canberra City ACT 2601



Women's Legal Centre ACT

Intake and legal advice line is available 9.00am to 5.00pm, Monday to Friday.

Phone: (02) 6257 4377 or 1800 634 669

Website: www.wlc.org.au



Aboriginal Legal Service (NSW/ACT) (ALS)

The ALS Family Violence Prevention Unit is available 9.00am to 5.00pm, Monday to Friday.

Phone: (02) 6120 8850 or 1800 765 767

Email: fvpu.act@alsnswact.org.au

Website: www.alsnswact.org.au

Office: Level 7, 17-21 University Ave, Ngunnawal Country, Canberra ACT 2601



Domestic Violence Crisis Service (DVCS) provides a range of free support including legal support and advocacy.

Phone: (02) 6280 0900 (24 hours every day).

Email: crisis@dvcs.org.au

Website: www.dvcs.org.au

Contacting the Court

Court registry

Family and Personal Violence Unit

Phone: (02) 6205 4939

Email: Protection@courts.act.gov.au

Attending court

Information about attending court is available on the ACT Magistrates Court website: www.courts.act.gov.au

Information about requesting to appear remotely at court can be found on the Court's website here: [Requests to appear remotely at a court listing](#)

If you are unwell or unable to attend your next court date, you **must** contact the Court as soon as possible. You must provide evidence of your inability to attend, such as a medical certificate from a registered medical practitioner. You must attend court unless you receive confirmation from the Court that you are not required to attend: <https://www.courts.act.gov.au/magistrates/coming-to-court/unable-to-attend-the-magistrates-court-due-to-illness-or-injury>

Security and assistance at Court

Each person attending court is required to be security screened.

If you require an interpreter, disability support or other assistance at Court, a request can be made to the Court Assistance team:

Phone: (02) 6205 0322

Email: CourtAssistance@courts.act.gov.au



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