

Responding to an application for a protection order

ENGLISH

You have been “served with” (that is, given) a copy of an application for a Family Violence Order (FVO), Personal Protection Order (PPO) or Personal Protection (Workplace) Order (WPO).

Someone is seeking an order against you because they fear for their safety.

The application you have received sets out the claims made by “the applicant” (the person who applied for the order) and the conditions the applicant wants imposed on you.

An order puts conditions on you, like having to stay away from the applicant or not contacting them.

You will have an opportunity to oppose the application for an order.

If you have also been given a copy of an interim order

The court may issue an interim order until the application for final orders is decided. The interim order is now in effect and remains in force until a final order is served or the interim order is dismissed. It places a number of conditions on you that you must obey. Penalties may apply if you fail to obey the order.

The conditions of the interim order and the period it is in place are stated in the order. It also states the penalties for breaching the order. If you do not understand the order you should seek legal advice.

What happens next?

No interim order:

The matter has been listed for a conference on the specified date and time. If you want to oppose the application for a final order, you must turn up to court on that date. Failure to turn up may result in orders being made without you there.

Interim order:

As well as the interim order and application, you will have received an “endorsement copy” of the interim order and a notice with the date and time the matter will be in court for a conference.

If you agree to the interim order being made into a final order, return the completed endorsement copy to the court. You can do this by post or in person. If you do this, the interim order will become a final order the day it is received by the court for the period specified in the application. If the endorsement copy is received by the court before the conference date, you will not need to go to court.

If you do not return the endorsement copy, you will need to go to court for a conference. You will need to attend the conference on the date and time you have been given otherwise the interim order may be made into a final order without you there.

I am under 18 years of age

If you are under 14, you must have a litigation guardian go to court with you. If you are over the age of 14 but under 18 you may also be required to have a litigation guardian.

A litigation guardian is a person over 18 who can help you at court (for example, your mother, father or a responsible adult that you trust). If you do not have a parent or guardian or other suitable adult who can help you at court, you should call the Public Advocate on **02 6207 0707**.

What happens on the day of the conference?

You must tell someone at the front counter that you have arrived for your conference. Your name will be called by a deputy registrar who will conduct the conference.

During the conference you and the applicant will be in different rooms. You can have someone there to support you.

The deputy registrar will see if you and the respondent can agree on an outcome.

Legal Aid ACT has staff at the court who may be able to help you with legal advice. The Domestic Violence Crisis Service (DVCS) has staff at the court who may be able to support you. If you need legal advice or support, please ask the person at the counter or the deputy registrar.

Possible outcomes of the conference

- You and the applicant agree to Final Orders. Orders are enforceable by the police.
- You and the applicant agree to undertakings. Undertakings are a formal promise to the Court. If an undertaking is broken, police cannot enforce it.



- If you cannot agree the court will list for your matter for a hearing before a magistrate.
- If you do not attend court final orders may be made in your absence.
- If the applicant does not attend court, the application may be dismissed or you may be asked to come back to court on another day.

What happens at a court hearing?

You will need to give evidence so that the magistrate can make a decision about the need for a final order. You may want other people to tell the court what has happened. They are called witnesses. If you have witnesses, you should ask them to come to court at the date and time allocated for the hearing. If you have records which are relevant to your case, like photographs or messages, you should bring those with you to show the court.

The applicant can do the same thing in their case.

If you are unsure about this process please seek legal advice.

What happens to the interim order if the matter is listed for hearing?

The interim order will continue unless the court orders it to stop. If you do not agree to the interim order continuing, then the matter will be heard by a Magistrate on the day of the conference for a decision about the interim order continuing.

How long will an order last?

A Personal Protection Order can last up to 12 months and a Family Violence Order up to 24 months, or longer in special cases. The applicant can apply to have the final order extended. You can oppose an application for an extension.

Can the order be changed?

If an order is made against you, you can apply to the court to change the order. The applicant can also do this.

Will I have a criminal record?

A protection order will not give you a criminal record unless you are convicted of breaching it.

Does the order have effect interstate?

Family Violence Orders can be enforced throughout Australia and New Zealand. A Personal Protection Order can be registered in other states and territories so that it can be enforced in those states and territories.

Breach of an order interstate may be an offence in both the ACT and the state or territory where the breach occurs.

Important telephone numbers

Emergency

000

Protection Unit ACT Magistrates Court

02 6205 4939

ACT Policing

131 444

Victim Support ACT

1800 822 272

Legal Aid ACT

02 6207 1874 or 1300 654 314

Domestic Violence Crisis Service (DVCS)

02 6280 0900

Accessibility

- If you need a translating and interpreting service, call TIS on **13 14 50** or visit **www.tisnational.gov.au**
- If you are deaf, or have a speech or hearing impairment, and need the teletypewriter service, call **13 36 77** and ask for **02 6205 0000**
- For speak and listen users, call **1300 555 727** and ask for **02 6205 0000**
- If you want to receive this document in large print, call our Court Assistance Officer on **02 6205 0322**.

This document is not intended to be a substitute for legal advice. If you are unsure of how you will proceed or conduct your case, please seek legal advice.