

Family Violence Orders and Personal Protection Orders

Family Violence Orders (FVOs) and Personal Protection Orders (PPOs) are orders made by the Court to protect a person from family or personal violence. Family violence is committed by a family member, while personal violence is committed by someone not related to you. PVOs include violence committed in the workplace.

The definition of violence is broad. It includes psychological, emotional, financial and physical violence. It is not just limited to physical violence.

Family Violence Orders (FVOs)

You can apply for an FVO if a family member has engaged in any of the following behaviour:

- Physical violence or abuse
- Sexual violence or abuse
- Emotional or psychological abuse
- Economic abuse
- Threatening behaviour
- Coercion or any other behaviour that:
 - Controls or dominates the family member and;
 - Causes the family member to fear for their safety and wellbeing or that of another person.

It is also family violence if a child is exposed to any of the above behaviour or the effects of the behaviour

The definition of family violence is very broad. It includes situations where there are power imbalances in a family setting, such as:

- Sexually coercive behaviour
- Damaging property
- Harming an animal
- Stalking
- Deprivation of liberty.

A family member is:

- A domestic partner or former domestic partner
- An intimate partner or former intimate partner
- A relative
- A child of a domestic partner or former domestic partner
- A parent

Personal Protection Orders (PPOs)

You can apply for a PPO if someone has committed violence against you and it is not a family member. This means they are not related to you and have not lived with you. For example, this could include a neighbour or someone you have worked with.

Personal violence includes:

- Physical violence or abuse
- Sexual violence or abuse
- Threatening behaviour
- Stalking
- Harassing, intimidating or offensive behaviour
- Damaging property.

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Applying for a FVO or PPO

Complete an application form from the Magistrates Court registry. Lodge the application between 9.00 am and 11.30 am Monday to Friday.

Applications will only be accepted during these hours. A judicial officer can make an **after-hours order** if there is a risk of violence to a person, and the order is immediately necessary to ensure the person's safety. An after-hours order may also be provided to prevent substantial damage to the person's property.

For advice, information and assistance with the application you can talk with a lawyer at the Legal Aid Family Violence and Personal Protection Orders Unit. This is located at the Magistrates Court.

Legal Aid ACT

Domestic Violence and Personal Protection Unit

9.00am-5.00pm Monday-Friday

www.legalaidact.org.au

Phone: **1300 654 314** or **(02) 6207 1874**

The lawyer can give you:

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

Interim Orders

An interim order is an emergency order. An interim order will last until other orders have been made. Generally, an interim order will only be made in urgent cases, where it is necessary to protect a person or their property. Usually, interim orders are only made when applying for a final order. However, there are exceptions to this.

A **special interim order** may be made where the person who used violence has been charged with a related violence offence. In all other situations, a **general interim order** may be made.

After the Application

After an application is made, the Court will set a date for a **return conference** (usually within 2-10 days). This will mean that both you and the other person have to return to court. However, you do not have to see the other person if you do not wish to.

A return conference occurs to determine whether you and the other person can resolve the matter by agreement. This may prevent further court proceedings.

Final Order

If the matter is not resolved, a hearing will occur. Both you and the other person will go before a Magistrate who will decide whether an order should be made.

- A final order for an FVO can last up to 2 years
- A final order for a PPO can last up to 1 year.

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Alternatives to orders

There are alternatives to final orders. These include mediation between the parties. There may also be an undertaking (a promise) made by the person who used violence that they will not do so again. This is done before the courts.

Consequence of Orders

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

FOR HELP

Police - Phone 000 for urgent help.

Domestic Violence Crisis Service

Phone (02) 6280 0900 for support.

This service operates 24 hours, 7 days a week.

Legal Aid Domestic Violence and Personal Protection Orders Unit

Phone: 1300 654 314

Location: Magistrates Court

ACT Magistrates Court

Ground Floor, Knowles Place, Canberra, 2601

Phone 6207 1874