

# Your Court, Your Safety



This booklet was originally published by the Women's Legal Centre ACT & Region Inc in 2012. In 2018 the text was substantially revised and updated to reflect changes to legislation, practice and procedure.

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### **Information for service providers**

This booklet is intended to provide victims of domestic and family violence with comprehensive information about the legal process for family violence orders and a range of support services available in the ACT. This resource is best given to victims at their first contact with justice agencies and support services, to serve as a resource throughout the court process and to aid their recovery from violence.

### **About the Women's Legal Centre**

The Women's Legal Centre Inc. is a community legal centre for women in Canberra and the surrounding area. The Centre is run by women and aims to improve women's access to justice. The Centre can be contacted on 02 6257 4377 or [admin@womenslegalact.org](mailto:admin@womenslegalact.org)

### **Disclaimer**

While every effort has been made to ensure that the information in this booklet is as up to date and accurate as possible, it is not a substitute for legal advice. The law is complex and may change. Readers are advised to seek specific legal advice in relation to their particular situation.

# Introduction

What is this booklet about?

**This booklet provides information about what domestic and family violence is, who is affected by it, and ways to deal with it.**

It explains the process of going to court to apply for a Family Violence Order in the ACT. There are services that can help you through this process and help you and your family deal with the effects of domestic and family violence. These are listed in sections 5 and 6 of the booklet.

## Where to get help

### Domestic Violence Crisis Service (DVCS)

24 hour crisis line	02 6280 0900
TTY	02 6228 1852
Website	<a href="http://dvcs.org.au">dvcs.org.au</a>

### Legal Aid ACT Domestic Violence and Personal Protection Unit

Legal Aid Helpline	1300 654 314, 9 am – 4 pm, Monday to Friday
Protection Unit	02 6207 1874
Email	<a href="mailto:legalaid@legalaidact.org.au">legalaid@legalaidact.org.au</a>
Website	<a href="http://legalaidact.org.au">legalaidact.org.au</a>

### ACT Police Family Violence Coordination Unit

Telephone	(02) 6245 7350
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If you ever feel that you are at immediate risk of harm, call 000.

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# Your safety and the impact of family violence

This section has information about the dynamics and impact of domestic and family violence, understanding the risk of future violence, and ways to try and stay safe.

## What is domestic and family violence?

Domestic and family violence is when someone intentionally uses violence, threats, force or intimidation to control or manipulate a partner, former partner or family member, causing them to feel afraid.

Domestic and family violence does not just mean physical violence, like pushing or hitting. It can also include emotional or verbal abuse, psychological or financial abuse, or sexual violence. It can occur in a variety of situations, including where you do not live in the same house as the person using violence.

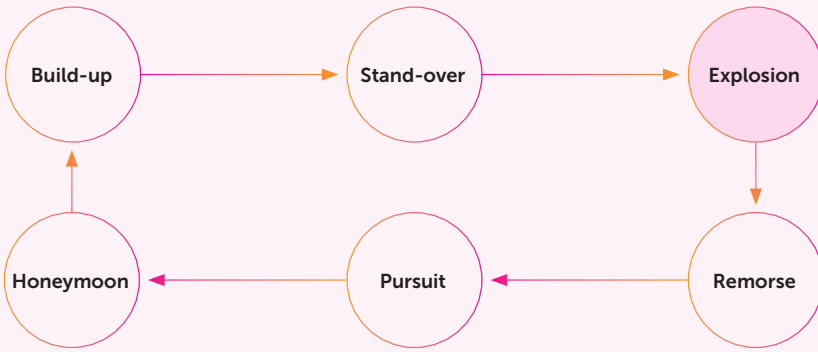
Behaviours that are domestic and family violence include:

- using insults, offensive language or putting you down
- monitoring your use of technology, including your phone or email account
- threatening self-harm in front of you and/or your children
- isolating you from friends or family harming, or threatening to harm your pets
- damaging property, such as smashing walls or throwing things
- limiting your access to money, or controlling your spending.

## The dynamic of family violence

Sometimes it is helpful to understand domestic and family violence as a cycle of behaviour. The cycle of violence explains the behaviour and tactics that an abusive person might use to control you and your children. The violence moves between relative calm and an explosion of abuse. This model may not reflect your experience exactly.

The reality is that no cycle is the same and the phases can occur in different combinations, order, levels of intensity or they can overlap. Some people may experience a cycle over a period of three months; others may experience it daily.



<b>Build-up</b>	Increases tension, harassment, and arguments.	<b>You might feel:</b> angry, unfairly treated, hopeless, tense, afraid, embarrassed, humiliated, disgusted, depressed, like you are treading on eggshells
<b>Stand-over</b>	Increases level of control and threats, creates fear in the victim and children.	
<b>Explosion</b>	Uses extreme abuse, aggression, violence, and malicious damage (as an extreme controlling behaviour).	<b>You might feel:</b> frightened, trapped, helpless, numb
<b>Remorse</b>	Tries to justify and play down actions, blames victim, shows guilt, and may include threats of self-harm.	<b>You might feel:</b> relieved, angry over the incident, resentful, guilty, hopeful, or like trying to minimise the seriousness of the event
<b>Pursuit</b>	Promises it will not happen again, claims they are the 'victim', blames other factors or substance abuse (such as alcohol).	
<b>Honeymoon</b>	Returns to the courting phase, increased caring, attentive and romantic.	<b>You might feel:</b> positive, like things are going well, hopeful

## Who is affected by domestic and family violence?

Domestic and family violence affects people across all ages, genders, and cultural groups. Research shows that the overwhelming majority of people experiencing domestic and family violence are women and children, and the overwhelming majority of perpetrators of violence are men. Domestic and family violence most commonly occurs within the context of an intimate partner relationship; however it can also occur in other types of relationships such as between siblings or between parents and adult children.

Certain groups in society are at an increased risk of experiencing domestic and family violence and may find it more difficult to seek help if they are in violent situations. These groups include people who identify as Aboriginal or Torres Strait Islander (ATSI), and people with a disability. Section 7 of this booklet contains information about support services for these groups.

## The impact of domestic and family violence

Domestic and family violence can have wide-ranging and long-term effects on your physical, emotional and mental health, and wellbeing. You might:

- experience depression or anxiety
- suffer disrupted eating patterns
- experience feelings that life is not worth living
- use/overuse substances such as drugs, cigarettes or alcohol to manage the pain of being abused.

Many people who have experienced domestic and family violence say that one of the hardest things to deal with is 'what it does to your head'. The person using violence will often use emotional abuse to undermine your self-belief. The effects of this might last even when you're not in a relationship.

The experience of domestic and family violence can also have social or other effects. If the violence limits education and job opportunities you may lose secure housing and income, and may become separated from your community and support network.

Seeking help can be difficult for many reasons, including:

- fear of the abusive person
- uncertainty over what might happen if the relationship ends
- not wanting the relationship to end
- concern for your children
- worries about practical issues like housing, employment, transport and childcare
- pressure from others to stay in the relationship
- desire to stay with a partner, but have the violence stop
- shame
- a belief that the person using violence will change.

It can help to talk about the abuse with people who are experienced in working with victims of domestic and family violence and can help you think through the best options for you and your family. They can advocate on your behalf as you negotiate services and systems to regain your safety.

For contact details for support services, see sections 5 and 6 of this booklet.

## The impact of domestic and family violence on children

Domestic and family violence and the threat of violence at home create fear in the home and harm normal family life. Children and young people don't have to see the violence to be affected by it.

Children are affected by domestic and family violence in many ways.

For example they might:

- witness the violence (both seeing and hearing the violence)
- be physically and emotionally abused themselves
- be hurt while attempting to intervene
- witness the aftermath of the violence (cleaning up the site, seeing the police and/or ambulance attend, observing the injuries and distress of their parent)
- be threatened or abused as a way of hurting or intimidating their other parent
- be deliberately alienated from the parent experiencing the violence
- be encouraged to participate in the violent behaviour by an abusive parent
- become isolated from extended family, friends and broader support networks
- lose a connection with their primary carer as their energy may be focused on surviving the violence.

For children to develop they need a secure and nurturing environment. A home with domestic and family violence is not safe. Children can be scared about what might happen to them and to the people they love.

Children who witness domestic and family violence are more likely to have, behavioural problems, insomnia, anxiety or depression, diminished self-esteem, poorer academic performance and health problems.

You can help your children to heal from the effects of violence by giving them lots of attention and affection. Talking to you and others can sometimes help them make sense of the violence.

Communicate these important messages to children and young people:

- the violence is not their fault
- feeling sad or angry is understandable and normal
- they can talk to you about the violence or anything else that they are concerned about, and you will take action together
- they should not try to intervene.

There are services that can help you support your children. See section 6 of this booklet for services to help children deal with domestic and family violence.

## Assessing the risk of future violence

When making decisions about your safety, it is crucial to consider the risk of further violence. Domestic and family violence support services can help you understand the risk posed by the abusive person. Support services are listed in sections 5 and 6 of this booklet.

While it is not always easy to know if you are at risk, there are some questions you can ask to assess your risk of future violence.



### **Is there an immediate threat of violence?**

If the abusive person has made direct or recent threats (physical, verbal or implied), threatened suicide, or made threats towards your children, take them seriously. Call 000 if you are in immediate danger. Otherwise, discuss the threats with a police officer at your local police station.

### **How much does the abusive person attempt to control you?**

Consider how much they attempt to control you and isolate you from friends and family.

- Have they ever stalked you or made threats to harm you or your children if you leave?
- Do they monitor where you go and who you talk to?
- Do they control all the money in the relationship?

Abusive people who are highly controlling and jealous can be very dangerous if they think they are losing control of you. Their behaviour may escalate because you have left them, started a new relationship or taken legal action.

### **How dangerous is the abusive person's behaviour?**

There is a high risk of future and serious violence if:

- there is a history of physical or sexual violence
- the person has access to weapons
- the person has tried or threatened to kill you or anyone else
- the violence is increasing or getting more serious.

### **Are there factors that may increase the chance of the abusive person being violent?**

This could include things like excessive drinking, untreated mental illness or jealousy. These are not direct causes of violence but they can lead to a higher risk. Being pregnant can also increase your vulnerability.

### **Are your children vulnerable to the abuse?**

Domestic and family violence has serious effects on children of all ages. Children might witness domestic and family violence or be hurt by the abusive person.

### **Are you fearful?**

Your fear of the abusive person is a strong sign that something is wrong. Do not ignore your fear. If anything causes you to become more fearful, take immediate action by contacting police.

### **Are there factors that make it more difficult for you to get away from the abuse?**

This could include factors like living with a disability, being isolated from people who can support you, or being financially dependent on the abusive person.

For more information on services to assist with these issues, see sections 5 and 6.

# Red flags

**RISK FACTORS:** Victims who are experiencing any of the following are at increased risk of being killed or almost killed.

<p><b>Controlling behaviours</b></p> 	<p><b>Escalation of violence</b></p>	<p><b>Recent separation</b></p> 	<p><b>Stalking</b></p> 
<p><b>Jealous, obsessive behaviour</b></p>	 <p><b>Threats to kill victim</b></p>	<p><b>Strangulation or attempts to strangle</b></p>	 <p><b>Harms or threatens to harm or kill children</b></p>
 <p><b>Access to, or use of weapons</b></p>	<p><b>Perpetrator threatens or attempts to commit suicide</b></p>	 <p><b>Perpetrator drug or alcohol misuse</b></p>	<p><b>Sexual assault</b></p>
 <p><b>Threats to harm or kill pets</b></p>	<p><b>Perpetrator unemployment</b></p>	 <p><b>Pregnancy/new birth</b></p>	<p>Source: Victoria, Department of Human Services (issuing body) 2012, <i>Family violence risk assessment and risk management framework and practice guides 1-3</i>, Second edition, Melbourne, Australia, Victorian Government, Department of Human Services.</p>

For information and training, visit [The Lookout.org.au](http://TheLookout.org.au)

**THE LOOKOUT**  
Your place for family violence information

**Domestic Violence Resource Centre Victoria**

Preventing violence, promoting respect

[www.dvrcv.org.au](http://www.dvrcv.org.au)



## Safety planning

Think about strategies you can use to try to improve your safety – strategies that suit your individual circumstances. Your strategies will be different if you are still in an abusive relationship or experiencing abuse after separation.

You can call the Domestic Violence Crisis Service (DVCS) on (02) 6280 0900 to develop a personalised safety plan.

Remember to call 000 if you are in immediate danger.

Here are some ideas to help you start thinking about safety planning.

### Ideas: During an incident of violence

- Decide how you will leave – by car, on foot, or by calling a friend.
  - Decide where you will go – friend or family, neighbour, hotel or police.
  - Decide what you will take – consider packing an overnight bag and hiding it in your car, or wardrobe. You might consider packing it in an unused rubbish bag at the back of your wardrobe so it looks like a bag of old clothes.
  - Make sure your mobile phone is charged and on your person. You don't need to speak to police, just making the call and saying nothing is enough to raise the alarm, but keep the call active.
  - If you are concerned about your car keys, purse and other necessary items being taken, store them in a secure place that you can access in a hurry.
  - If you feel comfortable talking to your neighbours, do. Ask them to call the police if they hear suspicious noises coming from your home.
- Consider creating a code word with your friends/family and/or children so that they know when to call for help.
  - In the event a situation begins to escalate, try to move to a space that poses the lowest risk of injury in case you need to escape. For example, being near an unlocked door, away from glass tables, being on the ground floor of the house. It is best to avoid being locked in a room if the person using violence is capable of breaking in.

### Ideas: Preparing to leave the relationship

- Leave money, a set of extra keys and other necessary items with a trusted person.
- Secure all your important documents, such as birth certificates, cheque books, passports and insurance papers. Alternatively make copies and give the copies to a trusted person or email copies to your family or a friend.
- Make sure you have access to money – consider giving some to your family or friend to mind.
- Open a personal bank account, at a bank the person using violence does not use, and make regular deposits to increase your financial independence. But remember to make sure the statements are sent to a secure address or delivered electronically.
- Decide where you will stay – friend or family, hotel or refuge and work out how long you might be able to stay there. If you are unable to stay with family or friends, consider contacting OneLink or if possible organising a private rental property. You can find OneLink's details on page 40 of this Guide.

- Purchase a mobile phone and make sure your mobile phone is charged and has credit – if you do need to call the police, you don't have to speak, saying nothing will put them into action.
- Consider varying your route to work or visit family and changing your regular activities such as going to the gym.
- Discuss what you are doing with a trusted friend, family member or work colleague and consider if you need to create a safe word – do not write down your safe word.
- Work out if you need to make arrangements for your pet.
- Call police if you see the person who has abused you near your home or if they threaten you or communicate with you in any other way.
- Ask a neighbour to call police if they see the person who has abused you or their vehicle near your home.
- Teach your children how to use the telephone to call police or a trusted person if in danger.
- Inform all the people who provide care for the children about who has permission to pick them up and who does not.

#### **Ideas: Communications and social media**

#### **Ideas: Staying safe at home**

- Change the locks on doors and windows as soon as possible.
- Put wood dowel in windows to stop them being slid open.
- Place padlocks and chains on gates.
- Place sliding bolts on ceiling access holes so your home can't be accessed from the roof.
- Install smoke and carbon monoxide detectors and purchase fire extinguishers for your home.
- Install a motion-sensitive lighting system outside that lights up when a person is coming close to your home.
- Decide whether you have capacity to install sensor lights, window bars, additional locks, electronic alarm and a chain on your front door.
- Get an answering machine to screen your calls and report abusive calls to the telephone company and the police.
- Get an answering machine and voicemail and screen your calls. This also allows you to record any abusive messages you receive.
- Ensure the webcam on your computer is turned off, or even better, use tape to cover the lens when you aren't using it.
- Set up a secure email address that you can give to police, lawyers and community services to use – but maintain the email address the person using violence is aware of.
- Change all your passwords and login details using strong passwords that are not words or your birthdate and try to have a different password for different accounts.
- Ensure your mobile phone is set to auto lock after a short period of time and a pin code is required to unlock it.
- Turn off the 'location' function on your phone.
- Turn Bluetooth off and set your phone to 'hidden'.

- Program emergency numbers into your phone, using code names if necessary.
- Ensure you have engaged all the privacy settings on social media and on each device.
- Don't allow other people to tag you in photos or locations.
- Consider using a non-identifying profile and cover photo, such as a flower or landscape on your social media accounts.
- Consider using a different city as your location and not including your place of work or education.
- Talk to your friends, family and neighbours to work out a plan to keep you and your children safe when the other person is using violence. This might include always having a mobile phone with you, arranging to stay with a friend or family, or having someone stay with you at your house.
- Keep a diary of when the other person is violent to you and/or your children. Record all your contact with other services who have responded to a violent incident. This includes names of police officers, incident numbers, names of health professionals, and medical appointment dates and times. Then, if you decide to apply for an order later on, you will have evidence you can show to the court. Be sure you store this information in a safe place, where the person using violence will not find it.

## Alternatives to applying for a Family Violence Order

This booklet explains the process of applying for a Family Violence Order in the ACT Magistrates Court. A protection order can be an effective way of preventing family violence from occurring in some circumstances, however every situation is different and a Family Violence Order may not always be the best option.

There are risks associated with applying for a Family Violence Order because it often signals to the perpetrator that you may intend to leave the relationship or they may not be able to see their children. Be mindful of these risks, and if possible, explore all your options and do a safety plan with a family violence support service, before applying to the court.

If you do not want to get an order there are other things you can do to stay safe.

- Talk to someone at the Domestic Violence Crisis Service about your situation and how you can keep yourself and/or your children safe.
- A lawyer at the Legal Aid Domestic Violence and Personal Protection Unit at the ACT Magistrates Court may be able to write a warning letter for you. Warning letters can tell the other person that if the violence continues, you will apply for an order.
- Consider seeing a counsellor who specialises in domestic and family violence counselling.

If you want to stay in the relationship, the Domestic Violence Crisis Service and other support services can help you with safety planning and counselling so that you can do that as safely as possible.

# Protection orders in the ACT

A protection order is an order made by a court that stops a person from engaging in certain types of behaviour, to ensure the safety of another person or people, or to protect their property.

## What is a protection order?

In the ACT the laws which allow the court to make protection orders are called the *Family Violence Act 2016* and the *Personal Violence Act 2016*. These laws set out the procedures and legal tests which apply to all protection order applications.

If you apply for the order, you are called the Applicant and the other person is called the Respondent. There is more than one type of protection order, depending on the relationship between the protected person(s) and the Respondent.

In other states and territories, protection orders may have different names, for example in Victoria they are called Intervention Orders (IVOs) and in NSW they are called Apprehended Violence Orders (AVOs).

In the ACT there are three types of protection orders.

### Family Violence Order

A Family Violence Order is the order you should apply for if the Respondent is:

- your current domestic partner (husband, wife, partner you live with),
- your former domestic partner (ex-husband, ex-wife, ex-partner)

- your intimate partner or former intimate partner (boyfriend, girlfriend, carers in certain situations)
- your relative (including parents, stepparents, grandparents, children, stepchildren, uncles, aunts, nieces and nephews)
- a child of your domestic partner or former domestic partner, or
- the parent of your child.

If you are an Aboriginal or Torres Strait Islander person, a Family Violence Order can also protect you and your children from:

- someone you have responsibility for, or someone who has responsibility for you, in accordance with customs and traditions
- someone you regard as a relative
- someone with whom you have a family-like relationship, or
- anyone else who could reasonably be considered your relative.

### Personal Protection Order

A Personal Protection Order is the order you should apply for if the relationship between you and the Respondent does not meet the definition of 'family member' in the *Family Violence Act* (as outlined above). You should apply for a personal protection order if, for example, you need protection from your neighbour or colleague.

## Workplace Order

A Workplace Order is a specific type of Personal Protection Order, which allows an employer to apply for an order to protect an entire workplace from a Respondent.

## How quickly can I get an order?

### Interim Orders and Special Interim Orders

Usually when you apply for a Family Violence Order, you have **immediate** safety concerns, and want something to protect you from the day you make your application. An Interim Order does this and can be made by the court on the day you apply for an order, without the Respondent being present at court. Police will give (serve) the Respondent a copy of your application and the Interim Order soon after you make your application. The order will be enforceable as soon as it is served on the Respondent by police.

If, when you apply for a Family Violence Order, the Respondent has been charged with a criminal offence in relation to the same conduct or incident, your Interim Order will be a 'Special Interim Order'. This means the order remains in place until the criminal matters have been finalised, unless it can be resolved by consent (agreement). You can also get a Special Interim Order if you have already applied for a protection order if the Respondent is charged.

## After-hours Orders

If the police are called to your house because of a violent incident outside of normal business hours, and they think you are in danger, they may apply for an 'After-hours Order' on your behalf.

If they do not apply for an After-hours Order, the police may make a referral to a Family Violence Order Liaison Officer, who is a police officer who can help you apply for a Family Violence Order.

Whenever the police are called out to a family violence incident in the ACT, they should also call the Domestic Violence Crisis Service (DVCS). Where possible, workers from DVCS will attend the incident with police.

After-Hours Orders normally only last for a couple of days, and you will be required to go to court and apply for an Interim Order yourself if you want the protection of the order to continue.

If you seek urgent protection after business hours or on public holidays call ACT Policing on 000 or 131 444.

## Final Orders

An Interim Order will only last until a final Family Violence Order is made or until the proceedings are finished. A final Family Violence Order is made either by agreement between the parties, or once your application has been decided by the court. This process usually takes at least 3 months. A final Family Violence Order can be in place for up to two years, or longer in exceptional circumstances.

## Who can apply for an order?

### A person

Anyone can apply for a Family Violence Order, regardless of their age.

#### ACT Policing Family Violence

Coordination Unit has two full time police officers referred to as Order Liaison Officers (FV-OLOs) who work to assist Applicants in applying for Family Violence Orders. ACT Policing no longer advise members of the public to attend the courts and apply for their own Family Violence Orders.

If a member who has responded to a family violence incident thinks a Family Violence Order is appropriate, they will make a referral to the FV-OLOs. Victims can also contact the team directly for assistance by calling 6245 7350 during business hours. Assistance can range from providing general advice over the telephone, to meeting with a victim, typing their application up for them based on their information and attending court with them while the application is lodged and heard by a court official.

Parents can apply for an order to protect themselves and their children on one application, if the children have been subjected to family violence. This includes if a child has heard, witnessed or been exposed to family violence behaviours, or to the effects of the behaviour. It is best to get legal advice if you want an order for yourself **and** your children.

A child under 10 years of age cannot be the Respondent to a Family Violence Order application. Child Respondents between 10 and 14 years of age will need to have a litigation guardian appointed before the matter can proceed.

### A litigation guardian

Where a person has impaired decision-making ability, for example due to age or disability, a litigation guardian can be appointed to make an application on their behalf.

### A police officer

As well as the support provided by FV-OLOs, in some circumstances, police officers can apply for a Family Violence Order on behalf of a person.

## What are grounds for an order?

Family violence is defined in *Family Violence Act 2016* as:

- 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 feel fear for the safety or wellbeing of the family member or another person
- behaviour that causes a child to hear, witness or otherwise be exposed to the behaviours set out above, or the effects of those behaviours.



Without limiting any of the above, family and domestic violence may include:

- forcing a person to have sex
- damaging property
- harming an animal
- stalking a person
- depriving someone of liberty.

**You can apply for a Family Violence Order even if you have never experienced physical violence.**

### Interim Orders

When you apply for a Family Violence Order, the court can also make an Interim Order, if it is satisfied that it is necessary to:

- ensure the safety of an affected person from family violence, **or**
- prevent substantial damage to an affected person's property.

An Interim Order is usually in place for a maximum of 12 months.

### Final Orders

A final Family Violence Order can be made if the court is satisfied that:

- the affected person has reasonable grounds to fear family violence by the respondent, **or**
- the respondent has used family violence against the affected person.

At both interim and final stage, the court has to be satisfied on the balance of probabilities. This is an easier test than the criminal standard of proof, which is 'beyond reasonable doubt'.

## How do I get an order?

### Legal support

If you want to apply for a Family Violence Order, it is a good idea to try and speak to a lawyer first, and they may be able to help you with advice about the process, drafting an application, and/or appearing in court. Legal Aid ACT Domestic Violence and Personal Protection Unit, which is located in the ACT Law Courts building, has lawyers available between 9 am and 4 pm, Monday to Friday. While you don't need an appointment to attend, it is best to make an appointment to guarantee that you will be seen by a lawyer that day. All the relevant court forms are available at the Legal Aid office.

If you don't have an appointment and you want to get an Interim Family Violence Order that same day, you should attend the Legal Aid office before 10:30 am to allow enough time to complete the relevant court forms.

If you have already completed the application yourself, you can still go to Legal Aid to get advice or have a lawyer look at the paperwork before you file it. You can seek advice throughout the process by asking court staff to refer you to Legal Aid ACT.

You can also go to Legal Aid if you are the Respondent to a Family Violence Order and you disagree with the application. If you are a Respondent, you should make an appointment prior to your court date if you would like legal advice.

## Non-legal support

The Domestic Violence Crisis Service (DVCS) has a Court Advocacy Program based at the ACT Law Courts building. Specialist family violence support workers are available through this program who can support you throughout the process of obtaining a Family Violence Order. This support may include attending court with you and providing referrals to other services. You can contact DVCS on (02) 6280 0900 to find out more.

You can also seek support from the police to apply for an order. If you would like support from an FV-OLO you can contact the Family Violence Coordination Unit on (02) 6245 7350.

## Where to get help

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TTY	02 6228 1852
Website	<a href="http://dvcs.org.au">dvcs.org.au</a>

### Legal Aid ACT Domestic Violence and Personal Protection Unit

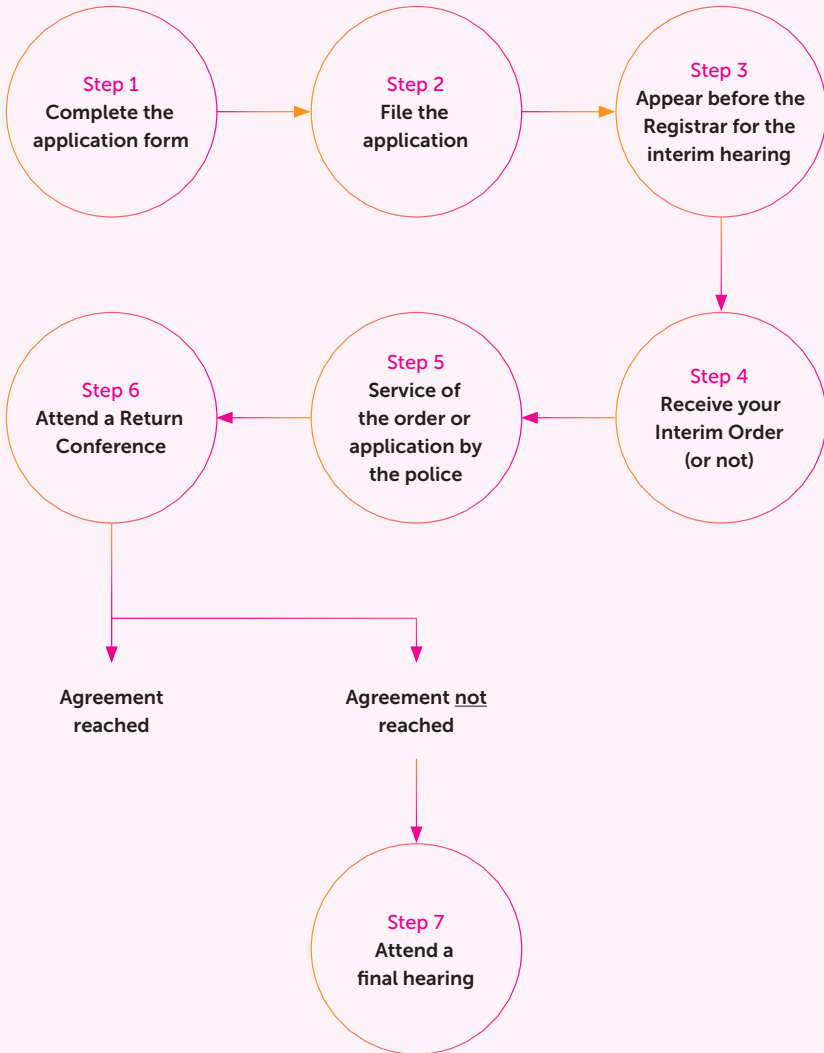
Legal Aid Helpline	1300 654 314, 9 am – 4 pm, Monday to Friday
Protection Unit	02 6207 1874
Email	<a href="mailto:legalaid@legalaidact.org.au">legalaid@legalaidact.org.au</a>
Website	<a href="http://legalaidact.org.au">legalaidact.org.au</a>

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If you ever feel that you are at immediate risk of harm, call 000.

# Family Violence Orders – step by step



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## Step 1

### Complete the application form

Family Violence Order application forms are available at the registry counters in the main foyer of the ACT Law Courts building and online at [courts.act.gov.au/magistrates/courts/protection/family-violence-orders](https://courts.act.gov.au/magistrates/courts/protection/family-violence-orders)

These forms are also available at the registry counters in the main foyer of the ACT Law Courts building.

If you have a lawyer, they will help you complete the court form. If you are filling out the form yourself, it is important to include details of the conduct that you say is family violence. You should be as specific as possible and include dates, what happened and details of any injuries or damage to property.

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## Step 2

### File the application

You file the completed Family Violence Order application forms at the registry counter in the ACT Law Courts Building. There is no cost to apply for a Family Violence Order.

If you have applied for an Interim Order, the counter staff will tell you where you should go to wait for your interim hearing. Your interim hearing will be dealt with by a Registrar on the same day.

You must file all your documents before 11:30 am if you want your application for an Interim Order to be heard the same day.

If you require the order on the same day but are unable to file your application before 11:30 am, you should talk to Legal Aid or court staff about filing after this deadline.

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## Step 3

### Appear before the Registrar for the interim hearing

When your name is called you will then go into a courtroom and tell the Registrar about the violence and why you need an order. If you have a solicitor representing you, they will help you tell your story. Usually only the Registrar and court staff will be there. If there is someone in the courtroom who you don't know, you can ask the Registrar about it. You can take a support person in with you if you wish.

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### Receive your Interim Order (or not)

After you have given your evidence, the Registrar will tell you whether or not they are going to make an Interim Order and if so, what the order will say. Sometimes it can be difficult to understand the legal words used by the Registrar. It's important to talk to the Registrar and ask questions if you're not clear what decision has been made.

The Registrar should then explain to you that the Interim Order will be served on the Respondent by police, **and give you a date to come back to court for the Return Conference**. Please see below for more information about return conferences.

If the Registrar does not grant an Interim Order, you can ask for the decision to be reviewed by a Magistrate. You need to do this while you are in the courtroom with the Registrar. This will usually mean you have to wait until later in the afternoon and then give your evidence again in front of a Magistrate.

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### Service of the order by the police

After you make your application, the court will give a copy of your application, and the Interim Order (if one was made) to the police. The police will then personally give these documents to the Respondent. This is called service.

The Interim Order is only in force once it has been served on the Respondent. When the police serve the Interim Order and/or application on the Respondent, they will send you, as the Applicant, an SMS to confirm this. If you don't know whether the order has been served, you can contact the ACT Policing Service and Process Team on (02) 6245 7342 or 131 444 or [Act-service&process-team@afp.gov.au](mailto:Act-service&process-team@afp.gov.au).

You will need to quote the Family Violence Order number.

The court will also send you a typed copy of the order in the mail.

Service of a Family Violence Order can sometimes trigger a Respondent to become aggressive. You should seek support from DVCS to prepare a safety plan and take extra precautions around the time that the application is likely to be served on the Respondent. See Section 2 of this booklet for more information about safety planning.

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### Attend a Return Conference

A Return Conference is a meeting with a Deputy Registrar of the court and the Respondent at court. During the Return Conference, the Deputy Registrar will speak separately to each person to see if an agreement can be reached about a Final Order. You do not have to see the Respondent during the conference as you will be in separate rooms. If you are worried about seeing the Respondent before or after the conference, you can wait in the Legal Aid office, which is secure.

When you arrive at court for a Return Conference, it is very important to 'check in' with Registry staff. To do this, take a ticket from the machine in the foyer, and go to the counter when your number is called.

A return conference can resolve a matter in two different ways, either by an undertaking, or by a final order made by consent without admissions.

An '*undertaking*' is a promise that the Respondent makes to the court not to do certain things, usually the same things contained in your application or Interim Order. You can withdraw your application for an order in exchange for the undertaking. Before agreeing to accept an undertaking, you should consider whether it provides adequate protection for you. The police cannot enforce an undertaking, and breaching an undertaking is not a criminal offence. If an undertaking is breached, your only option is to reapply for a Family Violence Order. Breach of an undertaking will be considered by the court if you have to apply for another order in the future.

A '*consent order*' is where you and the person using violence agree to a final order being made. The person using violence may not admit to all the things you have alleged in your application, but may still agree to an order. They may do this to avoid the matter going to a hearing before a Magistrate. A final Family Violence Order is then made by consent 'without admissions'. A consent order has the same force and effect as an order made after a fully contested **hearing**.

In the ACT most Family Violence Order applications are resolved at a return conference. Only about 5% of all protection order applications proceed to a **hearing**.

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### Attend a final hearing

**If you cannot reach an agreement at the Return Conference**, you will have to go to court and a Magistrate will decide whether a final Family Violence Order should be made. This is called a hearing. When you leave the Return Conference, you will be given a date to come back to court for the hearing, usually in around 6–8 weeks. If you have had an interim Family Violence Order in place, it will remain in force for the period between the Return Conference and the hearing.

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## Preparing for a hearing

### Gathering evidence

If you are representing yourself at a final hearing, it is helpful to gather evidence to prove your case, for example records of interactions with police, doctors, or child protection. To do this, you may have to issue subpoenas, which are court orders asking a person or organisation to give or produce evidence.

### Issuing subpoenas

These documents are then sent to the court. You will need to complete a form called 'Subpoena' which you can get online or at the registry counter. Remember:

- In the form, you will need to include the address of the agency that you want to subpoena. Sometimes you may have to give the agency a call to check who the subpoena should be addressed to and the best address to send it to.
- Include a list of the documents you want. Only ask for documents that may be relevant to help your application.
- File the original subpoena form and two copies at the registry. You will need to pay a fee to the court to do this.
- The registry will give you back the two copies, stamped by the court. You will need to give one copy to the agency you wish to subpoena and one copy to the Respondent.

- Once the agency is given a copy of the subpoena, they will give the requested documents to the court. You can then arrange a time with the court to look at the documents and if allowed, copy the documents.
- You may also need to pay a fee to the agency you wish to subpoena for them to give the court the documents. This is called 'conduct money'. Different agencies may ask for different amounts of conduct money so check with each agency how much they charge.

### Witnesses

You should also think about whether anyone has witnessed any of the Respondent's violence towards you, and ask them whether they would be willing to give evidence. Sometimes, if a witness does not attend voluntarily, you can subpoena them to attend.

If you do not have a lawyer, Legal Aid ACT can provide one free appointment to advise you about how to prepare for a hearing.

### The day of the hearing

On the day that your matter is listed for final hearing, the court will try again to resolve it by holding another Return Conference before proceeding to the Final Hearing.

If the matter still has not been resolved, you will be sent into a courtroom, where a Magistrate will hear all the evidence and decide whether a final order should be made or not.



The Applicant's case will be heard first, which means you will give evidence and be cross-examined (questioned). The Respondent cannot directly cross-examine the applicant, so if they are self-represented, the court will provide someone to ask you questions.

The Respondent will then present their case, and you or your lawyer will have an opportunity to cross-examine them.

Once all the evidence has been heard, the Magistrate usually hands down their decision straight away. If the application is unsuccessful, the Interim Order will also end.

### **What happens if the Applicant or Respondent does not show up?**

At any stage in the proceedings, if the Applicant (you) or the Respondent does not attend a court date, the court can make a decision in their absence. This means if the Respondent has been served with a copy of the application and does not attend court, you can ask the court to make a final order.

It also means that if you do not attend court, the Respondent could ask for your application to be dismissed. If this happened, your Interim Order would also cease to exist on this date.

If you cannot attend court for any reason, you should contact the Protection Unit of the ACT Magistrates Court on (02) 6207 1713 or [protectionunit@act.gov.au](mailto:protectionunit@act.gov.au) and explain why you cannot attend.

### **Legal representation**

You can seek legal representation at any point during the process of getting a Family Violence Order. If your application is proceeding to hearing, it is especially helpful to have a solicitor represent you.

You can apply for Legal Aid by submitting an application form. These are available from the Legal Aid Office at the court, or at the main Legal Aid ACT office at 2 Allsop St, Canberra City, or by contacting the Helpline on 1300 654 314. You may have been given an application form if you received assistance from Legal Aid when you originally lodged your application. Remember to include a copy of your court paperwork in relation to the Family Violence Order, and the relevant financial documents. If your application for Legal Aid is not granted, you can ask for this decision to be reviewed.

If you are not eligible for Legal Aid, you can represent yourself, or find a private solicitor to represent you by contacting the ACT Law Society on (02) 6274 0300. Legal Aid ACT can also provide an appointment for advice about representing yourself at a final hearing, even if you are not eligible for Legal Aid.

The Women's Legal Centre can provide advice about how to represent yourself and/or refer you to private solicitors who represent clients at Family Violence Order hearings.

Men who need information about how to apply for an order or responding to an order can contact the Legal Aid Helpline on 1300 654 314, or visit the free Night time Legal Advice Service at Canberra Community Law.

## Breach

If a Respondent does not abide by a condition of a Family Violence Order (final or interim), it is called a 'breach'. Breaching a Family Violence Order is a crime.

If the Respondent breaches an order, report it to police as soon as you can on 131 444.

**Call 000 if it is an emergency or life-threatening situation.**

It is a good idea to keep a record of any breaches that occur, including information about date, time and location, as well as text messages, emails and a phone log history. If you have a copy of your order with you, it will assist police when they respond to an incident.

When you report a breach, the police may give the Respondent a warning or they may arrest them and charge them with a criminal offence. This is a serious matter, and if found guilty, they can be fined and/or imprisoned.

It is advisable to report any breaches to police, even if they do not appear to pose a risk of harm, because it can strengthen your case at final hearing.

If you do something that helps or invites the other person to breach the order in some way (for example, talking to them on the telephone or inviting them to your house in breach of the order), you may also be charged with a crime called 'aiding and abetting a breach'.

## National registration

The National Domestic Violence Order Scheme strengthens protections for victims and their families.

You do not need to apply to register your Family Violence Order in another state or territory of Australia for it to be enforceable. Under this scheme, all Family Violence Orders made in the ACT are automatically recognised and enforced in all Australian states and territories.

## Length and extension of Family Violence Orders

A Family Violence Order is usually made for a maximum period of two years. If your order is getting close to its end date, and you still have safety concerns, you should seek legal advice about extending it, ideally at least one to two months before it expires. You can call the Legal Aid ACT Protection Unit on (02) 6207 1874 to get that advice.

## Amendment and review

When you have a Family Violence Order, sometimes you might want to change something about it, for example adding another address (amending), or getting rid of it altogether (reviewing). This might happen before or after your application is finalised.

If you want to do any of these things, you should get some legal advice about the process. You can call the Legal Aid ACT Protection Unit on (02) 6207 1874 to get that advice.

# Going to court – Frequently asked questions

## **Where is the ACT Magistrates Court?**

The ACT Law Courts building is the large building at 4 Knowles Place, Canberra City, behind the Reserve Bank Building. The entrance to the ACT Magistrates Court is the large glass revolving door.

## **What time should I go to court if I want to apply for a Family Violence Order?**

The ACT Law Courts building opens at 8.30 am and closes at 4.30 pm. The registry counter is open from 9 am to 4.30 pm.

If you want to apply for an Interim Order (an order which is made immediately), you need to file your application by 11.30 am. You should arrive at court as close to 9 am as possible to complete the paperwork. If you arrive, or file your application after 11.30 am, your application for an Interim Order will only be heard on that day in exceptional circumstances.

## **When do I have to go back to court?**

When your interim hearing is over, or if you file your application and are not seeking an Interim Order, you will be told a date and time when you need to come back to court for a Return Conference. If you are not sure about the date and time, contact the court registry on (02) 6207 1713 or by email at [protectionunit@act.gov.au](mailto:protectionunit@act.gov.au)

On the day of your Return Conference, it is best to arrive 30 minutes before the scheduled start time. When you arrive for a Return Conference, you need to take a ticket and tell the registry staff you are there. If you have safety concerns, you can go and wait in the Legal Aid Protection Unit office, or tell a court staff member. If you feel unsafe, you may also want to arrange to meet your solicitor, your DVCS court worker or a support person somewhere outside the court so you do not have to go in by yourself.

## **How long will I have to be at court?**

The amount of time you have to be at court depends on whether you are there to apply for an order, or to attend a Return Conference or a Hearing.

Unfortunately, court timelines change every day depending on how busy the court is. It is best to prepare to spend most of the day at court and to bring food to eat in the waiting room. Try to keep your whole day clear and make appropriate arrangements for things like parking and childcare.

Usual court sitting hours are 10 am to 4 pm Monday to Friday. The court usually breaks for morning tea at about 11:30 am and for lunch between 1 pm and 2 pm.

*Applying for an Interim Family Violence Order:* If there are lots of people applying for orders on the same day as you, getting through all the matters can take several hours. It is best to assume that you will be at court all morning, and potentially, into the early afternoon.

**Return Conferences:** Return Conferences usually involve waiting while the Registrar goes back and forth between you and the person using violence. This generally takes about an hour, but it's best to keep at least two hours free in case negotiations are delayed.

**Hearing:** There may be many cases heard on the same day as yours and depending where you are in the list, it is possible that you will have to wait for several hours before going into court. Some hearings last a whole day or more, depending on how complex the issues are and if there are other witnesses involved.

### **When will I have to go back to court and how many times?**

Every matter is different, but usually to obtain a final Family Violence Order, you will need to attend court at least three times, with a couple of months between each visit.

When you attend court, be punctual. Arrive at court at least 30 minutes before the hearing time. This should give you sufficient time to pass through the court's security screening, find the courtroom where your matter is being heard, and to let the court staff know that you have arrived.

### **How do I know which courtroom I'll be in or where to go for my Return Conference?**

When you arrive at the court, take a ticket from the machine, which allocates you a number. Give your name to the court officer at the enquiries counter. If the matter is listed for a hearing, they will tell you which courtroom you will be in.

You can wait outside the courtroom and someone will call you to come in when the Magistrate is ready to hear your application. If you are attending a Return Conference, the court officer will tell you where to wait. A Deputy Registrar will come into the foyer and call your name when they are ready for you to participate.

### **Do I have to give evidence to get a Family Violence Order?**

When you apply for a Family Violence Order, you have to prepare a written application, in which you describe what has happened and why you need the order. If you apply for an Interim Order, you are also required to participate in an Interim Hearing. During the hearing, you will be asked to go into the witness box and take an oath or affirmation where you promise to tell the truth.

This is known as 'giving evidence'. The Registrar or Magistrate, or your lawyer if you have one, will then ask you some questions. Depending on what has happened, they may ask lots of questions or only a few.

If your application proceeds to a Final Hearing, you will have to enter the witness box again in front of a Magistrate and give evidence about your application and why you need a final order. You may also be cross-examined on this evidence. On the hearing date there may more than one witness, because both you and the Respondent may bring other people to court to give evidence.

### **Can I give evidence via videolink?**

It is possible to give your evidence via videolink during a Final Hearing (or at an Interim Hearing if the Respondent is present). You should discuss this with your lawyer if you have one, or with court staff, well before the hearing date.

### **Can I have an interpreter?**

Yes. An interpreter can be provided if you find it hard to understand or speak English. You can request an interpreter through Legal Aid or DVCS if they are assisting you.

If you require an interpreter in the courtroom, a phone interpreter will normally be provided through the Translating and Interpreting Service (TIS).

For a Final Hearing, it is preferable to have an onsite interpreter available. You should tell the court this as soon as possible.

### **Can the court assist with access or other needs?**

Yes. If you have a disability or special needs for giving your evidence tell the court staff, your domestic violence support worker, or your lawyer. The ACT Law Courts building is fully wheelchair accessible, except for the area where a witness gives evidence. If you use a wheelchair, the court staff will make alternate arrangements for you to give evidence.

## **Court tips – how to behave in court**

The courtroom is a formal place and there are basic rules you need to follow:

- Switch off mobile phones before entering the courtroom.
- Be patient. Although your case is listed for a particular time there may be delays. The start time indicated for your hearing is the time the court starts hearing a number of cases listed for that time. You may be in a queue. You may need to consider if you have requested sufficient time off work or made appropriate childcare arrangements.
- Have a quiet and respectful manner in court.
- Dress appropriately in smart casual, comfortable, and warm clothing.
- Take off your hat, cap or sunglasses.
- Do not eat, drink, chew gum or smoke inside the courtroom.
- Remember to bow towards the Magistrate's bench when you enter or leave the courtroom.
- To show your respect, stand when the Magistrate enters the courtroom.
- Remember that the judicial officer is the person in charge in the court.
- Address the judicial officer (person sitting at the front of the courtroom) as 'Your Honour'.
- Bring a friend; you are welcome to bring someone to court with you who may offer you support and keep you company while you wait.

### **Where do I sit before I enter the court?**

If you are the Applicant for a protection order you can wait in the Legal Aid ACT Protection Unit office. You should tell court staff immediately if you feel unsafe. If you are waiting for your matter to be called into court, and you do not want to wait outside the courtroom, you should tell court staff where you will be.

### **Do I have to make an oath?**

You will need to make an oath or take an affirmation if you are giving evidence in the witness box. Both are promises to tell the truth. An oath has religious meaning and an affirmation does not. A court officer will ask if you prefer to take an oath or an affirmation. Your evidence will be seen in the same way whichever you choose.

Generally, you will read the oath or affirmation. If you have trouble reading, the court officer will read it out and ask you to repeat it. People must tell the truth when they are giving evidence in court. It is an offence to give false evidence in court after taking the oath or affirmation.

### **What do I need to know about giving evidence?**

When you are giving evidence, you are telling the court about what happened to you. Here are some helpful things to remember about giving evidence:

- If you have previously given a statement, it is a good idea to read it again before you go to court so that you are familiar with it. Think about the events and try to remember details such as dates, times, descriptions, actions, and the exact words that were used. You cannot read from your statement in the witness box, but if you cannot remember something that is in your statement, you should ask whether you can read it again, to refresh your memory.
- Listen carefully and think about each question before you answer.
- If you do not understand a question, say so, or ask for the question to be repeated.
- Take your time and do not guess. If you are not sure about an answer, or do not remember, just say so.
- Speak loudly, clearly, and slowly so that your evidence can be heard and understood.
- Use short sentences.
- If you need to use swear words in your evidence, it is okay to say these when you are telling the court what happened.
- Answer the question you have been asked. It is ok if the answer is just 'yes', 'no', 'I don't remember' or 'I don't know'.
- Try not to get angry with the lawyers or judicial officer even if they seem aggressive or rude towards you.

### What if I get upset while giving evidence?

You may get upset or embarrassed when you are giving evidence. The court understands that this happens, especially if you are talking about personal things.

If you do get upset, you may be asked if you need a break. You can also ask for a break. It is a good idea to ask a friend or family member to go into court with you for support, provided they are not a witness.

### Can I get support at court?

There are services and people that can support you to prepare for and attend court. Both Legal Aid ACT and DVCS have offices inside the ACT Law Courts Building. You should ask court staff to direct you to these offices if you wish to seek assistance.

## Where to get help

### Domestic Violence Crisis Service (DVCS)

24 hour crisis line	02 6280 0900
TTY	02 6228 1852
Website	<a href="http://dvcs.org.au">dvcs.org.au</a>

### Legal Aid ACT Domestic Violence and Personal Protection Unit

Legal Aid Helpline	1300 654 314, 9 am – 4 pm, Monday to Friday
Protection Unit	02 6207 1874
Email	<a href="mailto:legalaid@legalaidact.org.au">legalaid@legalaidact.org.au</a>
Website	<a href="http://legalaidact.org.au">legalaidact.org.au</a>

### ACT Police Family Violence Coordination Unit

Telephone	(02) 6245 7350
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If you ever feel that you are at immediate risk of harm, call 000.

## Related proceedings

### Criminal law

The behaviour that prompts you to apply for a Family Violence Order may also prompt the police to charge the person using violence with a criminal offence, such as assault or property damage. The person using violence may be arrested immediately and removed from their home.

If you believe an offence has occurred, you should report this to the police as soon as possible. The police will attend and gather evidence. They may conduct a Family Violence Evidence in Chief Interview with the victim(s). This is an audio and visual recording of your evidence about what has happened.

If the person using violence is charged with a criminal offence, they are called the 'Defendant' in the criminal proceedings. The same person is called the 'Respondent' in Family Violence Order proceedings.

Remember that you cannot control what happens during the criminal proceedings.

#### **Bail**

Sometimes, when a person is charged with a criminal offence, they are released by police, or by the court, on bail. This means they have to sign something promising to come back on the next court date, and they may have to abide by certain conditions until that date. Those conditions could include some of the same things as a Family Violence Order, like not coming to an address, or contacting a person.

Even if the person who was violent towards you is on bail, you may still want to apply for a Family Violence Order. This is because someone else's bail conditions can be varied or removed without you being informed, and so having a Family Violence Order means you have another order to protect you.

#### **Being a witness**

If you have experienced domestic and family violence, the police may conduct a Family Violence Evidence in Chief interview at the scene, when you first report the behaviour. This is an audio/visual recording of your statement about what happened, and it can be used as your evidence in chief in related criminal proceedings.

You may still need to attend court to be cross-examined. If so, you will be contacted by the police officer in charge of the matter, or the Victim Liaison Officer, in the lead-up to the hearing date. If you do not agree to come to court, the prosecution can issue a subpoena to force you to attend and give evidence. If you have any concerns about giving evidence, you should discuss this with the ACT Police Victim Liaison Officers who can be contacted in (02) 6245 7441.



### **Special Interim Orders**

If your Interim Order is a Special Interim Order, it will not proceed to a hearing until the related criminal charges have been finalised (when the person has entered a plea of guilty, or been found guilty and sentenced by the court).

### **Case tracking**

If there are criminal charges involved in your situation, you may be able to access the Case Tracking service offered by DVCS. This means DVCS will get all the information about the Respondent's criminal proceedings, including when they are being released from custody or changing their bail conditions and

they will let you know when these events will happen. Contact DVCS on (02) 6280 0900 if you would like more information about this.

The ACT Police Victim Liaison Officer will also keep you updated about the progress of the Defendant's criminal charges.

## **Family law**

### **If you apply for a Family Violence Order against the other parent of your children, you may also need to get advice about how this will affect your parenting arrangements.**

#### **Relationship to Parenting Orders**

Family Violence Orders are usually 'trumped' by Parenting Orders made in the Federal Circuit or Family Court if they are inconsistent with each other. This means that if you have Parenting Orders and you apply for a Family Violence Order, the arrangements under the Parenting Orders will continue to operate. Usually, Family Violence Orders will include an exception where the Respondent can't come near you or contact you except in accordance with the family court orders.

If you believe this poses a risk to yourself or your children you should seek advice from a family lawyer. The Legal Aid Family Law Duty Service operates at the Nigel Bowen Law Court Building, at the corner of University Ave and Childers St, between 10 am and 3 pm, Monday to Friday. You can drop in to this service and receive advice, without an appointment. Alternatively, you can contact the Women's Legal Centre on (02) 6257 4377 to make an appointment to speak with a family lawyer.

## Seeking assistance with family law issues

If you do not have Parenting Orders already in place, you may still wish to seek family law advice when you apply for a Family Violence Order, especially if you have children with the Respondent.

If so, you can attend the Legal Aid Family Law Duty Service (see above) or call the Legal Aid Helpline on 1300 654 314. You can also contact the Women's Legal Centre on (02) 6257 4477.

## Care and protection law

### CYPS and Protection Orders

Sometimes, because of the impact of domestic and family violence on children, Child and Youth Protection Services (CYPS) may become involved. A CYPS worker might suggest that you apply for a Family Violence Order to protect you and your children. You should talk to your caseworker about this if you have concerns, because a Family Violence Order is not always the best way to stay safe.

### Orders made under the *Children and Young Persons Act*

If care orders are made about a child under the *Children and Young Persons Act*, the ACT Children's Court also has the power to make a Family Violence Order under that act. Although the process is different, the final order operates in exactly the same way as an order made under the *Family Violence Act*.

If you need advice about a child protection issue, contact Legal Aid ACT on 1300 654 314 or the Women's Legal Centre on 6257 4377.

## Immigration

Some people stay in a violent relationship because they are worried about their immigration status and think they will not be able to get permanent residency if they leave. If you are not a permanent resident of Australia and you are experiencing domestic and family violence, you may be able to apply for permanent residency even if your relationship is ending. This will depend on the type of visa you have. Get advice from a qualified migration agent or a lawyer who specialises in immigration law about your options. Legal Aid ACT's Migration Clinic may be able to help you with this. Contact them on 1300 654 314 or [migration@legalaidact.org.au](mailto:migration@legalaidact.org.au).

## Tenancy

If you apply for a Family Violence Order against someone with whom you share a lease as co-tenants, you may want to seek advice about removing their name from the lease. There is a process in the ACT Civil and Administrative Tribunal to do this. Please contact Canberra Community Law or the Tenants Union for further advice about this process.

## Victims of Crime compensation

If you have experienced an act of violence, or are a family member of the victim, you may be eligible for financial assistance under the *Victims of Crime (Financial Assistance) Act 2016*. To access this scheme, the crime needs to have happened in the ACT. Some types of financial assistance, such as recognition payments, are only available if the crime has been reported to police.

For more information about applying for Financial Assistance, contact Victim Support ACT:

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Phone	1800 822 272 or 02 6205 2066
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Email	victimsupport @act.gov.au
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If you were the victim of an act of violence in NSW, you should contact Victims Services NSW to enquire about the Victim's Support Package, which can include financial assistance for victims of crime.

The NSW Victims Access Line is the single entry point for victims of crime in NSW to access services.

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NSW Victims Access Line	1800 633 063
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NSW Aboriginal Contact Line	1800 019 123
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Business hours	8 am – 6 pm, Monday to Friday (excluding public holidays)
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Email	vs@ justice.nsw.gov.au
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# Where to get help and support

## Family violence specialist support services

### Domestic Violence Crisis Service

The Domestic Violence Crisis Service offers crisis counselling, information, options, and support, 24 hours a day, seven days a week. Callers can remain anonymous.

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24 hour crisis line	02 6280 0900
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TTY	02 6228 1852
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Website	<a href="http://dvcs.org.au">dvcs.org.au</a>
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### Canberra Rape Crisis Centre

The Canberra Rape Crisis Centre offers a crisis and counselling telephone support service 7 am – 11 pm, seven days a week, as well as counselling and group work for survivors of sexual assault survivors and their families and supporters. All services are free of charge.

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Crisis and counselling support line	02 6247 2525 (7 am – 11 pm)
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Crisis and counselling text only line	0488 586 518
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Website	<a href="http://crcc.org.au">crcc.org.au</a>
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### 1800RESPECT

1800RESPECT is the national sexual assault, domestic and family violence counselling service. They provide support for people experiencing, or at risk of experiencing, sexual assault, domestic or family violence. They are a confidential service available 24 hours a day, seven days a week.

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Phone	1800 737 732
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### Victim Support ACT

Victim Support provides a range of services for victims of crime in the ACT including counselling or other therapeutic services, court support and help to make an application for financial assistance.

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Phone	1800 822 272 or 02 6205 2066
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Email	<a href="mailto:victimsupport@act.gov.au">victimsupport@act.gov.au</a>
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## Legal assistance

### Legal Aid ACT

Legal Aid helps people in the ACT with their legal problems, especially people who cannot afford a private lawyer. Legal Aid ACT can help with family law, domestic violence and child support matters.

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Location	2 Allsop Street Canberra City ACT 2601
Legal Aid Helpline	1300 654 314, 9 am – 4 pm, Monday to Friday
Admin phone	02 6243 3411
Email	legalaid@legalaidact.org.au
Website	legalaidact.org.au

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### Women's Legal Centre

The Women's Legal Centre provides legal assistance and related support to women in Canberra. The Centre is run by women and aims to improve women's access to justice. The Centre provides advice, representation and support to women affected by domestic and family violence, relationship breakdown, discrimination and other issues at work. The Centre also offers free, confidential telephone advice 9.30 am to 12.00 noon, Monday to Friday.

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Advice Line	(02) 6257 4499
Admin phone	02 6257 4377 or 1800 634 669
TTY	Call the National Relay Service on 133 677 and ask for 02 6257 4377
Website	womenslegalact.org

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### Aboriginal Legal Service

Aboriginal Legal Service provides advice and assistance to Aboriginal people and their families, particularly in criminal matters.

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Phone	02 6120 8800
Website	alsnswact.org.au

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## Canberra Community Law

The Centre provides free legal advice, information and referral, assistance and representation for people in the following areas:

- Centrelink/Social Security issues
- Public housing
- Private tenancy matters (low income earners)
- Disability discrimination
- Race discrimination for Aboriginal and Torres Strait Islander communities
- Minor criminal matters and a variety of civil matters for people who are experiencing or at risk of homelessness
- One-off advice and referral in other areas of law (available through drop-in/call-in hours: Tuesday 6 pm – 8 pm)

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Social Security and Housing Advice	02 6218 7977
Public Housing Duty Lawyer Service	02 6218 7977
Socio-Legal Practice Clinic	02 6218 7900
Dhurrawang Aboriginal Human Rights	0488 065 476
Street Law	1800 787 529
Disability Discrimination	02 6218 7918
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Night Time Legal Advice Service	02 6218 7999 (Tuesday 6 pm – 6:30 pm)
Administration	02 6218 7900
Website	<a href="http://canberracommunitylaw.org.au">canberracommunitylaw.org.au</a>

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## Consumer Law Centre

The Consumer Law Centre provides free legal advice and assistance to low and moderate income consumers. The Centre specialises in areas of consumer credit (mortgages, credit cards and personal loans), debt recovery, banking, simple contracts, general fair trading and consumer protection. The Centre operates an advice line 2 pm – 4 pm on Monday, Tuesday, Thursday, Friday.

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Admin and advice phone	02 6243 0044
Website	<a href="http://carefcs.org/consumer-law-centre-act.html">carefcs.org/consumer-law-centre-act.html</a>

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## **ACT Tenants Union**

The ACT Tenants Union provides free tenancy advice, advocacy and referrals to tenants in all forms of residences, including private properties, community housing, boarding and lodging properties and caravan parks. The Union also provides resources and fact sheets dealing with common rental issues on their website.

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General admin phone	02 6247 1026
Advice line	02 6247 2011 (10 am – 1:30 pm, weekdays)
Website	<a href="http://tenantsact.org.au">tenantsact.org.au</a>

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## **Health**

### **Community Health Intake**

Community Health Intake provides access to a wide range of community-based health services for individuals, families and groups with special needs.

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Phone	02 6207 9977
Website	<a href="http://health.act.gov.au/health-professionals/medical-professionals/community-based-service-referral">health.act.gov.au/health-professionals/medical-professionals/community-based-service-referral</a>

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### **ACT Women's Health Service**

The ACT Women's Health Service provides a range of nursing, medical, and counselling services for women by women. The Women's Health Service gives priority to women who experience significant barriers to health service access.

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Phone	02 6205 1078
Email	<a href="mailto:womenshealthservice@act.gov.au">womenshealthservice@act.gov.au</a>

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### **Health Direct – 1800 022 222**

For urgent health concerns you can phone the free 24-hour telephone health advice line staffed by registered nurses.

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Phone	1800 022 222
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## Housing

### One Link

OneLink is a free, confidential service for Canberrans who are homeless or at risk of being homeless. It is a central information/access point for human services for the ACT, including homelessness, disability and family support services. OneLink connects you to the support you need – there is no judgement, and no one is turned away. To use the service, you can use the chat box on the website, call the service, or drop in on weekdays.

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Phone	1800 176 468 (free of charge) (8 am – 6 pm, weekdays)
Interpreter service	131 450 (ask to call the OneLink number)
Website	<a href="http://onelink.org.au">onelink.org.au</a>
Location	Housing ACT Central Access Point, Nature Conservation House, (Corner of Emu Bank & Benjamin Way) Belconnen 2617 ACT 9 am – 5 pm, weekdays)

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### Supportive Tenancy Service

The Supportive Tenancy Service is an ACT Government service that offers assistance to people whose tenancy is at risk (Tenancy Support) or who are facing barriers in finding a private tenancy (Housing Options). Support Workers will be able to talk to you assist you in a variety of ways, including by making a plan, linking you to services, and talking to property managers and other parties for you.

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Phone	1800 176 468 (8 am – 6 pm, weekdays)
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### Community Housing Canberra

CHC provide affordable rental accommodation in various locations across Canberra for people with low to moderate incomes. To rent a CHC property you must satisfy eligibility requirements, including income requirements. CHC advertise their eligibility requirements and vacant properties on their website.

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Website	<a href="http://chcaustralia.com.au">chcaustralia.com.au</a>
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## Help for kids

### What's OK at Home

What's OK at Home is a website run by the Domestic Violence Resource Centre Victoria (DVRC) aimed at children, young adults and parents to provide support, guidance and information if they are experiencing domestic and family violence. Its aim is to provide a safe space for kids to grow up safe, smart, protected and free from violence.

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Website	woah.org.au
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### Australian Childhood Foundation

The Australian Childhood Foundation offers therapeutic counselling for children and young people affected by abuse, neglect and family violence.

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Phone	1300 381 581
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Email	info@childhood.org.au
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### Kids Helpline

The Kids Helpline is a free, private and confidential phone and online counselling service for young people aged 5 to 25, 24 hours a day, seven days a week. Young people can talk to professional, specialised counsellors about anything they want.

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Phone	1800 55 1800
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Email	counsellor@kidshelpline.com.au (checked 8 am – 10 pm daily)
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## Financial counselling and emergency relief

### Centrelink

Centrelink can offer you support, specialist services and payments. Staff can:

- work out what payments, allowances, assistance and benefits you can get to support yourself and your children
- get you a crisis payment or early payments
- look at other ways to make sure you are safe and protect your privacy
- tell you about other domestic and family violence support services.

### **One-off crisis payments**

Crisis payments may be available for victims of domestic and family violence. Call Centrelink to find out if you are eligible. It is important to apply immediately as you need to call within **7 days** of the crisis to meet eligibility criteria.

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Phone	132 850
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### **Social workers**

Social workers in Centrelink will listen to your personal needs and offer you counselling and support. They can also refer you to people who specialise in domestic violence issues and other support services. To arrange to talk to a social worker you can call or visit your local Centrelink Customer Service Centre.

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Phone	132 850
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### **Indigenous customer service officers**

If you are an Aboriginal or Torres Strait Islander person you may like to talk with someone from a similar cultural background. Centrelink has Indigenous customer service officers to support you. If you live in a remote community you can ring the Indigenous Call Centre.

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Phone	1800 136 380
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### **Family Services**

Centrelink has a number of different family payments, including childcare subsidies, parental leave pay, and parenting payments.

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Phone	136 150
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### **Multilingual Service**

If you come from a culturally and linguistically diverse background, Centrelink can refer you to culturally appropriate support services. It also has a free interpreter service for interviews with you and translation of your Centrelink documents. You can ring and ask to speak with a Centrelink officer in your language.

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Phone	131 202
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## Employment Services Line

You may find it difficult to get work because you need to update your skills, have young children to look after or other personal issues. Senior customer service advisers can help you get support, education or training, or work towards getting a job. For more information visit your local Centrelink Customer Service Centre.

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Phone	132 850
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## Care Financial

Care Financial Counselling Service is a service for people who have financial issues that require financial counselling and ongoing support and advocacy. They can also provide you information about accessing the No Interest Loan Scheme (NILS). Through the service you can telephone a financial counsellor who can give you information about your particular situation and/or make an appointment for another suitable service.

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Phone	1800 007 007 (9 am – 4:30 pm, weekdays)
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Website	<a href="http://carefcs.org/financial-counselling-service.html">carefcs.org/financial-counselling-service.html</a>
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## Victim support services

### Victim Support ACT

Victim Support provides a range of services for victims of crime in the ACT including counselling or other therapeutic services, court support and help to make an application for financial assistance.

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Phone	1800 822 272 or 02 6205 2066
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Email	<a href="mailto:victimsupport@act.gov.au">victimsupport@act.gov.au</a>
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Website	<a href="http://victimsupport.act.gov.au">victimsupport.act.gov.au</a>
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### Victims Services NSW

The Victims Access Line or VAL is the single entry point for victims of crime in NSW to access services.

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Victims Access Line	1800 633 063
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Aboriginal Contact Line	1800 019 123
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Email	<a href="mailto:vs@justice.nsw.gov.au">vs@justice.nsw.gov.au</a>
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## Smartphone apps and eSafety website

### **Penda**

Penda is a free, national app with legal, financial, and personal safety information and referrals for women who have experienced domestic and family violence. Domestic violence service apps should only be downloaded if you have safe, secure control of and access to your phone.

### **Daisy**

Daisy is a free app that connects people experiencing violence or abuse to services in their local areas. The app includes safety features to help protect your privacy. However, domestic violence service apps are only recommended for those who have safe and secure access to their phone.

### **WesNet**

WesNet (The Women's Services Network) is a national women's peak advocacy body that works on behalf of women and children who are experiencing or have experienced domestic or family violence. Their website provides information about safety planning and tech safety tips.

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Website	<a href="http://wesnet.org.au">wesnet.org.au</a>
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### **Office of the eSafety Commissioner**

The Office of eSafety Commissioner is responsible for promoting online safety. They can also investigate offensive or illegal content on the internet. Their website offers online tech safety programs, including a program specifically for women, and how to report offensive content. This includes technology-assisted abuse (for example, someone publishing nude photos of you without your consent).

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Website	<a href="http://esafety.gov.au">esafety.gov.au</a>
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## Help for people using violence

### DVCS – Room4Change Program

The Room4Change Program is run by the Domestic Violence Crisis Service for men who want to stop using violence and controlling behaviours and build healthy, respectful relationships. If participants choose to live in residences provided by DVCS, there is a charge. Otherwise, the program is free and men can continue to work while doing the program.

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Email	<a href="mailto:room4change@dvcs.org.au">room4change@dvcs.org.au</a>
Phone (if urgent)	02 6280 0900 (24/7 crisis line)
Website	<a href="http://dvcs.org.au/our-services/programs-for-men/">dvcs.org.au/our-services/programs-for-men/</a>

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Women who use violence and want to change their behaviour should also contact DVCS for assistance.

### MensLine Australia

MensLine Australia is the national telephone support, information and referral service for men with family and relationship concerns. The service is available 24 hours a day, seven days a week. They also provide referrals to face-to-face counselling and support services. Callers can remain anonymous.

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Phone	1300 789 978
Website	<a href="http://mensline.org.au">mensline.org.au</a>

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### EveryMan Canberra

EveryMan supports men who are perpetrators or survivors of violence or are having relationship or parenting difficulties. EveryMan provides counselling, disability services, early intervention, indigenous services and violence prevention.

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Phone	02 6230 6999 (Monday – Friday)
Website	<a href="http://everyman.org.au">everyman.org.au</a>

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# Additional support

## People from culturally and linguistically diverse backgrounds

If you are a victim of family and personal violence and are from a culturally, linguistically or religiously diverse community, then you may find it difficult to seek help. However, there are services available to help you.

### Translating and Interpreting Service (TIS)

If an interpreter would be helpful when you are seeking assistance, ring TIS on 131 450. The TIS is open 24 hours, every day of the year.

If you need an interpreter when calling 000, say 'interpreter' and the language you speak. The operator will connect you to a free interpreter immediately.

If English is not your first language you can choose to have a relative, friend or support person with you when you report to the police. But remember, you can also ask the police to arrange a free interpreter for you.

### ACT Office of Multicultural Affairs

If you have a Protection Visa Acknowledgement (PVA) letter, you and all members of your family are eligible for Access Cards. This card can give you access to a range of services. Applications can be made through Companion House.

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Phone	02 6251 4550 (Companion House)
Email	<a href="mailto:info@companionhouse.org.au">info@companionhouse.org.au</a>
Website	<a href="http://communityservices.act.gov.au/multicultural/services/access_card">communityservices.act.gov.au/multicultural/services/access_card</a>

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### Companion House

Companion House works with people who have sought refuge in Australia from persecution, torture and war-related trauma, both newly arrived and longer term settlers. Companion House offers a range of services, counselling, medical and migration support.

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Phone	02 6251 4550
Email	<a href="mailto:info@companionhouse.org.au">info@companionhouse.org.au</a>
Website	<a href="http://companionhouse.org.au">companionhouse.org.au</a>

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### Canberra Refugee Support

Supporting the settlement of refugees in Canberra.

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Email	<a href="mailto:actrefugee@gmail.com">actrefugee@gmail.com</a>
Website	<a href="http://actrefugee.org.au">actrefugee.org.au</a>

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### **ACT Migrant and Refugee Settlement Services (MARSS)**

MARSS offers assistance to migrants, refugees and humanitarian entrants. MARSS supports entrants who have been in Australia for under five years, through casework, provision of information, referrals and advocacy services. It also assists with long-term integration through classes on English language, computer skills and driving skills, and job ready programs.

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Phone	02 6248 8577
Email	marss@marss.org.au
Website	marss.org.au

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### **Multicultural Women's Advocacy Inc. (MWA)**

MWA is an advocacy, advisory and lobby group that works to improve the status of women from culturally and linguistically diverse backgrounds in the ACT. It provides information and referral to relevant services, represents members in dealing with government agencies and organises seminars, workshops and gatherings.

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Phone	02 6230 4632
Website	<a href="http://communityservices.act.gov.au/women/womens_directory/multicultural_women">communityservices.act.gov.au/women/womens_directory/multicultural_women</a>

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### **Legal Aid ACT – Cultural liaison officers**

Legal Aid ACT's cultural liaison officers provide assistance to people from migrant or refugee backgrounds. The officers can help you speak with your lawyer, help your lawyer understand your background, speak to other services and assist you to understand your rights and the Australian legal system.

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Reception phone	02 6243 3411
Email	<a href="mailto:legalaid@legalaidact.org.au">legalaid@legalaidact.org.au</a>
Website	<a href="http://legalaidact.org.au/Community-Liaison-Unit">legalaidact.org.au/Community-Liaison-Unit</a>

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### **Immigration Advice and Rights Centre**

A Sydney-based free immigration legal advice service for financially disadvantaged people.

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Admin phone	02 8234 0700
Advice phone	02 8234 0799 (2 pm – 4 pm, Tuesdays & Thursdays only)
Website	<a href="http://iarc.asn.au">iarc.asn.au</a>

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### **Heira Multicultural Domestic Violence Supported Accommodation**

Provides shared accommodation for single women with or without children who are escaping domestic violence. Services include: support with safety planning, which may include accessing legal orders; accommodation and support for up to 3 months (women may then move to transitional accommodation); advocacy and referral; support to obtain independent, stable accommodation for single women from culturally and linguistically diverse backgrounds, who are escaping domestic violence.

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Website	<a href="http://toora.org.au/domestic-violence-service.html">toora.org.au/domestic-violence-service.html</a>
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NOTE: All referrals to Heira come from OneLink or Domestic Violence Crisis Service. Contact Onelink for more information on **1800 176 468**

### **Aboriginal and Torres Strait Islander people**

A range of support services help Aboriginal and Torres Strait Islander people who are victims of domestic and family violence and going through the legal system.

#### **Mulleun Mura – Women’s Legal Centre ACT**

Mulleun Mura Aboriginal and Torres Strait Islander Women’s Access to Justice Program is an Aboriginal women-led free service offering culturally appropriate legal and other support on a range of justice issues, including help with Care and Protection that may be related to the domestic and family violence issue.

Mulleun Mura program has a team of staff who will help you access justice with a Manager, Senior Lawyer and Case Manager to get support our way!

Contact Mulleun Mura on:

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Reception phone	02 6243 4377
Email	<a href="mailto:admin@womenslegalact.org">admin@womenslegalact.org</a>
Website	<a href="http://womenslegalact.org">womenslegalact.org</a>

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#### **Aboriginal Family Domestic Violence Hotline**

Victims Services NSW has a dedicated, confidential contact line for Aboriginal victims of crime in NSW who would like information on victims’ rights, how to access counselling and financial assistance.

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Phone	1800 019 123 (8 am – 6 pm, Monday to Friday)
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### **Legal Aid ACT – ATSI Liaison Officer**

Legal Aid ACT's Aboriginal Liaison Officer supports clients identifying as Aboriginal or Torres Strait Islander to deal with their legal problems. You do not need to have a grant of legal assistance to get this support. The liaison officer can give you valuable information about and assistance with legal matters, but cannot give legal advice. If your matter requires legal advice, the liaison officer may be able to help by arranging for you to receive advice or referring you to an appropriate person.

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Reception phone	02 6243 3411
Email	legalaid@legalaidact.org.au
Website	legalaidact.org.au/Community-Liaison-Unit

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### **Aboriginal Legal Service NSW/ACT**

This service provides advice and representation to Aboriginal people and their families, particularly in criminal matters.

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Phone	02 6120 8800 (Canberra office)
Website	alsnswact.org.au

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### **Winnunga Nimmityjah Aboriginal Health Service**

Winnunga is a community-controlled primary health care service operated by the Aboriginal and Torres Strait Islander community of the ACT. In Wiradjuri language, Winnunga Nimmityjah means 'strong health'. Their aim is to provide a culturally safe, holistic health care service for the Aboriginal and Torres Strait Islander people of the ACT and surrounding regions. Their services include: GP and nursing, midwifery, immunisations, health checks, dental, physiotherapy, dietician, counselling, and drug and alcohol services. The hours of service are 9 am – 5 pm (doctors' hours 9 am – 4:30 pm), Monday to Friday.

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Phone	02 6284 6222 1800 110 290 (free call) 1800 120 859 (free call) 1300 422 567 (after hours assistance)
Website	winnunga.org.au

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## Victim Support ACT

Victim Support ACT has an Aboriginal and Torres Strait Islander Liaison Officer (ALO) who is available to support victims of crime and help them access information. This might include information about dealing with police, the courts and ACT Corrective Services. The Victim Support ALO can also arrange support for you at court and at meetings with police, as well as help you apply for practical help like financial assistance and counselling.

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Phone	1800 822 272 or 02 6205 2066
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Email	victimsupport@act.gov.au
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Website	victimsupport.act.gov.au
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## People with disability

If you are a person with disability you may have to depend on other people to care for you. This can make it especially difficult if your carer is the person abusing you.

You may need extra help when talking to police or going to court. There is a range of help available for you and it is your right to have all required services.

### ACT Disability, Aged and Carer Advocacy Service (ADACAS)

ADACAS is a free, independent advocacy organisation helping people with disabilities, older people and their carers, with the aim of increasing their control over their lives.

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Phone	02 6287 4393
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TTY	133 677 (ask for 02 6242 5060)
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Email	adacas@adacas.org.au
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Website	adacas.org.au
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## Deaf Society

The Deaf Society Provides AUSLAN interpreting services for people who are deaf and hard of hearing.

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Phone	(02) 8833 3611
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SMS	0427 891 774
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Skype Interpreting	Deaf Society
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Email	interpreting@deafsociety.com
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### **Canberra Blind Society**

Provides a range of services for the vision impaired or for people who have difficulty seeing. The society runs various initiatives including Braille support, drop-in lunch gatherings, audio book group, and cooking classes for people whose vision is failing.

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Phone	02 6247 4580
Website	<a href="http://canberrablindsociety.org.au">canberrablindsociety.org.au</a>

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### **Advocacy for Inclusion**

Advocacy for Inclusion supports people with disabilities in the ACT to assert their rights. They provide self, individual and systemic advocacy services, including a monthly peer-support group aimed at improving self-advocacy, as well as disability awareness and inclusion training to the wider community.

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Phone	02 6257 4005
Website	<a href="http://advocacyforinclusion.org">advocacyforinclusion.org</a>

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### **National Disability Abuse and Neglect Hotline**

The National Disability Abuse and Neglect Hotline (The Hotline), is a free, independent and confidential service for reporting abuse and neglect of people with disability.

Anyone can contact the Hotline, including family members, friends, service providers or a person with disability.

The Hotline works with callers to find appropriate ways of dealing with reports of abuse and neglect of people with disability.

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Phone	<b>1800 880 052</b>
Email	<a href="mailto:hotline@workfocus.com">hotline@workfocus.com</a>

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### **ACT Office for Disability**

Provides advice to government and the community to create an inclusive Canberra that allows people with disabilities to fully enjoy their rights as citizens of the ACT. The office is involved in administering grants and funding and organising initiatives.

The website provides links to various initiatives and support available for people with a disability.

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Phone	02 6207 1086
TTY	133 677 (ask for 02 6207 1086)
Email	<a href="mailto:OfficeforDisability@act.gov.au">OfficeforDisability@act.gov.au</a>
Website	<a href="http://communityservices.act.gov.au/disability_act">communityservices.act.gov.au/disability_act</a>

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## **ACT Deafness Resource Centre**

ACT DRC is a community organisation providing information, referral and advocacy services for the hearing-impaired, deaf and those with chronic disorders of the ear.

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Phone	02 6287 4393
Website	<a href="http://actdrc.org.au">actdrc.org.au</a>

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## **Lesbian, gay, bisexual, transgender, intersex and queer communities**

Domestic and family violence can occur in same-sex relationships and to transgender and gender-diverse people. There are many similarities in the violent behaviours and effects on the person experiencing violence across heterosexual and same-sex relationships, and relationships involving transgender or gender-diverse people.

LGBTIQ people can be particularly vulnerable to some forms of violence related to their sexual orientation and gender identity. They can include:

- ‘outing’ as a method of control - If the abused partner isn’t out to their family, friends, and workmates or within their cultural community the abusive partner may use ‘outing’ or the threat of ‘outing’ as a method of control.
- Threatening to expose your HIV status;
- Withholding medications or hormone therapy from you;
- Isolating you from members of your community, or turning people within that community against you;

There are also systemic reasons people in the LGBTI community might not seek assistance when experiencing family or domestic violence. There can be a lack of awareness or understanding of family violence within the LGBTIQ community. You might not want to disclose the violence in your relationship because you are worried about the judgment of the community. There are no LGBTIQ specific family and domestic violence services in the ACT and you might be reluctant to seek support from mainstream services because you are worried these services might not understand the experiences of people in same-sex relationships, transgender or gender-diverse people, or be able to provide sensitive and appropriate support. You might also be worried about encountering homophobia, transphobia, heterosexism or other forms of discrimination.

All relationships should be free from violence, regardless of sexual orientation or gender identity. If you are anxious about speaking out, talk to friends or community members you trust, and they might be able to help you find support.

For more information about domestic and family violence in same-sex relationships go to:

- Another Closet: [ssdv.acon.org.au](https://ssdv.acon.org.au) **or**
- Say It Out Loud: [sayitoutloud.org.au](https://sayitoutloud.org.au)

For information and support about family violence for transgender or gender-questioning people go to The Gender Centre: [gendercentre.org.au](https://gendercentre.org.au)

## Services and support for LGBTIQ+ people

### Aids Action Council

Aid Action Council provides counselling and support in the ACT for LGBTIQ people.

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Phone	02 6257 2855
Website	<a href="https://aidsaction.org.au">aidsaction.org.au</a>

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### A Gender Agenda

A Gender Agenda (AGA) supports intersex, trans and gender diverse people. It provides social support, events, workshops, advocacy, training, policy advice and resources. AGA is not a crisis service, but it provides links to phone and online counselling services through its website.

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Phone	02 6162 1924
Website	<a href="https://genderrights.org.au">genderrights.org.au</a>

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### QLife

QLife is Australia's first nationally oriented counselling and referral service for people who are lesbian, gay, bisexual, trans, and/or intersex (LGBTI). QLife provides nationwide, early intervention, peer-supported telephone and web-based services to people of all ages across the full breadth of people's bodies, genders, relationships, sexualities, and lived experiences.

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Phone	1800 184 527 (3 pm – midnight every day)
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## Police

The AFP has a Gay, Lesbian Liaison Officer (GLLO) network. The GLLO network is responsible for:

- promoting the AFP as an employer of choice that embraces workplace diversity
- encouraging effective and open communication between the AFP and gay, lesbian, bisexual, transgender and intersex (GLBTI) community
- being a resource tool for the AFP in relation to GLBTI issues in the workplace and the community they serve
- providing contact officers for the GLBTI community to approach and discuss sensitive (non-urgent) police matters.

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Phone	02 6256 7777 and ask to speak to a GLLO member.
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## Intersex Human Rights Australia

Intersex Human Rights Australia is an independent support, education and policy development organisation, by and for people with intersex variations or traits. Their services include advocacy, human rights and law reform, peer support, and education.

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Email	<a href="mailto:info@ihra.org.au">info@ihra.org.au</a>
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Website	<a href="http://ihra.org.au">ihra.org.au</a>
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## Older people

Abuse of older people is any act that results in harm within what should be a trusting relationship. The abuse often occurs if you are vulnerable or depend on others for assistance or care, or it may be domestic and family violence that has occurred over a longer period of time.

Domestic and family violence or abuse of older people can include:

- physical abuse such as slapping, hitting, pushing
- sexual abuse
- threats or intimidation, restraint, swearing or shouting that is humiliating
- financial abuse such as control of your money or property, forcing you to sign papers without informed consent, stealing your money or forging signatures on your papers
- isolating you from friends, family members or support services
- withholding care from you like food, clothing, health or personal care
- leaving you in unsafe and unclean living conditions.

You might find it hard to talk about these things particularly if the person who is mistreating you is a loved family member.

The abusive person could be your:

- partner, adult children, grandchildren or other family member
- neighbour or friend
- carer, either in your home, a nursing home or hostel.

There are support services you can seek help from.

### **Older Persons ACT Legal Service (OPALS)**

OPALS provides advice to older people about a range of legal issues.

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Phone	(02) 6243 3436
Email	opals@legalaidact.org.au

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### **Commonwealth Respite and Carelink Centres**

The national network of CRCCs provide a link to carer support services and assist carers with options to take a break through short-term and emergency respite. CRCCs also provide information about carer support services in your local area.

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Phone	1800 052 222 (9 am – 5 pm, Monday to Friday)
Emergency line	1800 059 059

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### **Aged Care Information Line**

This service offers information and advice on fees and charges for aged care, as well as referrals to Aged Care Assessments in your local area.

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Phone	1800 500 853 (8:30 am – 5 pm, Monday to Friday)
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### **Myagedcare.gov.au**

Myagedcare.gov.au provides you with a single point of access to Government and non-Government information and services for older Australians.

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Website	myagedcare.gov.au
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# Glossary

## **Affirmation**

A promise to tell the truth when giving evidence in court or by signing an affidavit. People who do not wish to swear on the Bible or other religious book make an affirmation.

## **Alleged offender**

A person is an alleged offender until they are proven to be guilty of a crime.

## **Appeal, appellant**

To take a case to a higher court to challenge a decision of a lower court. The appellant is the person who appeals.

## **Applicant**

The person who applies for a protection order.

## **Associate**

The person who assists a judicial officer to run the courtroom. The associate is usually the person who will come out and call the names of parties in a matter.

## **Bail**

Bail is a court document signed by the person charged, agreeing to obey any conditions the court has imposed and to attend court on the next listed date.

## **Balance of probabilities**

The test (or standard of proof) used by a court in deciding Family Violence Order applications, civil claims, and children's care matters. The balance of probabilities states that something must be more likely to have happened than not to have happened.

## **Beyond reasonable doubt**

The test (or standard of proof) used by a jury, judge or magistrate to decide if the alleged offender is guilty or not guilty of a criminal offence. It must be proven beyond reasonable doubt that an alleged offender has committed a crime before they can be found guilty.

## **Breach**

To break or disobey the conditions of a Family Violence Order or bail.

## **Brief of evidence**

A folder of documents that includes all relevant witness statements, photographs, and other evidence, prepared by police in a criminal matter.

## **Charge**

An allegation by police that a person has committed a criminal offence.

## **Court**

The building where the case is heard. This term also describes in general terms the judicial officer who is hearing the case, such as a magistrate or judge.

## **Cross application**

When the Respondent to a protection order application makes their own application against the other person, it is called a cross application.

## **Cross examination**

When the lawyer for the other party asks the witness questions about the witness's evidence and other matters.

## **Defence**

The alleged offender's case and the lawyer or lawyers who represent the alleged offender.



**Defendant**

A person who is charged with a criminal offence is called the Defendant.

**Evidence**

The information provided to the court. The statement that you gave to the police is the basis of the evidence that you will give in court. Your evidence might include what you saw, heard or experienced.

**Evidence/ Examination in chief**

When your lawyer asks you (or your witness) questions so that you (or your witness) can tell the court what happened.

**Family violence evidence in chief interview**

An audio-visual recording made by the police at the scene of the statement of a victim of violence about what has happened. This can be used as the evidence in chief of the victim during criminal proceedings.

**Family Violence Order (FVO)**

A Family Violence Order is a court order to protect a person from violence from someone they are related to or have been in a relationship with.

**Family Violence Order Liaison Officers (FV-OLOs)**

Full-time police officers who work to assist Applicants in applying for Family Violence Orders.

**Intimate partner**

An intimate partner is someone you have an intimate relationship with, whether or not you live together.

**Judge**

The judge is in charge of the Supreme Court and makes sure that the court is run fairly for both sides of the case. The judge is called 'Your Honour'.

**Judicial officer**

Any person who presides over a court, whether they are a Registrar, Magistrate or Judge.

**Magistrate**

The person in charge of the Magistrates Court or Children's Court. The Magistrate is addressed as 'Your Honour'.

**Mention**

A brief appearance at court to clarify what happens next in the court process.

**Oath**

A promise to tell the truth sworn on a bible or a religious book.

**Order Liaison Officer**

An ACT police officer who provides information, advice and support to victims of violence about applying for a protection order.

**Personal Protection Order (PPO)**

A Personal Protection Order is a court order to protect a person from violence from someone they are not related to or have not been in a relationship with.

**Plea**

When the alleged offender tells the court whether they are guilty or not guilty of the charge.

**Prosecutor**

In the Magistrates Court and the Supreme Court, the prosecutor is a solicitor or barrister from the Director of Public Prosecutions. The prosecutor represents the government in a criminal case and the interests of the Crown at court. In criminal cases, the prosecutor has the responsibility of deciding who and when to prosecute.

**Registrar**

A court official who can make some decisions about protection orders.

**Registry counter**

The front desk at a court. In the ACT Law Courts building, the registry counters are located in the main foyer.

**Respondent**

In Family Violence Order proceedings, the person who has allegedly used violence is the Respondent. They are the person you apply for an order against.

**Return Conference**

A type of shuttle mediation used in the ACT Magistrates Court to resolve protection order applications.

**Sentencing**

A range of penalties that the court can impose on a convicted offender. Penalties include imprisonment, community service orders, good behaviour bonds, and fines.

**Service**

Personally providing documents to someone. In Family Violence Order matters the police serve the documents on the respondent.

**Stalking**

A form of harassment where someone follows you around or watches you outside your home or workplace.

**Statement**

A written document that sets out the evidence given by a witness or an alleged offender.

**Subpoena**

A court order requiring someone to attend court and give evidence, or provide documents to the court.

**Support person**

A person who comes to court with an Applicant or witness to provide support. This person is not a witness and does not give evidence.

**Trial**

A hearing in a court where all evidence is presented and a judgement is made.

**Victim Liaison Officer (VLO)**

The Australian Federal Police has appointed Victim Liaison Officers to support victims of violence and offer information and advice.

**Witness**

Any person who has to come to court to tell the Magistrate or Judge what she or he has seen or heard.

**Workplace Protection Order (WPO)**

A WPO is a protection order applied for by an employer to protect a workplace, which includes all employees.

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### **Alternative Formats**

This information is available on the Women's Legal Centre website [womenslegalact.org](http://womenslegalact.org).

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