

# **Family Violence Protection Order Application**

## **Directions Hearing**

### ***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:** 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:** 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.

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

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

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## 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 Directions Hearing?

- The directions hearing is held in a courtroom before a registrar, and is not the final hearing date.
- The purpose of a directions hearing is to prepare the matter for hearing by a magistrate. At the directions hearing, the registrar will make orders listing the application for a hearing before a magistrate on another date, and direct parties to file evidence with the court by certain dates.
- Both parties are required to attend the directions hearing in person, unless a party has received written confirmation from the Court that they may attend in an alternative way.
- The directions hearing is not an opportunity to present evidence. Evidence can be presented at the final hearing.
- If parties have reached an agreement about the application, the registrar may finalise the matter at the directions hearing.

The registrar may ask:

- If the parties have reached an agreement since the preliminary conference.
- How many witnesses each party will ask to give evidence at the final hearing.
- If there are any related criminal matters currently before the Court.
- If an interpreter is required for either party or any witnesses.

# 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.

# 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 directions 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 directions 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**

# Next step – Final hearing



At the final hearing, a magistrate will decide if a final family violence order should be made.

To prepare for the final hearing, you must comply with the orders made by the registrar at the directions hearing.

You may wish to seek legal advice about how to present your evidence (including evidence from witnesses) to the Court at the final hearing.

## You should be aware that:

- Any 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 the 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.
- 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](mailto:DV@legalaidact.org.au)

Website: [www.legalaidact.org.au](http://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](http://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](mailto:fvpu.act@alsnswact.org.au)

Website: [www.alsnswact.org.au](http://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](mailto:crisis@dvcs.org.au)

Website: [www.dvcs.org.au](http://www.dvcs.org.au)

# Contacting the Court

## Court registry

Family and Personal Violence Unit

Phone: (02) 6205 4939

Email: [Protection@courts.act.gov.au](mailto:Protection@courts.act.gov.au)

## Attending court

Information about attending court is available on the ACT Magistrates Court website: [www.courts.act.gov.au](http://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](mailto:CourtAssistance@courts.act.gov.au)

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