

PROTECTION ORDER APPLICATIONS POLICE RESPONDENT

WHY AM I HERE TODAY?

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

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

WHAT IS A DVO?

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

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

If you are not sure what conditions the Police are asking for, you should read the application carefully or ask the Police Prosecutor or Magistrate 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 against you for that long.

IS A DVO CRIMINAL?

A DVO is not a criminal matter. It is a civil matter. This means you will not have a criminal record, go to jail or have to pay a fine if the order is made against you.

You must however follow the order and do what it says. If you break or breach the order, then that is a criminal matter and you 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. The Police Prosecutor will be at the table and if the aggrieved 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 the aggrieved from you.

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

If you are not sure what you want to do

If you are not sure what you want to do you can ask for some more time to decide or to get legal advice. This is called asking for an adjournment. If it is adjourned, you will need to come back to court.

If you agree to the Order

If you agree you can tell the Magistrate that you consent without admissions. This means that you agree the order can be made but you are not saying that you did what the Police have said you did in the application. If you consent without admissions the order will be made, and you will not need to come back to court.

If you agree, but want different conditions

If you agree to having an order made against you but you want different conditions to what the Police are asking for, or you want the order to be made for less than 5 years, you can tell this to the Magistrate.

For example, the Police might be asking that you do not contact the aggrieved, but you don't think this is needed. You could tell the Magistrate that you will agree to the order if the no contact condition is not included.

The Magistrate will ask the Police Prosecutor and the aggrieved if they agree to what you are asking for.

If they do then the Magistrate may decide to make the order that you are saying you will agree to. If the Police Prosecutor and aggrieved do not agree then the Magistrate may decide to make an order with the conditions that the Police are asking for.

You can then either agree (consent without admissions) and the order will be made or not agree (contest) and the matter will be set down for a hearing and directions will be made.

If you do not agree

If you do not agree with the order being made, you can contest it and the matter will be set down for a hearing.

The Magistrate will make directions, which means that the Police will be given a date that they have to provide you and the court with all of their evidence and reasons why they believe an order needs to be made against you.

You will also be given a date that you have to provide the court and the Police with all of your evidence and reasons why an order should not be made against you. You will have to come back to court to make sure that both you and the Police have provided your evidence to each other and then you will have to come back to court for the hearing.

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, against you to protect the aggrieved until the matter is finished.

WHAT IF THE AGGRIEVED DOES NOT WANT THE ORDER?

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

The aggrieved can also tell the Magistrate that they do not want the order. Sometimes the Magistrate will adjourn the matter and tell you and the aggrieved to write to the Police telling them why they should not continue with their application against you. Often the Magistrate will still make the order though, even if the aggrieved does not want it.

WHAT HAPPENS AFTER COURT?

If a DVO or TPO is made, you must follow the order. If you do not, you can be charged with a criminal offence.

If the matter has been set down for hearing, you have to follow the directions that the Magistrate made about you and the Police providing your evidence to each other and the court.

If the matter has been adjourned for you to write to the Police explaining why they should not continue with their application against you, you should make sure you write to the Police well before the next court date.

If you asked for an adjournment to get legal advice 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 aggrieved 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 755