

## Terms used in the Domestic Violence Court Process

**Aggrieved:** the person for whose benefit the Domestic Violence Order is made

**Respondent:** the person whom the Domestic Violence Order is sought against

**Application:** this refers to the application for a Domestic Violence Protection Order

**Police Prosecutor:** this person can appear in court on behalf of the aggrieved person if so requested. They are a member of the QLD Police Service

**Adjournment:** this is when the Judicial Registrar (JR) /Magistrate will hear the matter at a later date

**Service:** delivering the application for a Protection Order and a summons to appear in court on the Respondent person. This is usually done by the Police

**Contest:** when a person disputes an application for a Protection Order against themselves.

**Police Order:** a Protection Order application taken out by the Police on behalf of the aggrieved person.

**Mention:** Court matters before a Hearing date is made.

**Hearing:** The Magistrate will hear evidence from both sides and will either make a Protection Order or dismiss the application. This is after the matter has not been resolved through a mention.

The Court Support Workers at the NQ Domestic Violence Resource Service can provide you with information and support. They are not able to give you legal advice.

## LEGAL SERVICES

Legal Aid: 1300 651 188

NQ Women's Legal Service: 4772 5400

Indigenous Women's Legal Service: 4721 6007

Townsville Community Legal Service: 4721 5511

Aboriginal & Torres Strait Islander Community Legal

Service: 4722 5111 or Free call 1800 012 255

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

NQDVRS acknowledges the Traditional Custodians of the lands on which we live and work, and recognises the continuing connection to lands, waters and communities. We pay our respects to Elders past, present and emerging.



## Court Based Service

North Queensland  
Domestic Violence Resource  
Service



Opening Hours: Monday to Friday  
8:30am - 4:30pm

The North Queensland Domestic Violence Resource Service offers a Court based program at the Townsville Magistrates Court on Monday, Wednesday, Thursday and Friday. There is a Safe Room for aggrieved persons to wait in for their safety.

### What can I expect to happen?

The first court appearance is called a mention. The domestic and family violence court support advocate will speak with you about your application for a Protection Order before you go into court. They will discuss with you what happens in court. They can help if you need to make any changes to what you are seeking in your application. The court support advocate will be with you in court, and after court to ensure that you fully understand what has happened and to help you to feel safe.

**The domestic violence court is a closed court. This means that members of the public, family or friends are not allowed in the court while it is in session. A court support advocate will be in the court room.**

### What do I do when I get to court?

When you get to court you can go to the front help desk at the Magistrates Court and ask for the Domestic Violence Court Support Advocate or ask security to take you to the safe room. Please note that the Townsville Magistrates Court has a public security system when entering the courts.

### What will happen in the courtroom?

The Police Prosecutor will read through your application and speak on your behalf to the Judicial Registrar (JR)/Magistrate regarding your application. The JR/Magistrate will read your application and may ask you some questions if they need clarification.

If you requested a Temporary Protection Order in your application, the respondent will not have been served with your application before your first court appearance. The Police Prosecutor may request the Temporary Order on your behalf in the terms that you require. The Court Support Advocate can help you with this. The application and Temporary Protection Order will then be sent to the Police so they can serve the respondent with these documents. The court will adjourn the matter for about 2 weeks.

On the next occasion if the respondent is present the JR/Magistrate will advise the respondent that they have three options, to seek legal advice, agree/consent to the Order or contest the Order. If the respondent is present in court and does not agree to the Order then it will get adjourned again. The Temporary Protection Order continues whilst the respondent is obtaining legal advice and for subsequent mentions until a final decision is made in the Court. If the respondent agrees/consents to the Order at any time then an Order will be made. If the respondent fails to do what the court directs then a Magistrate can make an Order in the absence of the respondent.

### What if the respondent has not been served with the application?

If you get to court and the respondent has not been served with your application, the matter will need to be adjourned until another date. This is so that the Police can try to serve the respondent. A JR/Magistrate will not make a final Protection Order unless the respondent knows about the application.

### What choices does the respondent have in regard to the application?

The respondent has a few options **but you have a right to say you do not want these options if they have an impact on you:-**

- Request to seek legal advice
- Request mediation with you
- Request they be allowed to attend a Voluntary Intervention Program (VIP)
- Agree to the Order and can agree without admission. (Do not agree to what has been said but agree to the Order)
- Request a shorter Order than 2 years.
- Contest the Order at a hearing.

**Eventually a court will decide whether or not the respondent is to have a Domestic Violence Protection Order.**