

Family Violence Protection Order Application

Final Hearing

Information for Respondents



**Magistrates
Court**

Blank page
(reverse of cover)



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 that you receive a listing notice for. If you do not attend, the Court may make a final order in your absence.

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 (up to 24 months). As part of this application, an applicant may seek an interim family violence order.

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. The conference is an opportunity for parties to reach agreement about the application.

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 the registrar will make orders directing parties to take steps to prepare for a final hearing.

4

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.

You are here

What is a Final Hearing?

At a final hearing, parties will provide evidence to support their case as to whether the Court should make a final family violence order. A magistrate will decide if a final family violence order should be made. A final hearing is usually held in a courtroom open to members of the public.

Parties are to comply with the orders made by the registrar at the directions hearing about how and when parties are to file their evidence prior to the hearing. This includes the applicant filing a timeline of events, and the respondent filing a response to the documents filed by the applicant.

You should seek legal advice if you have questions about how to present your evidence to the Court at the final hearing. Information about legal services in the ACT can be found at the end of this booklet. [Practice Direction 4/2024 – Family and Personal Violence Matters](#) sets out how applications for Family Violence Protection Orders proceed through the Court.

If you decide to give oral evidence at Court, it is important to:

- take your time when answering a question;
- speak clearly;
- tell the Magistrate if you don't understand a question or would like the question to be repeated;
- tell the Magistrate if you would like to take a break for any reason whilst you are giving your evidence.

Am I able to ask an affected person questions?

An unrepresented respondent (a respondent without a lawyer representing them) cannot directly ask an affected person questions when they are giving oral evidence. Instead, the Court will arrange for a court officer to attend the courtroom to assist you to ask an affected person questions. The court officer will only ask the questions that you provide them. The court officer cannot give you any legal advice.

Attending court



Before you attend court

- Plan how you will get to court and make any arrangements to allow you to attend court 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, look at the display board.
 - If you can see your matter listed on the display board, go to the courtroom listed on the board.
 - If you can't see your matter listed on the board, 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.

Order of the final hearing

Opening Statements from both parties

An opening statement is an outline of what evidence you will present at the final hearing and why you say the Magistrate should make a final Family Violence Order.

Applicant gives evidence

After the applicant have given their evidence, you may ask them questions about their evidence. If you have a lawyer, your lawyer will ask the questions. If you do not have a lawyer, a court officer will ask your questions for you.

Witnesses for the applicant give evidence

Any witnesses the applicant has arranged to give evidence will be asked questions about their evidence by the applicant or their lawyer. You will then be able to ask the witness questions.

Respondent may give evidence

You are not required to give evidence. If you do decide to give evidence, the applicant will have an opportunity to ask you questions after you have given your evidence.

Witnesses for the respondent give evidence

Any witnesses for you will be asked questions about their evidence by you or your lawyer. The applicant will then be able to ask the witness questions.

Closing Submissions from both parties

A closing submission is a summary of all the evidence you have presented and your argument about why the Magistrate should make the decision you are seeking.

The Magistrate makes their decision

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 final hearing 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?

The final hearing takes place in a courtroom, with both parties expected to attend in person. 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.

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

After the hearing



The magistrate will tell both parties the orders they have decided to make.

If the magistrate decides to make a final Family Violence Order, they will tell both parties the conditions and length of the order.

You should be aware that:

- A final Family Violence Order can be in place for up to two years. If the court is satisfied that there are special or exceptional circumstances that justify a final order being in place for a longer period of time, a final Family Violence Order may be made for longer than two years.
- Either party can apply to the Court to amend or revoke a final Family Violence Order, including to seek that the order be extended before it expires.
- If the respondent is a holder of a firearms licence, their licence will be cancelled when a final Family Violence Order is made.
- Family Violence Orders are nationally recognised across Australia and New Zealand.
- If a protected person is under 18 years of age when a final Family Violence Order is made, the order continues to be in force even if the protected person becomes an adult whilst the final Family Violence Order is in place.
- It is a criminal offence to publish and/or reproduce the final 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.

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



**Magistrates
Court**