

Legal Aid ACT

DOMESTIC VIOLENCE ORDERS AND PERSONAL PROTECTION ORDERS

What are Domestic Violence Orders (DVO) and Personal Protection Orders (PPO)?

These are orders made by the court to protect a person (the applicant) from future assaults, threats of violence, property damage, stalking, acts of indecency, harassment and offensive conduct by another person (the respondent). They protect the applicant by ordering the respondent not to engage in conduct that amounts to domestic or personal violence.

It is an offence to breach a protection order. The maximum penalty is \$55,000 or 5 years imprisonment, or both.

Grounds for applying for a DVO

You can apply for a DVO if:

1. a person (the respondent) you:
 - live with
 - used to live with
 - are married to
 - are related to by blood; or
 - were or are in a domestic relationship with.
2. has engaged in any of the following acts against you:
 - physical or personal injury
 - sexual assault
 - stalking or acts of indecency
 - damage to your property
 - trespass or burglary
 - negligent, reckless or culpable driving
 - harassment or offensive conduct, or
 - violence directed at your pet, or
 - threats of any of the above.

The order can also include your children if they have experienced similar conduct, or if they are at risk of exposure to such conduct.

Grounds for applying for a PPO

You can apply for a PPO if:

1. a person you are not related to and have not lived with such as a neighbour or workmate
2. has engaged in any of the following against you:
 - personal injury or damage to property
 - stalking or acts of indecency
 - trespass or burglary
 - negligent, reckless or culpable driving
 - harassment or offensive conduct
 - violence directed at your pet
 - threats of any of the above

How do I apply for a DVO or PPO?

You can get an application form from the Magistrates Court. For advice, information and assistance with the application see the Legal Aid Domestic Violence and Personal Protection Orders Unit located at the Court.

ACT Legal Aid Domestic Violence and Personal Protection Orders Unit

This Unit provides:

- advice on the process of applying for an order and whether you have grounds to apply for an order
- assistance with submitting an application
- representation in court if you are applying for an interim order
- assistance with applications to extend, change or withdraw an order

Location: Ground Floor, ACT Magistrates Court

Knowles Place CIVIC

Phone: 6207 1874

Urgent Orders

If there is immediate risk to personal safety, the court may make an interim order based on the evidence of the applicant. This order will come into effect as soon as the police give a copy to the respondent. It will operate temporarily, until a return conference which will be scheduled for approximately three weeks after the interim Order is made. If an agreement is not reached by both parties then it will continue until the final hearing.



If an interim order has been made, the court will send a copy of the order to the defendant at least 14 days before the return date. If the respondent objects to an interim order that was made when they were not present, they must tell the court at least 7 days before the return date.

If the respondent does not state their objection to the orders within the time limit, the interim order will become a final order. If the respondent does object to the order, the court may hold a hearing to decide the application for the final order. For PPOs, a final order can last 12 months and for DVOs 2 years.

Return Conference

If an interim order is not granted, the court will set a date for a return conference (usually 2-10 days) when both the applicant and respondent are able to attend court.

On the return date, the court registrar will hold a conference with both parties (although you do not have to see the other party if you do not wish to). The aim is to identify whether it is possible to ensure the safety of the applicant without a final court order being made. That is exploring options for final resolution of the matter by agreement between the parties.

Final Orders

If the issue is not resolved at the return conference, it will be set down for a hearing. Both parties will go before the magistrate, who will decide whether an order should be made.

Alternatives to orders

Alternatives to a final order include mediation between the parties, or an undertaking (promise) made by the respondent before the court.

Consequence of Orders

If a person has an order against them it does not mean that they will get a criminal record. However, if they breach any of the conditions of the order, they can be arrested and charged by the police.

Domestic Violence Crisis Service

If you are experiencing violence at home, call the Domestic Violence Crisis Service for support and assistance. Ph: (02) 6280 0900 (24 hours). If the situation is urgent call the police on 000.

