

PROTECTION ORDER APPLICATIONS POLICE AGGRIEVED

WHY AM I HERE TODAY?

You are here today because you are the aggrieved person in a Police Application for a Protection Order, also called a Domestic Violence Order or DVO.

The Police are asking the court for the DVO to protect you because they believe that the other person, the respondent, has committed DV against you and will probably do it again.

WHAT IS A DVO?

A DVO is a court order that tells the respondent that they must be of good behaviour towards you and not commit DV against you. If this is the only condition Police are seeking, this means that you and the respondent can still have a relationship, you can still see each other, speak to each other, and live together if that is what you want. It just means that they must not be violent towards you or commit DV against you.

A DVO can sometimes have extra conditions on it that stops the respondent from doing certain things. For example, it may say that the respondent cannot text, email, or speak to you, cannot come to your house, your work or to where your children go to school. It may also stop them from coming up to you if they see you somewhere.

If you are not sure what conditions the Police are asking for, you should read the application carefully or ask the Police Prosecutor when you go into court.

HOW LONG DOES A DVO LAST?

A DVO usually lasts for 5 years. Sometimes a shorter order may be made if the Magistrate believes you do not need an order for that long.

IS A DVO CRIMINAL?

A DVO is not a criminal matter. It is a civil matter.

This means that the respondent will not have a criminal record, go to jail or have to pay a fine if the order is made against them.

The respondent must however follow the order and do what it says. If they break or breach the order, then that is a criminal matter and they can be charged with a criminal offence.

WHAT WILL HAPPEN IN COURT TODAY?

When you go into court you will be asked to sit down at a table next to the Police Prosecutor. If the respondent is at court, they will sit at the other end of the table.

Because it is the Police asking for the order, the Police Prosecutor will talk to the Magistrate about the application and why they want a DVO to protect you from the respondent.

If the respondent is in court:

The Magistrate will ask the respondent if they agree to the order or not.

If they agree the order will be made, and you will not need to come back to court.

If they do not agree, the matter will be set down for a hearing and you will need to come back to Court.

Sometimes the respondent might agree to some conditions and not others, or might want a shorter order. The Magistrate will ask whether you and the Police Prosecutor agree to this. The Magistrate will then decide what conditions are included on the order and how long the order should be made for.

The respondent might ask for some more time to decide what they want to do or to get legal advice. This is called asking for an adjournment. If it is adjourned, you may need to come back to court.

If the respondent is not at court

If the respondent has been served (this means that they have been given a copy of the application by Police) and they do not come to court, the order may be made. If the order is made, you will not need to come back to court.

If the respondent is not at court because they have not yet been given a copy of the application, then your matter will be adjourned, and you may need to come back to court.

WHAT IS A TPO?

If the matter is adjourned for any reason the Magistrate may decide to make a Temporary Protection Order, called a TPO, to protect you until the matter is finished.

WHAT IF I DO NOT WANT THE ORDER?

You can tell the Police Prosecutor when you go into court that you do not want the order. Usually the Police will still ask for the order, even if you do not want it, because they believe that you need protection from the respondent.

You can also tell the Magistrate that you do not want the order. Sometimes the Magistrate will adjourn the matter and tell you to write to the Police telling them why you do not want the order. Often the Magistrate will still make the order though, even if you do not want it.

If the Police are asking for extra conditions, for example to stop the respondent from contacting you or having a relationship with you, you can tell the Police Prosecutor and the Magistrate that you do not want the extra conditions. Usually the Magistrate will still make an order but may decide not to include the extra conditions. If this happens, the order would just say that the respondent must behave appropriately and not commit DV against you.

If you are appearing in court in Townsville, you may be able to speak with a Police Prosecutor before you go into court. You can tell the Prosecutor if you want the order or not, how long you want it for and what conditions you want on the order. It is up to the Prosecutor and the Magistrate what order is made.

WHAT HAPPENS AFTER COURT?

If a DVO or TPO is made, the respondent must follow the order. If they do not, you should contact the Police and the respondent can be charged with a criminal offence.

If the matter has been set down for hearing, the Police will tell you what you need to do.

If you are not happy with the order and want to add more conditions or take some conditions away, you should get some legal advice

If you do not understand what happened today or have any questions, you should speak to a lawyer to get some legal advice.

You should also get legal advice, if you have not already done so, if you and the respondent have children together and the relationship is over.

WHAT IF I NEED FURTHER HELP?

The following Services may be able to provide you with some free legal advice:

- North Queensland Women's Legal Service: 4033 5825 (Cairns) or 4772 5400 (Townsville).
- Aboriginal and Torres Strait Island Women's Legal Service (Townsville): 1800 082 600.
- Aboriginal and Torres Strait Islander Legal Service (ATSILS): 1800 012 255.
- Cairns Community Legal Centre: 4031 7688.
- Legal Aid Queensland: 1300 65 11 88.
- Townsville Community Law: 4721 5511.
- Queensland Indigenous Family Violence Legal Service (QIFVLS): 1800 887 700.

Alternatively, you can contact a private lawyer. If you need help finding one, the Queensland Law Society has a 'Find a Solicitor' tool available on their website: (<http://www.qls.com.au>).

If you need further (non-legal) support, the following Services may be able to assist you:

- Cairns Regional Domestic Violence Service: 4033 6100.
- North Qld Domestic Violence Resource Service: 4721 2888 (Townsville and Mount Isa).
- DV Connect: 1800 811 811.
- 1800 Respect: 1800 737 732.
- The Women's Centre FNQ: 4051 9366.
- The Women's Centre Townsville: 4775 7555.