



MAGISTRATES COURT
OF THE
AUSTRALIAN CAPITAL TERRITORY

Practice Direction 4/2026

Practice Direction – Family and Personal Violence Matters

Introduction

1. This practice direction establishes the listing arrangements for Family and Personal Violence matters in the Magistrates Court. It commences on 10 March 2026.
2. Practice Direction 4 of 2024 is revoked with effect that same day.

Common arrangements

Applications for interim orders

3. Applications for interim orders will be listed before the Registrar no later than two business days after the application is filed with the registry.
4. An application for an interim family violence order is required to be filed by way of an application in proceeding in circumstances where:
 - a. an interim order was not sought when application for final order was filed; or
 - b. an application for interim order has been previously refused by the Court and there has been a change in circumstances.

Review of Registrar decision

5. Where the Registrar refuses an application for an interim order or a condition of an interim order, an applicant may request a review of the decision. A request to review the decision must be made before close of registry (i.e. 4:30pm) on the day the decision is made.
6. A request to review may be made by notifying the Registrar in court immediately after the decision to refuse an interim order or condition is made. Alternatively, a request to review the decision may be made by attending the court registry counter or by emailing protection@courts.act.gov.au

7. The application will be listed before a Magistrate no later than two business days after the request to review the decision is received.

Applications for final order

8. Applications for a final protection order will be listed for preliminary conference as soon as practicable after the application is filed.

Preliminary conferences

9. It is the expectation of the court that all matters are listed for preliminary conference to allow both parties to engage in the resolution of the application prior to being listed for a contested hearing. A party seeking to dispense with a preliminary conference must file an application in proceeding addressing the basis on which a preliminary conference should not be held.
10. An application that does not resolve at the preliminary conference will be listed in the Registrar's Family and Personal Violence Directions List.
11. All parties and their legal representatives are required to attend a preliminary conference to its completion.

Registrars Direction List

12. The Registrar's Family and Personal Violence Directions List (the directions list) is held each Wednesday commencing at 9:00am.
13. A party represented by a solicitor need not attend the directions list provided the solicitor has filed a Notice of Solicitor Acting prior to the listing and holds adequate instructions to assist the Court to list the application for final hearing.
14. At the directions list parties are expected to inform the court of the following information:
 - a. an estimate of the number of witnesses attending to give evidence at the hearing;
 - b. an estimate of the time required for hearing;
 - c. whether there are related criminal charges before the court;
 - d. any interlocutory applications filed or yet to be filed that may impact the proposed hearing date; and
 - e. any interpreting services required.
15. If parties advise the court at the direction list that the matter has resolved by way of agreement between the parties, the Registrar may:
 - a. make final orders with both parties present in court; or
 - b. refer the matter to a deputy registrar to assist parties to formally finalise the matter.
16. If the application remains contested, the Registrar will make directions to prepare the matter for hearing and set a hearing date. A copy of the Usual Directions is at **Annexure A**.

17. Interlocutory applications required to be heard by a Magistrate may also be listed for directions before the Registrar. If appropriate, the matter will be referred to the presiding Magistrate for determination within 2 business days.

Hearings

18. Applications listed for a contested hearing by the Registrar will be listed into a block listing period on a date listed for hearing callover commencing at 9:30am.
19. Until notified otherwise, parties must attend court on the date listed for hearing of the application. A party seeking to vacate a hearing date is required to file an application in proceedings.

Requests for adjournments of preliminary conferences and hearing dates

20. A party seeking to adjourn a court listing other than a hearing date to a future date must provide their request in writing to protection@courts.act.gov.au with supporting documentation no less than two business days prior to the next court date.
21. If a party is unable to attend a court appearance due to injury or illness, they must provide evidence in accordance with requirements of the court: <https://www.courts.act.gov.au/magistrates/coming-to-court/unable-to-attend-the-magistrates-court-due-to-illness-or-injury>.
22. Parties must attend all court appearances unless they are advised by the Court that they are excused from attending. Failure to do so may result in the matter proceeding in their absence.
23. A party seeking to vacate or adjourn a hearing date requires an application in proceeding to be filed with the registry.

Applications to amend, review or revoke a protection order

24. Where an applicant or protected person seeks an urgent amendment of a family violence order, the relevant court approved form is to be accompanied by an application in proceeding outlining the circumstances of urgency relied upon by the applicant. The application will be listed before a Magistrate as soon as practicable.
25. All other applications to amend, review or revoke protection orders will be listed for preliminary conference as soon as practicable after the application is filed.

Applications to extend a final protection orders

26. An application to extend is to be filed no later than 30 days prior to the order expiring to ensure adequate time for service of the application. The application will be listed for a preliminary conference prior to the expiration of the order.

Application seeking to substitute the applicant in the proceeding

27. A person seeking to substitute the name of the applicant in circumstances where an application for protection order has been made by a police officer on behalf of an affected person, or the application has been initiated by the Court, must file an application in proceedings with the registry.

Filing documents

28. All documents must be filed in the court registry either in person or by post.
29. Filing documents by email may only take place with leave of the Registrar. Leave to file documents via email will only be granted in exceptional circumstances and must be sought at least two clear business days prior to any listing or filing direction. Requests for leave to file by email can be made by email to protection@courts.act.gov.au.

Requests for remote appearances

30. Proceedings in Family and Personal Violence matters require in-person attendance unless leave is granted by the Court for a party to appear remotely.
31. Requirements for seeking leave to appear remotely are subject to *Practice Direction 3 of 2024 – Remote appearances and the use of technology in the courtroom*: https://www.courts.act.gov.au/_data/assets/pdf_file/0004/2451073/Practice-Direction-3-of-2024-Remote-Apearances.pdf.
32. A party seeking for witnesses to appear remotely at the hearing is required to file an application in proceeding.

Accessibility

33. Requests for an interpreter are to be sent to the court registry by email to protection@courts.act.gov.au or by telephone on (02) 6205 4939.
34. Requests to utilise a remote area of the court precinct to give evidence in a proceeding are to be sent to courtassistance@courts.act.gov.au.

Service

35. With the exception of the service of interim orders, service of documents must be undertaken by a solicitor for a party who is legally represented.
36. Where one or both parties are unrepresented, the Court will serve documents filed by the self-represented party on the other party in accordance with section 70D of the *Family Violence Act 2016* and section 64D of the *Personal Violence Act 2016*.

Subpoenas

37. A party may issue up to five subpoenas to produce evidence without leave of the Court. A party seeking to issue more than five subpoenas to produce is required to file an application in proceedings seeking leave.
38. A party may subpoena up to five witnesses without leave of the Court. Parties seeking to subpoena more than five witnesses are required to file an application in proceedings detailing the relevance of each additional witness.
39. A party seeking to issue a subpoena to an entity or person to produce material that contains a protected confidence must apply for leave from the Court. to do so. Parties must not seek to issue subpoenas that might reasonably disclose protected confidences unless leave of the Court has been sought and granted in accordance with Division 4.4.3 of the *Evidence (Miscellaneous Provisions) Act 1991*.
40. If a party makes an application for leave to disclose protected confidences, an application in proceedings is to be filed in accordance with section 79E of the *Evidence (Miscellaneous Provisions) Act 1991*.
41. Parties filing subpoenas for production in applications that make allegations about family violence offences must, at the time of filing the subpoena with the registry, also file a certification (**Annexure B**) that the party has considered the requirements of Division 4.4.3 of the *Evidence (Miscellaneous Provisions) Act 1991*. Subpoenas will not be issued if filed without a completed certification.

Non-compliance

42. A failure by one party to comply with the directions of the Court will not be considered an adequate excuse for any failure to comply with directions of the Court by another party. By way of example if an applicant fails to file a timeline of the alleged events as directed, the respondent is still required to set out their reasons for opposing the application. The presiding magistrate may not consider evidence that is not filed in accordance with directions made by the Court.
43. Until such time as directions are formally varied by the Court, parties should make active efforts to comply with directions as soon as possible.

Undertakings and Consent Orders

44. At any stage of the proceedings, parties can reach an agreement to finalise the application for a protection order without the need to proceed to a contested hearing.
45. If parties seek to finalise the proceeding by way of an undertaking, parties must file with the Court three signed copies of the undertaking (**Annexure C**) with the Court registry. This includes a signed acknowledgment from the respondent and protected person pursuant to section 64 of the *Family Violence Act 2016* or section 58 of the *Personal Violence Act 2016*.
46. If parties agree to finalise an application and seek the court make a final order by consent of parties, parties must file with the Court three copies of the proposed consent orders (**Annexure D**) with the Court registry.
47. Undertakings and consent orders sought by parties to be made in chambers will not be backdated to commence on a date that pre-dates filing the documents with the Court registry.
48. Form 2.44 is disappplied in in Family or Personal Violence Order proceedings and will not be accepted when considering consent orders in chambers.

By direction of the Chief Magistrate and magistrates.



Helen Banks
Registrar
ACT Magistrates Court

4 March 2026



Directions and Timing Notice

In the ACT Magistrates Court

Applicant:

Respondent:

Matter number

☐ FVO ☐ PPO ☐ WPO

ORDER

1. The Application for a Protection Order is listed for hearing on , commencing with call-over at 9.30am.
2. The **Applicant** is ordered to file a Timeline of no more than 2 pages of the alleged events that make up the Application by . (3 copies) (See Note 1 on reverse)
3. The **Respondent** is ordered to file a Reply ('Notice of Grounds of Defence') to the Application and Timeline of no more than 2 pages by . (3 copies) (See Note 2 on reverse)
4. The **Applicant** and the **Respondent** are both directed to undertake mediation intake assessment with Conflict Resolution Services ('CRS') within 14 days. If found suitable, parties are thereafter directed to participate in mediation on a date and time as directed by CRS.
5.
.....
.....

ESTIMATED WITNESSES AND HEARING TIME

- The Applicant intends to call witnesses, including themselves.
- The Respondent intends to call witnesses, including themselves.
- The Parties estimate that the hearing will take

Issued by Deputy Registrar on

NOTES

Note 1: The Applicant's Timeline

The Applicant's Timeline is required to set out the dates and details of family / personal violence which is alleged to have occurred and indicate the relevant evidence to be relied on at the hearing. Relevant documentary evidence (e.g., 'screenshot', 'email', 'Family Court Orders', 'CCTV footage') is to be attached to the Timeline. Electronic documents (e.g., CCTV footage) are to be filed with the Timeline on USB. If oral testimony is to be provided by a witness at the hearing, that is to be indicated in the Timeline (e.g., 'oral evidence to be given by my brother Sam Smith at hearing'). Three copies of the Timeline and relevant attachments are to be filed with the Court.

Note 2: The Respondent's Reply

The Respondent's Notice of Grounds for Defence ('Reply') is to indicate the Respondent's acceptance or denial of the allegations described in the Application and Timeline or describe the events from the Respondent's perspective. Relevant documentary evidence (described in Note 1 above) described in, and attached to, the Reply. If oral testimony is to be provided by a witness at the hearing, that is to be indicated in the Reply (e.g., *oral evidence to be given by sister Alice Smith at hearing*). Three copies of the Respondent's Reply and relevant attachments are to be filed with the court

Note 3: Service of Documents filed with the Court

Service of documents filed with the Court must be undertaken by a solicitor for a party who is legally represented. Where a party is self-represented, the Court will serve documents filed by the self-represented party in accordance with section 70D of the *Family Violence Act 2016* and section 64D of the *Personal Violence Act 2016*.

Note 4: Obtaining documentation

Parties should have regard to the requirements in the *Court Procedures Rules 2006* relating to issuing subpoenas in court proceedings. Parties seeking to utilise documents obtained in separate court proceedings (eg Family Court proceedings) must seek to be released from the implied undertaking from the Court in which the documents were obtained.

Any request to order a transcript of a hearing of an interim order should be made at least 14 days prior to the hearing date.

Applications for an adjournment of a hearing date may not be granted on the basis of a delay in obtaining transcripts or issuing subpoenas.

Note 5: The Hearing

Remote Witness Room/Interpreters

Requests for assistance of an interpreter or a Remote Witness Room are to be sent to the Protection Unit via protection@courts.act.gov.au at least 14 days prior to a hearing date.

Witnesses

Any witness who will be giving evidence (oral testimony) is required to be present at Court on the hearing date. Parties must apply for leave (permission) for the witness to be able to give evidence remotely. Parties must also apply for the Court's leave to call a child who is not a party to the proceeding to give evidence at the hearing. This is done by filing an Application in Proceeding (Form 6.2) available on the ACT Legislation Register <https://www.legislation.act.gov.au/> or at the court registry counter.

Section 63 of the *Family Violence Act 2016* prohibits a self-represented respondent from personally questioning an 'affected person' at hearing. This means the Court will appoint a person to ask questions on behalf of the Respondent. This person cannot give legal advice.

Note 6: Legal Advice

Legal Aid ACT has an office in the court precinct and provides free legal information and advice. Legal Aid ACT can also be contacted via telephone on (02) 6207 1874 or 1300 654 314.

ANNEXURE B

SUBPOENA FOR PRODUCTION FAMILY VIOLENCE PROCEEDINGS

1. I am seeking to issue a subpoena for production in a proceeding that relates to family violence.
2. I have considered all of the following:-
 - a. The definition of “protected confidences” as outlined at section 79A of the *Evidence (Miscellaneous Provisions) Act 1991*;
 - b. Whether the material I am seeking are protected confidences;
 - c. That protected confidences cannot be disclosed without the leave of the court;
 - d. That an application for leave must be made and decided by the court before I seek to issue a subpoena for production of protected confidences material.

DELETE WHICHEVER IS NOT APPLICABLE

3. The subpoena will not require a person or organisation to produce material that is a protected confidence as per section 79A of the *Evidence (Miscellaneous Provisions) Act 1991*.

OR

4. The subpoena will require a person or organisation to produce material that is a protected confidence as per section 79A of the *Evidence (Miscellaneous Provisions) Act 1991*.

AND

5. Leave to issue the subpoena has been granted – *outline details below*
 - a. Date leave was granted: _____
 - b. Name of Magistrate who granted leave: _____
 - c. Outline any terms of the leave granted: _____

Name:

Signature:

Date:

ANNEXURE C

UNDERTAKINGS

Section 64 of the *Family Violence Act 2016*

Section 58 of the *Personal Violence Act 2016*

FVO / PPO / WPO/20.....

.....
Applicant

.....
Respondent

.....
Protected person(s)

UNDERTAKINGS

By consent and without admissions, the application dated _____ (insert date) is discontinued and the interim order dated _____ (insert date) is discharged on the basis of the following undertakings by _____ (“the respondent”) for a period of _____ months/years:

1. The respondent is prohibited from:
 - a. *Insert conditions here**

Applicant:

Date:

Signed:

Respondent:

Date:

Signed:

ACKNOWLEDGMENT OF EFFECT OF UNDERTAKINGS

I, _____, the protected person/respondent acknowledge and understand that:-

1. A breach of the undertaking is not an offence;
2. The undertaking is not legally enforceable;
3. The court's acceptance of the undertaking does not stop the court from making further orders against the respondent to protect the protected person from family violence;
4. Evidence of a breach of the undertaking may be used in evidence in a later proceeding.

Signed:

Name:

Date:

ANNEXURE D

CONSENT ORDERS

Section 33 of the *Family Violence Act 2016*

Section 25 of the *Personal Violence Act 2016*

FVO / PPO / WPO/20.....

.....
Applicant

.....
Respondent

.....
Protected person(s)

In relation to the application dated _____ (insert date) regarding the behaviour of
_____ ("the respondent") in relation to _____

(“the protected person(s)”), by consent and without admissions, pursuant to section 33 of the *Family Violence Act 2016* / section 25 of the *Personal Violence Act 2016* the Court orders that for a period of _____ months/years:

1. The respondent is prohibited from:
 - a. **Insert conditions here**

Applicant:

Respondent:

Signed:

Signed:

Date:

Date: