



WOMEN'S
LEGAL
CENTRE

(ACT & REGION) INCORPORATED

Your Court, Your Safety

*A guide to going to court and getting
help with domestic violence*

This booklet has been prepared by the Women's Legal Centre (ACT & Region) Inc.

This project was made possible with the assistance from the ACT Government under the ACT Women's Grants Program.

Information for service providers

This booklet is intended to provide victims of domestic violence with comprehensive information about the legal process for domestic violence 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 (ACT & Region) 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 offers free, confidential telephone advice Monday to Friday from 9.30am to 12.00 noon, and face to face appointments, when appropriate.

The numbers for legal advice (weekdays 9.30am to 12 noon) are:

Local	02 6257 4499
Outside Canberra	1800 634 669

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.



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SECTION 1

Introduction

Have you experienced domestic violence? This booklet will give you information:

- about the legal process for dealing with domestic violence;
- to help you prepare for court;
- to explain your rights as a victim of crime;
- about support available from ACT Government departments; and
- about other services to help you recover from domestic violence and to make positive plans for your future.

Glossary

The Glossary on page 48 of this booklet explains some of the words and phrases that are used in this booklet and that you may hear used in court.

What is domestic violence?

Domestic violence is a pattern of abusive behaviour. It is the use of

violence and abuse by one person to gain and maintain power over another person with whom they are in a close personal or family relationship.

Domestic Violence:

- › Occurs in many forms of relationships. This includes between partners or ex-partners who have been married or in de facto relationships, between children and parents, in same sex-relationships, towards older people, and between people sharing a home.
- › Can happen regardless of culture, race, background, income level, age group, social status, abilities, sexual preference or religion.
- › Is not an ordinary relationship problem or anger management issue. The abusive person is responsible for their actions. Physical or sexual assaults are a crime whether they happen in your home or on the street.
- › Can make you feel uncomfortable, scared, and unsafe. It can be subtle or blatant.

Domestic Violence may include the following sorts of behaviour:

Psychological or emotional abuse: For example, attempts to make you feel worthless or afraid. This may include using intimidation, threats of suicide or threats to hurt you, your children or your pets.

Physical abuse: This is the use of violence to hurt, control or intimidate you. This may include hitting, punching, slapping, kicking, strangling or using weapons.

Sexual abuse: This is the use of sex as a way to control, hurt, and intimidate you. This may include sexual assault, forcing you to view pornography or forcing you to participate in unwanted sexual acts.

Financial abuse: This includes restricting access to money, threatening to withdraw financial support or making you responsible for debts that are not your own. This can affect your ability to care for your family or to leave an abusive relationship.

Social control: This includes isolating you from family, friends, and the community by restricting access to family or cultural events and activities like religious meetings or education.

Stalking: This is when a person follows or watches you or visits places where they know you will be, to try to monitor your whereabouts and intimidate you.

Intimidation: This is abusive behaviour to make you fearful. It can be obvious or subtle. It includes threatening statements, looks or gestures or other behaviour that makes you feel afraid.

Harassment: This is repeated unwanted contact by the abusive person. It can include contact made directly, by phone, email, text messaging, or on social networking websites or through another person.

SECTION 2

Domestic Violence and the ACT Legal System

The ACT legal system responds to domestic violence in two ways:

- › Using Domestic Violence Orders to prevent future violence.
- › Dealing with crimes that have already occurred. If there is evidence that a crime has been committed, an alleged offender will be charged with a criminal offence.

This section:

- explains the legal process for Domestic Violence Orders
- explains what happens when an alleged offender is charged
- answers some frequently asked questions.

Domestic Violence Orders

If you are experiencing domestic violence, you can apply for a Domestic Violence Order at the ACT Magistrates Court.

A Domestic Violence Order will protect you and your children from anyone:

- who is or was your domestic partner (including spouses and same-sex partners)
- who you are, or have been, in an intimate relationship with (this does not necessarily mean a sexual relationship)
- related to you biologically (eg brother or aunt)
- related to you by marriage or because of your domestic partnership or former domestic partner (eg sister-in-law), or who could reasonably be considered to be related (eg by Aboriginal or Torres Strait Islander custom or tradition)
- who is a child of your domestic partner or former domestic partner
- who is a parent of your child.

A Domestic Violence Order can tell the person using violence to stop:

- hurting you
- staying in the house you share

- contacting you face-to-face or by telephone, SMS, letter or email
- threatening you
- harassing you or being offensive to you
- damaging or keeping your property
- hurting or threatening to hurt your pets
- going to places where you or your children would usually go (eg, home, work or school)
- getting another person to do any of these things to you
- holding a firearms licence and keeping guns in the home.

It is possible to have a Domestic Violence Order with conditions that allow you and/or your children to live with or have contact with the person using violence.

A person does not get a criminal record if there is a Domestic Violence Order against them. They only get a criminal record if they are found guilty in court of not doing what the Domestic Violence Order says.

If the person using violence is not related to you according to the Domestic Violence Order categories above, you can get a similar order called a Personal Protection Order (PPO).

A PPO is used when the applicant and the respondent are not related and are not in a relevant relationship. Anyone who is not entitled to apply for

a Domestic Violence Order can apply for a PPO in relation to someone who may be their:

- neighbour
- colleague, or
- a stranger.

If a person is being violent to you because of the work you do (eg, the person has problems with Centrelink and you are a Centrelink worker) you can get a special type of order called a Workplace Protection Order.

Who Can Apply for an Order?

The following people can apply for a Domestic Violence Order:

- an 'aggrieved person' (the person experiencing the violence)
- a police officer
- a 'litigation guardian' if the 'aggrieved person' has a 'legal disability'.

A 'litigation guardian' is an adult who can help the person with the legal disability apply for the order. They may be the person's parent or guardian or someone like the Public Advocate. A 'legal disability' means that the person is under the age of 18 years, or so ill or disabled that they cannot apply by themselves.

Parents can usually apply for an order for themselves and their children on one application, if the children have been

directly subjected to domestic violence. It is best to get legal advice if you want an order for yourself and your children.

People under the age of 18 can apply for Domestic Violence Orders by themselves if they want to. However, people under 18 who want to apply for a PPO need a 'litigation guardian' or the permission of the court to apply on their own.

Only employers can apply for Workplace Protection Orders on behalf of employees.

Upon what grounds can an order be made?

A Domestic Violence Order can be made against a person from the list on page 4 who has:

- caused physical or personal injury to you, or has threatened to do so
- caused damage to your property, or has threatened to do so
- committed or threatened to commit a domestic violence offence. These offences are defined in a list and are mostly criminal offences such as assault, sexual assault and inflicting grievous bodily harm (this list is in the *Domestic Violence and Protection Orders Act 2008* (ACT) – Schedule 1)

- has been harassing or offensive to you
- has harmed your pet or threatened to harm your pet.

How do I get an Order?

You apply for a Domestic Violence Order by filling in the forms at the ACT Magistrates Court. If you have any Family Court orders or any other orders about your children, you must bring a copy with you. You can apply for interim and final orders or a final order only.

Interim Domestic Violence Order


You can apply for an interim Domestic Violence Order if you think there is **an immediate risk to your personal safety**.

Step 1:

Go to the counter at the ACT Magistrates Court and ask for the forms to apply for a Domestic Violence Order. The Application for a Domestic Violence Order is also available online, but it must be printed out and completed:

www.legislation.act.gov.au

A solicitor from the Legal Aid Domestic Violence and Personal Protection Order Unit can provide free legal advice and assistance in completing the form. The



Domestic Violence Crisis Service also has a Court Advocacy Program on level 2 of the Magistrates Court, and workers from that program may be able to help you. It is important to write down on this form the details of the conduct that you say is domestic violence. This includes dates, what happened and details of any injuries or damage to property.

Step 2:

You file the completed Domestic Violence Order application forms at the counter at the ACT Magistrates Court. The counter staff will tell you what time a Magistrate will 'hear' your Application.

Step 3:

You wait outside the relevant court for your name to be called. You then go into court and tell the Magistrate about the violence and why you need an order. If you have a solicitor representing you, they will help you to tell your story. Your evidence will be heard in a 'closed court', which means that only the Magistrate and court staff will be there. You can take a support person in with you if you wish.

Step 4:

The Magistrate 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 Magistrate. It's important to talk to the Magistrate and ask questions if you're not clear what decision the Magistrate has made.

Step 5:

If the Magistrate makes an interim order, the court will type it up and give a copy of the order, and a copy of your application, to the Police. The Police will then personally give these documents to the person using violence. This is called service. The interim order only takes effect (begins to work) once it has been served on the person using violence. If you don't know whether the order has been served, you can call the ACT Policing Service and Process Team responsible for serving the orders on: 02 6245 7210 or Police Communications on 131 444. You will need to quote the Domestic Violence Order number. A typed copy of the order will be sent to you in the mail. It is a good idea to make several copies of the order and keep them in different places. If you can, keep a copy of the order with you at all times.

When the Magistrate makes an interim Domestic Violence Order, it will include a date for you and the person using violence to go back to court to see if you can reach an agreement about a final Domestic Violence Order with the help of a Court official. This is called a Return Conference.

When the interim Domestic Violence Order is served, it will include an endorsement copy for the person using violence. That person is supposed to return the endorsement copy to the court at least 7 days before the Return Conference, to say whether or not they will agree to a final Domestic Violence Order.

Final Order

If there is not an immediate threat to your safety, you can apply for a final Domestic Violence Order. You fill out the forms as outlined in Step 1 (above) and give them to the court registry. You will then receive a date for a Return Conference. The police will serve a copy of the application and the date for the Return Conference on the person using violence.

Return Conference

At a Return Conference, a Registrar from the court will speak separately to each person to see if an agreement can be reached about a final order. You do not have to talk to the person using violence, you can wait in the Legal Aid Domestic Violence and Personal Protection Order Unit or Registrar's office which are both secured. Agreements can involve undertakings or consent orders.

An undertaking is a promise the person using violence makes to the court that

he or she will not do certain things, such as harass you or come to your house. You can withdraw your application for an order in exchange for the undertaking. The police cannot enforce an undertaking. However, it stays on the court record and may be taken into account if you have to seek another order in the future.

A consent order is where you and the person using violence agree on the terms of a final order. 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 Domestic 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.

If you cannot reach an agreement with the person using violence at the Return Conference, you will have to go to court and the Magistrate (like a Judge) will decide whether or not you will get a final Domestic Violence Order. This is called a hearing. When you leave the Return Conference, you will be given a date for the Hearing, generally in around 4 weeks time. If you have had an interim Domestic Violence Order in place, it can be extended for the period between the Return Conference and the Hearing.

Preparing for a Hearing

If you need to go to a Domestic Violence Order hearing, it is good to have a solicitor represent you. If you think you might be eligible for Legal Aid, put in an application asking to have a solicitor represent you at the Hearing. Remember to include a copy of your application for the Domestic Violence Order, your interim Domestic Violence Order and any other papers the court has given you. If your application for Legal Aid is not granted, you can ask Legal Aid 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. The Women's Legal Centre can provide advice about how to represent yourself and/or make referrals to private solicitors who represent clients at Domestic Violence Order hearings. Men who need this information can contact the Legal Aid Advice Line, or visit the free Night Time Legal Advice Service at the Welfare Rights and Legal Centre.

What if the other party doesn't turn up to the Return Conference?

If the other person does not come to court, a final Domestic Violence Order can still be made, provided that the

court has proof from the police that the other person has been served with the application. If the application has not been served, it is likely that you will be given a date for another Return Conference in approximately 2 weeks.

How long does an Order last?

Domestic Violence Orders can last for up to 2 years unless there are 'special or exceptional circumstances'. If you want to have an order extended for longer than 2 years, you can apply to do so. However, you must make the application to extend the order at least 3 weeks before the order expires (finishes). You will need to tell the court why the order is still necessary to keep you safe.

PPOs can be made for up to 1 year and can also be extended.

What can the police do?

If you need an emergency order at night or at the weekend the police can get one for you.

The police can also get an emergency order for you if they are called to your house because of a violent incident and they think you are in danger.

If a crime has been committed (eg, you have been assaulted), the police should arrest and charge the person. When a

person is arrested, the police will not usually grant bail for domestic violence offences. The charged person will be taken before the Magistrates Court in the morning after being arrested where the Magistrate will decide whether the person should be granted bail, and if so, on what conditions.

Bail can be granted on a range of conditions, including where the alleged offender can live, where they can go and who they can contact. If bail has been granted to an alleged offender stopping him from going to your house or work, or contacting you, it is still important for you to think about getting a Domestic Violence Order with these conditions.

Bail conditions can change at any time and do not apply once the criminal proceedings are completed. If the person committing the violence breaches bail conditions, this is not a criminal offence. The person can still be arrested for breaching the bail conditions, but it will only be relevant to whether or not they get bail again. If a person committing the violence breaches a condition of a Domestic Violence Order, he can be charged with a criminal offence that is punishable by a fine or imprisonment. You should contact the police officer in charge of the matter or the Director of Public Prosecutions (DPP) to find out the bail conditions of the alleged offender.

In cases of domestic violence, the ACT police have a pro-arrest policy and the DPP has a pro-prosecution policy.

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

What happens if the order doesn't work?

If the person using violence does not do what the order says, they have 'breached the order'. Breaching an order can be a crime. Contact the police immediately. It is a good idea to keep a record of when and how your order has been breached, especially if there are no witnesses.

The police may give the person a warning or they may charge them with breaching an order. If found guilty, the person can be fined and/or imprisoned.

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

What happens if I want to stop or change the order?

If the order is not protecting you in the way that you want, you can apply to change or stop the order by going back to the ACT Magistrates Court. It may be helpful to talk to a counsellor or lawyer before you do this.

The person using violence can also apply to change or stop the order but has to get the court's permission to make that application. This means that the person using the violence has to first go to court and convince the court that there has been a substantial change of circumstances since the order was made, or that the order causes him or her unnecessary hardship. Only if the court accepts that either of these things has occurred can the person then apply to change or stop the order. If the person using violence applies to stop or change the order, you will be served with this application, which will include a date for when the application will be heard by a Magistrate. On that date, you will have the chance to go to court and tell the Magistrate that you agree, or why you think the order should not be changed or stopped.

Other things to think about

Registering your Order outside the ACT

If you want to leave the ACT, or if you regularly work or travel in another state or territory, you can register your order with a court in that State or Territory, or in New Zealand, so that you are protected wherever you are. The States and Territories are working towards automatically recognising all orders across Australia but at the moment, you still need to personally register your order with a court in the relevant State or Territory.

What about my immigration status?

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 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.

Can I apply for compensation for injuries resulting from the domestic violence?

You may be able to apply for compensation for injuries resulting from domestic violence that occurred in the ACT. The ACT Government makes payments under the Victims of Crime Financial Assistance Scheme. Victims need to complete an application form within 12 months of the most recent incident, although an extension can be given in some circumstances. Legal Aid has an assistance scheme to help victims with these applications. Advice can also be obtained from the Women's Legal Centre or Victim Support ACT on 1800 822 272.

What if I do not want a Domestic Violence Order?

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

- › 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.

- › Talk to someone at the Domestic Violence Crisis Service about your situation and how you can keep yourself and/or your children safe.
- › Keep a diary of when the other person is violent to you and/or your children. Also record all contact with police and medical workers that happens because of that violence. Then, if you decide to apply for an order later on, you will have evidence that you can show to the court.
- › A lawyer at the Legal Aid Domestic Violence and Personal Protection Order Unit at the ACT Magistrates Court can 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 violence counselling. Free counselling for victims of domestic violence can be available through the Women's Health Centre on: 02 6205 1078 or you can call the Women's Legal Centre for counselling referrals.

Frequently asked questions

Q What's the difference between a Domestic Violence Order and a Personal Protection Order?

A A Domestic Violence Order is used when the applicant and the respondent have been in a relationship and lived together, or are related to either party. Some examples of those relationships are: spouse; ex-spouse; de facto spouse; ex-de facto spouse; child of spouse; mother; father; brother; sister; aunt; uncle; grandparent; child; 'step' relationships such as stepfather; and an Aboriginal kinship relationship.

A Personal Protection Order (PPO) is used when the applicant and the respondent are not related and have not lived together. Anyone who is not entitled to apply for a Domestic Violence Order can apply for a Personal Protection Order against someone including their: boyfriend; girlfriend; neighbour; colleague; and stranger.

Q What's the difference between a Domestic Violence Order and an AVO?

A In New South Wales, Domestic Violence Orders are called 'AVOs' or Apprehended Violence Orders. If you are living or working in New South Wales and are unsure which to apply for, you can get advice from Legal Aid NSW or from the Women's Legal Service NSW.

Q When does a Domestic Violence Order begin and end?

A If the person using violence is in court when a Domestic Violence Order is made, the order begins immediately. If the person using violence is not in court when a Domestic Violence Order is made, the order will not begin until they are given or 'served with' a copy of the Domestic Violence Order.

The Domestic Violence Order will last for the period of time written in the order. Final Orders usually last for two years. The Magistrate can make a longer order if there are good reasons to do so.

A PPO can be made for up to one year and can also be extended.

Q Is a Domestic Violence Order a criminal charge?

A No. A Domestic Violence Order is not a criminal charge. The person using

violence who is named in the order will only get a criminal record if they are found guilty of breaching the order.

Q What happens if the person using violence disobeys the Domestic Violence Order?

A If the respondent disobeys any part of the Domestic Violence Order, you should contact police immediately. Call '000' if you are in immediate danger, otherwise go to your local police station and report the breach as soon as possible.

If the respondent disobeys a Domestic Violence Order, they are 'breaching' or 'contravening' the order, and may be arrested and charged. The maximum penalty for disobeying a Domestic Violence Order is five years' imprisonment and/or a fine of \$50,000.

Q Can a Domestic Violence Order be cancelled or changed?

A Domestic Violence Orders can be cancelled or changed by applying to the ACT Magistrates Court. If you would like more information about changing or cancelling a Domestic Violence Order, contact the Domestic Violence Crisis Service court advocacy workers or the lawyer at the Legal Aid Domestic Violence and Personal Protection Order Unit.

Q Can a Domestic Violence Order be extended?

A Yes. If you still have fears for your safety you can apply to have the order extended. You should apply to have the order extended at least three weeks before the order expires to avoid having to apply for a new order.

Q Do you have to pay to apply for a Domestic Violence Order?

A There is no cost to apply for a Domestic Violence Order. However, in cases where the Court believes that an application is frivolous (where there is no real basis for one) or vexatious (where it is made to threaten or annoy the other person) the court can award costs against the person applying for an order. For example, where the person you say was using violence had a lawyer to represent them at a Return Conference or Hearing, you may have to pay that lawyer's costs if the Court finds the application was frivolous or vexatious.

Q What is a cross application?

A A cross application is where the person using violence also applies for a Domestic Violence Order against you. If the person using violence makes a cross application, the Court is obliged to consider their application. Support and legal representation for people who are

respondents in Domestic Violence Order matters, including cross applications, may be available from the Legal Aid Domestic Violence and Personal Protection Order Unit at the ACT Magistrates Court, or a lawyer at the Women's Legal Centre may be able to assist you.

Q Do I need a solicitor?

A Many people apply for a Domestic Violence Order by themselves, but you can also have a solicitor represent you. Representation to apply for an interim Domestic Violence Order may be available through the Legal Aid Domestic Violence and Personal Protection Order Unit at the Magistrates Court. Many people get a lawyer to represent them if their application goes to a Hearing. This may be a Legal Aid lawyer or a private solicitor.

Q Do I need to include my address in the application ?

A No, the Domestic Violence Order application form does not automatically ask for your address. However, you may want to include your home or work address if you want to stop the person using violence from coming to those addresses.

Q Where can I get more information about Domestic Violence Orders or criminal charges?

A The Domestic Violence Crisis Service operates 24 hours a day, 7 days a week.

Phone: 02 6280 0900

Website: www.dvcs.org.au

› The Legal Aid Domestic Violence and Personal Protection Order Unit at the ACT Magistrates Court.

Phone: 02 6207 1874.

Website: www.courts.act.gov.au/magistrates/courts/magistrates_court_-_protection_order_and_protection_unit

› The Women's Legal Centre (ACT & Region). For legal advice or to make an appointment, call the advice line between 9.30am and 12.00 noon, Monday to Friday

Phone: 02 6257 4499.

Website: www.womenslegalact.org

› Legal Aid ACT Helpline. Help with legal problems, including Domestic Violence Orders, is available from 9am to 4pm, Monday to Friday.

Phone: 1300 654 314

› Welfare Rights and Legal Centre, Night Time Legal Advice Service Free one-off advice by phone or a face-to-face appointment on a 'drop-in' basis between 6pm-8pm on Tuesday evenings.

Phone: 02 6218 7999

In person: Havelock House, Gould St, Turner, ACT, 2601.

SECTION 3

Preparing for court

It is normal for you to have a lot of questions when you are preparing to go to court. This section answers some common questions and explains where you can get assistance to prepare for court.

Common questions about going to court in relation to a Domestic Violence Order

Q Where is the ACT Magistrates Court?

A The court is the large three story building on Knowles Place, Canberra City. It is next to the Supreme Court, which is a smaller building.

Q What time should I go to court if I want to apply for an interim Domestic Violence Order?

A The ACT Magistrates Court building opens at 8.30am, but the counter (or 'registry') where you can get the Domestic Violence Order application forms doesn't open until 9am. After giving you the forms, the counter staff will tell you what time you have to 'file' your application by.

On some mornings, this is as early as 10am, so it is important to get to the court as close to 9am as possible. If you are applying for an interim order, that is an order to start immediately, you will need to go before a Magistrate on that day to get the interim order (see page 6). If you *urgently* need to apply for an order later in the day, the court may be able to arrange for a Magistrate to hear your application, but this only occurs in very special circumstances.

Q When do I have to go back to court?

A The date and time that you will need to go to the ACT Magistrates court for your Return Conference or your Hearing will be written on your interim Domestic Violence Order. If you only applied for a final Domestic Violence Order, the counter staff will have given you a date when you filed your application. If you are not sure about the date and time, contact the court registry on 02 6207 1709.

It is best to arrive at the court at least 30 minutes before your Return Conference or Hearing so you can find out which room or courtroom to go to. If you feel unsafe, you may want to arrange to meet your solicitor, your Domestic Violence Crisis Service court worker or a support person somewhere outside the court so you do not have to go in by yourself.

Q How long will I have to be at court?

A 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 10:00am to 4:00pm Monday to Friday. The court usually breaks for morning tea at about 11:30am and for lunch between 1:00pm and 2:00pm.

Applying for an interim Domestic Violence Order: If there are lots of other people applying for orders on the same day as you, the list can take several hours. It is best to assume that you will be at court all morning, and potentially, the early afternoon.

Return Conferences: Return Conferences usually involve waiting whilst 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.

Q Do I have to give evidence to get a Domestic Violence Order?

A In interim Domestic Violence Order applications, Magistrates require the person who has made the application to enter the witness box and swear that the information in their application is truthful and correct.

If a hearing is held, you will generally have to enter the witness box again and give evidence about your application and why you need a final order. Even if the other person does not turn up, the Magistrate is likely to want you to give evidence about why you need a final order.

Q Do I have to give evidence if there are criminal proceedings?

A If the person using violence is charged with an offence, it is likely that you will be called as a prosecution witness when the case goes to court. Australian Federal Police Victim Liaison Officers and Witness Assistants

who work with the Office of the Director of Public Prosecutions are available to provide you with help and support about this process.

Q Can I give evidence via Audio Visual Link (AVL) at a Domestic Violence hearing?

A If you are required to give evidence in criminal proceedings against the alleged offender, and you are the victim of the violence, including sexual violence, you will be able to give your evidence via AVL.

Children under 16 years give their evidence by AVL.

If giving evidence by AVL, you sit in another room away from the courtroom. There is a two-way communication linking the different places so that a person at any of them can be seen and heard at the other place. The person giving evidence will be allowed to have a support person with them in the room, provided that support person is not a witness in the same matter.

Q How do I request to give evidence via AVL at a Domestic Violence hearing?

A An applicant can request to give evidence via AVL in a Domestic Violence Order hearing by asking the court staff, Legal Aid Domestic

Violence and Protection Order Unit, or the Domestic Violence Crisis Service to arrange this for them.

Q Can I have an interpreter?

A Yes. An interpreter can be provided if you find it hard to understand or speak English. You can request an interpreter through Legal Aid if your matter is funded by Legal Aid for a Return Conference or final hearing. If you don't have Legal Aid you may be able to request an interpreter through the Domestic Violence Crisis Service for the Return Conference and the final hearing.

At the initial Domestic Violence Order hearing an onsite interpreter is unlikely to be arranged due to short notice, however, Legal Aid or the Domestic Violence Crisis Service can book a telephone interpreter or you can bring someone with you such as a relative or a friend who can assist in interpreting for you.

In criminal matters the police or DPP will organise the interpreter.

Q Can the court assist with access or other needs?

A Yes. If you have a disability or special needs for giving your evidence tell the court staff, your domestic violence support worker, the police prosecutor or the police officer in charge of your case.

Q How do I behave in court?

A 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 may be listed for a specified time there may be delays. For example, the court lists may show a number of matters to be heard starting at the same time. The start time indicated to you for your hearing is the time the court commences hearing the cases listed for that time. You may be in a queue. Please be patient. You may need to consider if you have requested sufficient time off work or made appropriate childcare arrangements.
- › Be punctual. It is important that you arrive at court no later than 15 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 advise court staff that you have arrived.
- › 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 Magistrate is the person in charge in the court.
.....
- › Magistrates in the Magistrates Court and Judges in the Supreme Court are addressed 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.
.....
- › Finding your courtroom. When you arrive at the court you should take a ticket from the machine which allocates you a number. Give your name to the court officer at the counter and they will explain where you can wait. The Registrar will come into the foyer and call your name when they are ready for you to participate in a conference or enter the courtroom for the hearing.
.....

Q Where do I sit before I enter the court?

A It is usually possible to wait in the Legal Aid Protection Order Unit or a Registrar's Office. If you feel worried or unsafe then you should tell the court staff. They will arrange help to make sure that you are safe and that no one will intimidate you. If you are waiting in a safe room before giving evidence in a criminal matter, you will need to let the Magistrate's Associate or the police officer in charge of the matter know, so they can find you when you are called to give evidence.

Q Do I have to take an oath?

A You will need to take an oath or make an affirmation if giving evidence in the witness box. A court officer will ask if you prefer to take an oath or make an affirmation. Both are a promise to tell the truth. An oath has religious meaning and an affirmation does not. 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 making an affirmation.

Q What do I need to know about giving evidence?

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

- › Listen carefully and think about each question before you answer.
- › If you do not understand a question, say so.
- › Take your time and do not guess. If you are not sure about an answer, just say so.
- › Do not say what someone else has told you, unless you are asked.
- › Speak loudly, clearly, and slowly so that your evidence can be heard and understood.
- › Use short sentences.
- › If you have swear words in your statement it is okay to say these when you are telling the court what happened.
- › Try not to get angry with the defence lawyer even if they seem aggressive or rude towards you.
- › Do not talk to anyone about your evidence, unless you are giving a statement to police.

- › 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 exact words 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, to refresh your memory.

Q What if I get upset while giving evidence?

A You may get upset or embarrassed when you are giving evidence. Courts understand 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 or you can ask for one. 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.

Q Will I get information about the alleged offender being released from prison?

A The following agencies have victims registers. You can ask for your name to be placed on the appropriate register once an offender is

convicted and sentenced. You can contact the registers on the following numbers or visit their websites to find out about their role and the information they give to victims.

The ACT Victims Register records the names and contact details of victims who have asked to be registered in order to receive information about an adult offender who is in prison or under the supervision of ACT Corrective Services. Contact the Witness Assistance Service of the ACT Director of Public Prosecutions or contact the Victim Liaison Officer at ACT Corrective Services for further information.

Witness Assistance Service:

Phone: 02 6207 5399

Website: www.dpp.act.gov.au/witness_and_victim_services/the_witness_assistance_service

Victim Liaison Officer at ACT Corrective Services:

Phone: 02 6207 0836

Website: www.cs.act.gov.au/page/view/919

ACT Youth Justice Victims Register:

Records the names and contact details of victims of young offenders

(offenders who were under the age of 18 when they committed the offence).

Contact the Register Administrator, Youth Justice Policy Team, Youth Directorate, Office for Children, Youth and Family Support, Community Services Directorate.

Phone: 02 6207 0443

Support to help you prepare for court

There are services and people that can help you prepare for court if you are a victim of domestic violence. They can give you information, advice, and support in the courtroom.

Domestic Violence Crisis Service

The Domestic Violence Crisis Service has a worker located at the Magistrates Court to assist victims of domestic violence.

Phone: 0408 006 616

Domestic Violence and Personal Protection Order Unit

The Legal Aid Domestic Violence and Personal Protection Order Unit is located at the Magistrates Court.

Phone: 02 6207 1874

SECTION 4

Your rights as a victim of crime

In the ACT, the *Victims of Crime Act 1994 (ACT)* sets out certain principles that are to govern the treatment of victims of crime. All ACT agencies involved in the administration of justice must have regard to the governing principles, as well as other relevant matters.

Governing principles for victims of crime:

- › You should be dealt with at all times in a sympathetic, constructive and reassuring way and with appropriate regard to your personal situation, rights and dignity.
- › You should be told at reasonable intervals (generally not more than once a month) of the progress of police investigations about the relevant offence, except if the disclosure might jeopardise the investigation, and, in that case, you should be told accordingly.
- › You should be told about the charges laid against the alleged offender and of any modification of the charges.
- › You should be told about any decision concerning the alleged offender to accept a plea of guilty to a lesser charge or a guilty plea in return for a recommendation of leniency in sentencing.
- › You should be told about any decision not to proceed with a charge against the alleged offender.
- › If any of your property is held by the police for the purposes of investigation or evidence, then the inconvenience to you should be minimised and your property returned promptly.
- › You should be told about the trial process and of the rights and responsibilities of witnesses.
- › You should be protected from unnecessary contact with the alleged offender and defence

witnesses during the course of the trial.

- Your home address should be withheld unless the court directs otherwise.
- You should not have to appear at preliminary hearings or committal proceedings unless the court directs you to appear.
- You should be given an explanation of the outcome of criminal proceedings and of any sentence and its implications.
- If you are known to have expressed concern about the need for protection from an offender, then you should be told about the offender's impending release from custody.

If you are a victim of crime and you are concerned that an ACT agency has not complied with the governing principles, you can raise your concern with the Victims of Crime Commissioner on 1800 822 272 or email vocc@act.gov.au.

If you would like to make a complaint, you can do so to:

- the relevant ACT agency; or
- the ACT Ombudsman's Office on 1300 362 072. The website address is www.ombudsman.act.gov.au.

Victim Support

Victim Support ACT is an ACT Government service that can help victims of crime to cope and to access their rights and entitlements. For any crime that has taken place in the ACT, Victim Support ACT can provide:

- information
- counselling
- access to physical rehabilitation services
- advocacy and assistance with the criminal justice system, your rights and entitlements
- referral
- support coping strategies
- a holistic and personal approach.

Victim Support ACT services are available to victims of crime, their dependants, witnesses, and families, friends or persons close to a victim of crime.

Victim Support ACT is available 9.00am to 5.00pm Monday to Friday except Wednesdays when they are available from 1.00 to 5.00pm.

Visit the Victim Support ACT website at www.victimsupport.act.gov.au for more information.

Victims of Crime Financial Assistance

You may also be eligible for financial assistance if you were:

- the victim of violent crime
- the person responsible for the care of a victim of violent crime or
- the related victims of a primary victim who dies because of their injury
- and the injury occurred in the ACT after 30 June 1983.

Primary victims of crime can apply for financial assistance for:

- expenses reasonably incurred as a result of the injury
- lost earnings due to an incapacity to work
- expenses (other than legal fees) in making the application, such as police and medical reports
- special assistance.

More information is available at the Victim Support ACT or Magistrates Court (courts.act.gov.au/magistrates) websites.

Applications for financial assistance must be made within one year of the event. In some circumstances this time limit can be extended.

Any financial assistance you receive comes from the ACT Government. The Government Solicitor can then take steps to recover the financial assistance from the person who injured you if they have been convicted of the crime. You are not usually advised or involved in this process.



SECTION 5

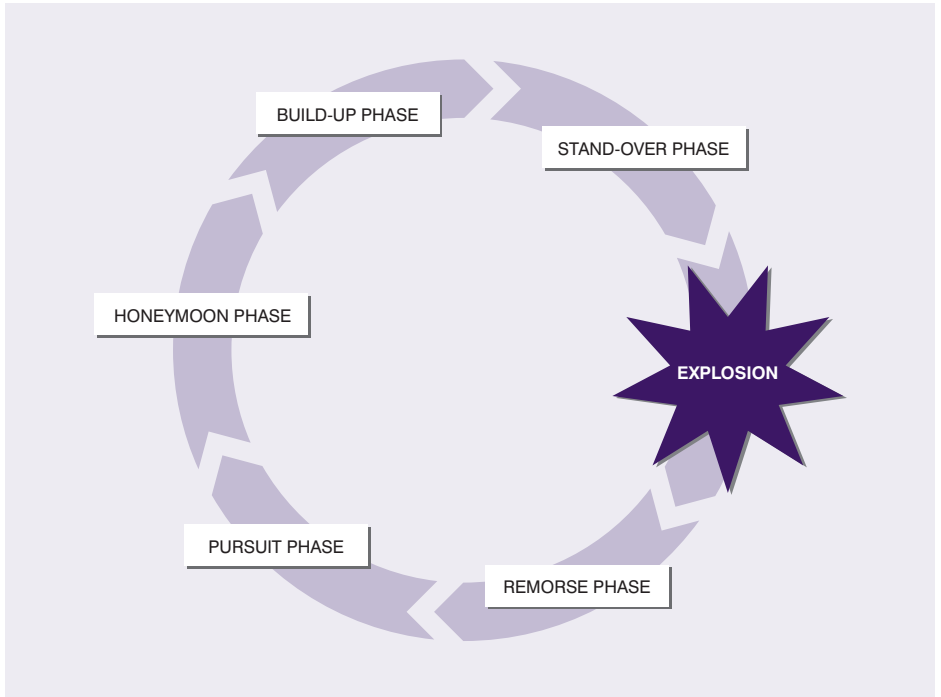
Your safety and the impact of domestic violence

This section has information about the dynamics and impact of domestic violence, understanding the risk of future violence, and ways to increase your safety.

The dynamics of domestic violence

Some people can find it helpful to understand domestic violence as a cycle of behaviour. The 'cycle of violence'¹ 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. In reality, the phases can be in different combinations, order, levels of intensity or overlapping, so this model may not show your experience exactly.

1 Dr Lenore Walker, *The Battered Woman*, 1980, Harper and Row, New York.



Build-up	Increases tension, harassment, and arguments.
Stand-over	Increases level of control and threats, creates fear in the victim and children.
Explosion	Uses extreme abuse, aggression, violence, and malicious damage (as an extreme controlling behaviour).
Remorse	Tries to justify and play down actions, blames victim, shows guilt, and may include threats of self-harm.
Pursuit	Promises it will not happen again, claims they are the 'victim', blames other factors or substance abuse (such as alcohol).
Honeymoon	Returns to the courting phase, increased caring, attentive and romantic.

The impact of domestic violence

Domestic violence can have wide-ranging and long-term effects on a person's physical, emotional and mental health, and well-being. People who suffer domestic violence may:

- 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 violence say that one of the hardest things to deal with is 'what it does to your head', as the person abusing you uses emotional abuse to undermine your self-belief. It can help to talk to people who are experienced in working with victims of domestic violence. They can help you to talk about the abuse and to think through the best options for you and your family. It can also help to have workers advocate on your behalf as you negotiate other services and systems to regain your safety. Contact details for support services are in section 6 of this booklet.

Experiencing domestic violence can also have social or other effects, including limiting education and job opportunities, the loss of secure housing and income, and separation from your community and support network.

People who experience domestic violence can sometimes have difficulty in seeking help because of:

- fear of the abusive person
- uncertainty over what might happen if the relationship ends
- concern for the children
- worries about practical issues like housing, employment, transport and childcare
- pressure from others to stay in the relationship
- their desire to keep their relationship but have the violence stop.

The impact of domestic violence on children

Domestic violence (and the threat of violence at home) creates fear and harms family life. Children and young people don't have to see the violence to be affected by it.

There are a number of ways that children are affected by domestic violence. Children might:

- witness the violence (this includes both seeing and hearing the violence)
- be physically and emotionally abused themselves or hurt while attempting to intervene
- witness the aftermath of the domestic violence, for example, cleaning up the site, seeing the police and/or ambulance attend
- be threatened or abused as a way of hurting or intimidating the other parent
- be deliberately alienated from or used to abuse their parent by the abusive parent
- become isolated from extended family, peer, and broader support networks
- lose a connection with their parent as their energy may be focused on surviving the violence.

For children to develop well, they need a secure and nurturing environment. It is not safe or secure in a home where there is domestic violence. Children can be scared about what might happen to them and to the people they love.

Children who witness domestic violence can be more likely to have:

- behaviour problems
- insomnia
- anxiety or depression
- diminished self-esteem
- poorer academic performance
- health problems.

You can help your children to heal from the impact of domestic violence. They will benefit from lots of attention and affection, and from talking to you and others to help them make sense of the violence.

Some important messages to tell children and young people are that:

- 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 that you will take action together
- plan with them where they should go and what they should do if they are afraid for your safety or their own
- they should not try to intervene.

There are services that can assist you to support your children. For help, contact your local family support service or child health service.

Assessing the risk of future violence

When making decisions about your safety, it is important to consider the risk of further violence. Domestic violence support services can help you understand the risk posed by the abusive person. Support services are listed in sections 6 and 7.

When thinking about your risk of future violence you should ask yourself the following:

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, these must be taken 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, whether they have stalked you, or made threats to harm you or your children if you leave. Abusive people who are highly controlling and jealous can be

very dangerous if they think they are losing control of you. For example, they may increase their abuse 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 escalating.

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

Are you fearful? Your fear of the abusive person is a good indicator that something is wrong. You should not ignore your fear. If anything causes you to become more fearful, it is important that you 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, or financially dependent on the abusive person. There are services listed in sections 6 and 7 that can help you find appropriate support.

Safety planning

It is important that you think about strategies that you can use to try to improve your safety, and that these strategies suit your individual circumstances. Your strategies will be different if you are still in an abusive relationship or experiencing abuse after separation. For example, if you are separated then you may need to change the locks on your home.

Remember to call '000' if you are in immediate danger.

Some key things that you can do to increase your safety:

Let people know what is happening, so that they can support you. This includes friends, family, and police or domestic violence support services. Ask your neighbours to call the police if they hear a disturbance at your home.

- Report all instances of abuse to the police. Keep in touch with police officers at your local police station and let them know if further abuse has occurred.
.....
- Always have a way of contacting police in an emergency. For example, keep a mobile phone with you.
.....
- Keep a diary or record of contacts with the abusive person. Save any abusive text or voice messages and report these to the police.
.....
- Talk to a domestic violence support worker who will help you develop a safety plan.
.....

SECTION 6

Where to get help and support

› Emergency help

For urgent assistance when violence is occurring now or when there is an immediate fear of violence about to happen, treat it as an emergency and call **000** – ask for the police.

› Interpreters



If an interpreter would be helpful, ring the following services through the Translating and Interpreting Service.

Phone: 131 450

› Domestic violence advice and referral

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.

Phone: 02 6280 0900

TTY: 02 6228 1852 (Telephone Type Writer for Hearing Impaired)

Website: www.dvcs.org.au

› Canberra Men's Centre

Canberra Men's Centre staff are skilled and capable people, using professional practice and life experience to support their work with the men who need assistance, and with their partners and families.

Phone: 02 6230 6999

Website: www.menscentre.org.au

› 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. MensLine Australia can also provide referrals to face-to-face counselling and support services. Callers can remain anonymous.

Phone: 1300 789 978

Website: www.menslineaus.org.au

› Child protection

Care and Protection Services

If you are concerned that a child has been abused, or is at risk of being abused, you should contact Care and Protection Services.

Phone: 1300 556 729

› Court support

Domestic Violence Crisis Service Court Support Service

The Domestic Violence Crisis Service offers court support to victims of domestic violence.

Location: ACT Magistrates Court,
4 Knowles Place, Canberra

Phone: 0408 006 616

› Health services

Community Health

Community Health provides high quality community health services to individuals, families and groups with special needs. Check the Community Health services directory available at:

Website: www.health.act.gov.au/health-services/community-health/community-health-services/

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.

Phone: 02 6205 1078

Website: www.health.act.gov.au/health-services/community-health/community-health-services/womens-health/

› Housing and Emergency accommodation

First Point

First Point is a free service for Canberrans who are homeless or at risk of being homeless. First Point connects you to the support you need – there is no judgement and no one is turned away.

Phone: 1800 176 468

Monday to Friday 9am to 7pm, 10am to 1pm on Saturday.

Website: www.firstpoint.org.au

› **Housing assistance**

Housing ACT Gateway Services

Clients may attend the Gateway Services to access information regarding Housing ACT services, to apply for social housing or rental bond loan assistance in the ACT. Housing ACT also has staff at Centrelink Tuggeranong office each Tuesday and Wednesday from 8am – 5pm.

Location: Nature Conservation House, Corner Emu Bank & Benjamin Way Belconnen.

Phone: 133 427

Email:
Housing.CustomerService@act.gov.au

Website: www.dhcs.act.gov.au/hcs

› **Legal information and advocacy**

Legal Aid ACT

Legal Aid helps people in the ACT with their legal problems, especially people who are socially or economically disadvantaged. Legal Aid ACT can help in criminal law, family law and some civil law matters.

Location: 2 Allsop Street
Canberra City ACT 2601

Legal Aid Helpline: 1300 654 314,
9am to 4pm Monday to Friday

Admin phone: 02 6243 3411

E-mail: legalaid@legalaidact.org.au

Website: www.legalaidact.org.au

After Hours Helpline for people in custody or other urgent matters, is available from 6pm to 9am Mondays to Thursdays, and 6pm Friday to 9am Monday on 0429 440 084.

Aboriginal Legal Service ACT

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

Phone: 02 6249 8488

Website: www.alsnswact.org.au

Women's Legal Centre (ACT & Region) Inc.

The Women's Legal Centre (ACT & Region) 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 offers free, confidential telephone advice Monday to Friday from 9.30am to 12.00 noon, and face to face appointments, as necessary.

For legal advice: 02 6257 4499,
9.30am to 12.00 noon Monday to Friday

From outside Canberra:
1800 634 669

Welfare Rights and Legal Centre

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

- Centrelink/Social Security issues
- Public Housing and private tenancy matters (low income earners)
- Disability Discrimination
- One-off advice and referral in other areas of law (available through the Night Time Legal Advice Service)

Legal Advice: 02 6218 7977

Disability Discrimination:
02 6218 7918

Night Time Legal Advice:
02 6218 7999

› Financial assistance

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 violence support services.

Crisis payments:

Crisis payments may be available for victims of domestic violence. Call Centrelink to find out if you are eligible. It is important to apply immediately.

Phone: 131 794

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.

Phone: 131 794

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.

Phone: 136 380

Family Assistance Multilingual Service:

If you come from a multi-cultural 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.

Phone: 131 202

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.

Phone: 132 850

Other Centrelink numbers:

Customer relations (for complaints, compliments and suggestions).

Phone: 1800 050 004

TTY: 1800 810 586

› **Sexual assault**

Canberra Rape Crisis Centre

Canberra Rape Crisis Centre is a non-government feminist

organisation working to eliminate sexual violence against women, young people, children and men.

Phone: 02 6247 2525 for 24 hour crisis support and advocacy

Website: www.crcc.org.au

› **Victims assistance**

Victims Support ACT

Confidential support, referral and information for victims of crime.

Phone: 1800 822 272

Victim Liaison Officers

ACT Policing have Victim Liaison Officers who can assist with information on personal safety.

Phone: 02 6245 7441

Witness Assistance Service

Helps with information, court preparation, coordinating court support and follow-up after court for prosecution witnesses or victims of crime appearing in court. The WAS is part of the Office of the Director of Public Prosecutions.

Phone: 02 6207 5399

SECTION 7

Additional support and information for people from specific groups

People from culturally and linguistically diverse communities

If you are a victim of domestic or personal violence and you come from a culturally, linguistically or religiously diverse community, then you may find it difficult to seek help. Your community may be small and you don't want to bring shame to your family or the community. People may not believe your story or blame you for the violence. You may feel very alone. However, there are services available to help you.

Interpreters

Translating and Interpreting Service (TIS)

If an interpreter would be helpful, ring TIS on 131 450.

Police

If you need an interpreter when calling '000', say 'interpreter' and the language you speak. The operator will connect you to an 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 importantly, you can ask the police to arrange a free interpreter for you.

ACT Policing has a Multicultural Liaison Team (MLT) whose role is to help connect police with Canberra's diverse community. The MLT represents ACT Policing at a variety of events and venues and spends a major portion of time engaging with and forming relationships with Canberra's culturally and linguistically diverse community.

Contact a Multicultural Liaison Officer via the ACT Policing switchboard on 02 6256 7777.

At court

If you need an interpreter in court ask the court support worker, Police Victim Liaison Officer or DPP Prosecutor to organise one for you.

Courts use interpreters who are properly trained and accredited. Courts will not

allow friends or relatives to interpret for you, unless it is to pass on simple information and no other interpreter is available. Interpreters must follow rules not to tell other people about your case. They take an oath to properly interpret all that is said in the court.

If you believe your interpreter is not passing on your evidence to the court accurately you should tell the Police Victim Liaison Officer, police prosecutor or Magistrate.

Immigration and Domestic Violence Orders

If you have a temporary residence visa and leave your partner to get away from domestic violence you can apply to the Department of Immigration and Citizenship (DIAC) to stay in Australia. DIAC will look at your situation and decide on your visa and migration status. You do not have to do this on your own. One of the support services that are listed below can help you.

Department of Immigration and Citizenship (DIAC)

This website has a range of information about Visas, Immigration, Refugees and Citizenship

Website: www.immi.gov.au

ACT Office of Multicultural Affairs

This website has information about the ACT Access Card. If you have a Protection Visa Acknowledgement letter you are eligible for an Access Card. This card can give you access to a range of services.

Website:

www.dhcs.act.gov.au/multicultural

Canberra Refugee Support

Supporting the settlement of refugees in Canberra.

Website: www.actrefugee.org.au

Companion House

Companion House works with people who have sought refuge in Australia from persecution, torture and war related trauma. They work with people who are newly arrived and longer term settlers. Companion House offers a range of services, counselling, medical and immigration advice.

Phone: 02 6251 4550

Email: info@companionhouse.org.au

Website:

www.companionhouse.org.au/cms

Migrant and Refugee Settlement Services (MARSS)

MARSS offers assistance to migrants, refugees and humanitarian entrants. MARSS operates a Settlement Grants Scheme to assist people to access a range of services in Canberra.

Phone: 02 6248 8577

Website: www.marss.org.au

Multicultural Womens Advocacy Inc. (MWA)

MWA is an advocacy, advisory and lobby group that focuses on the needs of women from culturally and linguistic diverse (CALD) backgrounds. MWA engages in providing information, referral, and support to CALD women seeking opportunities to further develop their capabilities and achieving their life goals.

Phone: 02 6230 4632

Website:
www.multiculturalwomensadvocacy.org

Immigration Advice and Rights Centre

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

Administration Phone: 02 9279 4300

Advice Phone: 02 9262 3833 (2pm to 4pm Tuesdays & Thursdays only)

Website: www.iarc.asn.au

Aboriginal and Torres Strait Islander people

There is a range of support services to help Aboriginal and Torres Strait Islander people who are victims of domestic violence and going through the legal system.

Police

The Australian Federal Police (AFP) employs an Indigenous community liaison officer who liaises with the Indigenous community to establish and maintain positive relationships and foster mutual understanding.

Role of the liaison officer

The liaison officer performs a number of duties including: developing and maintaining a network of contacts between the police and the local Indigenous communities within the ACT to strengthen cooperation and communication between the parties; improving community knowledge about policing services, the law and order issues; establishing and maintaining close personal rapport with the elders of the Indigenous community and assisting in mediation of disputes involving police and people from the Indigenous community.

Phone: 02 6256 7777

Website: www.police.act.gov.au/crime-and-safety/for-other-community-groups/indigenous-people.aspx

Who else can help you?

If you are a victim of domestic or personal violence or sexual assault and want to talk to someone, you can also call the following services that help Aboriginal women. Some of them can give you legal advice about talking to the police, getting a Domestic Violence Order or going to court.

Aboriginal Legal Service NSW/ACT

This service gives advice and help to Aboriginal people and their families, particularly in criminal matters.

Phone: 02 6249 8488

Website: www.alsnswact.org.au

Legal Aid ACT

Legal Aid ACT's Aboriginal and Torres Strait Islander Client Support Officer support clients identifying as an Aboriginal or Torres Strait Islander through all stages of the legal process. You do not need to have a grant of legal assistance to get this support. The Client Support Officer can give you valuable information and assistance concerning legal matters, but cannot give legal advice. If your matter requires legal advice, the Client Support Officer may be able to help by arranging for you to receive advice or referring to the appropriate person.

Phone: 02 6243 3471

Website: www.legalaidact.org.au

Women's Legal Centre (ACT & Region) Inc. (WLC)

The WLC operates an Aboriginal and Torres Strait Islander Women's Law and Justice Support Program. If you have a problem legal or otherwise and you are not sure what you can do, the WLC may be able to help you. The Program has an Indigenous Liaison Officer (ILO) who can have a yarn with you and help you work out what to do to about your problem. The ILO can help you with a range of things including:

- have a yarn with you about your problem and where you can go for help
- give you information
- arrange for you to see a lawyer
- help you fill out forms
- work out the best service to help you with your problem if the WLC can't help you.

Phone: 02 6257 4377

Website: www.womenslegalact.org

Aboriginal Justice Centre

The AJC provides and coordinates support services to Aboriginal and Torres Strait Islander people in the ACT criminal justice system.

Phone: 02 6162 1000

Website: www.actajc.org.au

Winnunga Nimmityjah Aboriginal Health Service (AHS)

AHS 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. The service logo is the Corroboree Frog which is significant to Aboriginal people in the ACT.

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. The holistic model of health care provided by Winnunga Nimmityjah AHS encompasses not only medical care, but a range of programs to promote good health and healthy lifestyles. Through its commitment to best practice standards in all areas of operations, Winnunga has become a leader in the provision of primary health care services.

Phone: 02 6284 6222
1800 110 290
1800 120 859

Website: www.winnunga.org.au

People with a disability

If you are a person with a 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.

Support when with police – any disability

You have the right to ask a support person to be with you when you talk to the police if you are a victim or a witness to domestic or personal violence. They can be a carer, caseworker, legal representative, guardian or advocate.

Interpreter when with the police

It is very important you understand what is happening if you are in a police station, so if you are deaf you have a right to request a sign language interpreter.

Support when in contact with police – communication difficulty

The police will arrange an interpreter for you if you are:

- deaf or have difficulty hearing or speaking
- if you prefer to communicate in a language other than English.

Support when in court – any disability

If you have a disability and will need help in the courtroom it is important that you talk with either the court staff, the police officer in charge of your case or your support person. Ask them to notify the court about:

- the help you will need to communicate
- the support person who will be helping you
- your need for an Auslan interpreter or hearing assistance equipment
- any need for documents to be in large print or alternative formats
- your personal care needs
- wheelchair access into the courthouse and the courtroom.

Other support services

Canberra Blind Society Provides a range of services for the vision impaired or for people who have difficulty seeing. Services include:

- information
- advice
- support groups
- social rehabilitation
- supply of aids and equipment
- reading
- visiting
- assistance with talking books
- educational backup
- braille and alternative format material
- audio newsletter.

Phone: 02 6247 4580

Website: users.tpg.com.au/canblind

Advocacy for Inclusion Advocacy for Inclusion is committed to a society in which people with disabilities live inclusive and meaningful lives as part of the community, in accordance with the United Nations *Convention on the Rights of Persons with Disabilities*.

They provide advocacy services to people with disabilities living in the ACT and region, to enable each individual to overcome discrimination and empower them to control their lives and participate in the community.

Individual advocacy

Advocacy for Inclusion acts with and on behalf of people in a supportive manner, or assists them to act on their own behalf, free of conflicts of interest and motivated only by a desire to obtain a fair and just outcome for the person concerned.

Phone: 02 6257 4005

Email: info@advocacyforinclusion.org

Website: www.advocacyforinclusion.org

Disability ACT works with people with disability, families, carers and friends to create good lives. They also work with business and community organisations to improve the ways that people with a disability are part of our community. Their vision states that *“all people with disability, achieve what they want to achieve, live how they choose to live, and are valued as full and equal members of our community”*.

There is a range of information and links to various supports at the website.

Phone: 02 6207 1086

TTY: 02 6205 0888

Email: disabilityACT@act.gov.au

Website: www.dhcs.act.gov.au/disability_act

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

Phone: 02 6287 4393

Email: enquiries@actdrc.org.au

Website: www.actdrc.org.au/actdrc/index.htm

ACT Disability, Aged and Carer Advocacy Service (ADACAS) is an independent advocacy organisation helping people with disabilities, older people and their carers.

ADACAS does this by providing advocacy through:

- information
- representation
- education.

Phone: 02 6242 5060

TTY: Call 133 677 (National Relay Service) and ask for 02 6242 5060

Email: adacas@adacas.org.au

Website: www.adacas.org.au

Gay, lesbian, bisexual and transgender communities

Domestic violence in same-sex relationships

Domestic and personal violence can occur if you are in a same-sex relationship. It can be similar to the abuse you see in some other relationships and have the same impact on you. There are also a few unique ways that your partner may try to control you, such as:

- › 'outing' or threatening to 'out' you, if your family, friends, workmates or cultural community do not know you are gay or lesbian
- › excluding you from your gay or lesbian community
- › telling other people about your HIV status without you saying they can.

You may also find it hard to get help for domestic and personal violence or report it for a number of reasons, such as:

- › you may think abuse is part of being gay or lesbian, especially if young
- › your own fear of being seen as gay or lesbian
- › you feel that family or friends do not approve of gays and lesbians

- › your family or friends do not associate with you because of your sexual preference
- › you may be embarrassed about going to counselling and medical services
- › you feel you may not be seen as a 'real' victim or taken seriously, like women and children
- › you believe domestic violence is not seen as a 'real' problem in gay and lesbian relationships, so there are no services to help you
- › you live in a small gay or lesbian community, in a regional or rural area, where other people will know if you get help.

Although you can use most general domestic violence services if you are a lesbian (like refuges, court advocacy and counselling) they may have less experience in working with same-sex abuse. It can also be difficult to find services for gay men.

If you want to find out more about same-sex domestic and personal violence, go to the IDS Council of NSW (ACON) website *Another Closet – Domestic Violence in Gay and Lesbian Relationships*. It has information about what you can do if you are being abused, tips for recovering, helping

a friend or relative, real stories about survivors and where to get help.

Website: www.ssdv.acon.org.au

Domestic violence and transgender or transsexual people

If you are transgender or transsexual you are more likely than other people to experience higher levels of abuse. You may sometimes be the target of extremely vicious violence because of how other people see your cross-gender behaviour. You may still suffer abuse from your partner, as in other relationships. They may also target your gender identity, which can have a devastating impact on how you feel about yourself.

Transgender abuse can include:

- › ridicule about how your body looks
- › hurtful comments about whether you are a 'real' man or 'real' woman
- › being told that no-one will believe you were abused as you are transgender
- › pressure about how you should dress and whether or how you should wear make-up

- › denying you medical treatment, such as taking away your hormone medication
- › hiding or throwing out your binders and clothes
- › 'outing' or threats to 'out' you as transgender.

If you are transgender you are also likely to experience very high levels of discrimination in society, so the impact of outing is significant. It can lead to you losing your job, friends, family and, in some cases, expose you to violence and harassment.

Many domestic violence victims worry about the safety of their children, especially if a partner threatens to stop them from seeing their children. If you are a transgender parent this issue can be even worse – especially if people wrongly feel you are an unfit parent just because you are transgender. You may need to get some advice from a specialist family lawyer.

If you would like to find out more about transgender issues generally, including support and help for domestic violence, contact A Gender Agenda or the Gender Centre.

Websites: www.gendercentre.org.au,
www.genderrights.org.au

Help and Support

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.

Phone: 02 6256 7777 and ask to speak to a GLLO member.

A Gender Agenda

There are a number of groups that you can approach for support and advice if you are a trans, intersex, genderqueer or gender questioning individual. There are also groups here for friends, partners, parents and so on, of the sex and gender diverse community.

Support Services email:

support@genderrights.org.au

Advocacy Services email:

advocacy@genderrights.org.au

Website: www.genderrights.org.au

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 violence that has occurred over a longer period of time.

Domestic 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.

Aged Care Assessment Team

Contact your local Commonwealth Carelink Centre and ask for the Aged Care Assessment team in your area.

Phone: 02 6207 9977 or 1800 052 222

Aged Care Information Line

Phone: 1800 052 222

Seniors.gov.au

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

Website: www.seniors.gov.au

Older Persons Abuse Prevention Referral and Information Line (APRIL)

is a confidential telephone service for callers who want to discuss elder abuse issues and seek advice and referral on options.

The service operates during business hours. The APRIL number is 02 6205 3535.

SECTION 8

Glossary

Here are definitions of words and phrases that you may hear used in court.

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A

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 another religious book make an affirmation.

Alleged offender

A person is an alleged offender until they are proven to be guilty or not guilty of a crime.

Appeal, appellant

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

B

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 Domestic 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 each 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 Domestic Violence Order, bail or bond.

Brief or brief of evidence

A folder of documents that includes all relevant witness statements, photographs, and other evidence. The police prepare the brief of evidence.

C

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.

Court officer

A person employed to assist with the running of the court. Generally, this person will call your name when you need to enter the courtroom.

Cross-examination

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

D

Defence

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

Domestic Violence Order (DVO)

A court order to protect a person from violence from someone they are related to or have lived with.

E

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-in-chief/examination-in-chief

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

I

Indictable offence

An offence that is punishable by imprisonment of two years or more. The less serious indictable offences are usually heard in the Magistrates Court. The more serious indictable offences are usually heard in a higher court before a Judge and jury (or Judge alone).

Indictment

The formal charge for more serious cases. Used in the Supreme Court.

J

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'.

M

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.

O

Oath

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

P

Personal Protection Order (PPO)

A PPO 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/prosecution

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.

R

Registrar

A Registrar is a lawyer who works for the court and may make decisions about procedural issues. A Registrar will run the Return Conference.

S

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.

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.

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.

T

Trial

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

V

Victim Liaison Officer

The Australian Federal Police has appointed Victim Liaison Officers (VLOs) to assist with concerns and to offer information and advice.

W

Witness

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

Witness Assistant

The Director of Public Prosecutions has appointed a Witness Assistant to provide information, assistance, referral and support for victims of crime.



Notes

A series of horizontal dotted lines for writing notes, spanning the width of the page.

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Alternative Formats

This information is available on the Women's Legal Centre website

www.womenslegalact.org

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