

RESOURCE

5

Protection orders in your state or territory

All states and territories have legal frameworks and processes which are designed to protect victims of domestic and family violence from perpetrators. The main differences are:

- ⊕ Who can apply for a protection order/ intervention order/ apprehended violence order;
- ⊕ What types and duration of orders are available;
- ⊕ What restrictions can be placed on a perpetrator;
- ⊕ The grounds on which an order can be made, such as whether there has to be evidence of violence having occurred or whether the victim's fear is sufficient grounds;
- ⊕ The penalties for breaching orders.

At the time of publication, Commonwealth, State and Territory Governments are working towards a national system to have orders made in one state or territory recognised across the rest of the country. Until this is enforced, victims who cross state borders must register interstate orders to have them able to be enforced in other states and territories.



PROTECTION ORDERS

INFORMATION-SHARING PROVISIONS

It is important for staff to understand how information-sharing provisions apply in each state and territory. This relates to whether or not you can talk to other agencies if one of your clients is experiencing violence.

JURISDICTION ¹³	PROVISIONS
ACT	Police may disclose details of suspected violence to crisis support agencies (this does not include employment services).
NSW	Government, health and support agencies may share information about a victim or alleged perpetrator if it helps coordinate support for the victim, only where the victim gives consent. Only government or health agencies may dispense with consent, and only where the threat is serious.
NT	All adults must report harm, likely harm or serious or imminent threat of domestic violence to police. Failure to do so is an offence. Reporters are protected from civil and criminal liability.
QLD	Information may only be exchanged between the Court and the child protection authority.
SA	If your organisation is bound by the state's Information Privacy Principles, you must give information to a police officer if it is requested for the purpose of locating a perpetrator to serve them a protection order.
TAS	It is not a breach of the Personal Information Act for an agency to disclose personal information for the purpose of preventing family violence. A person who reports suspicion of family violence to police is protected from civil and criminal liability.
VIC	Information about a client's participation in court-ordered counselling may be used in court proceedings, which may be relevant if the counselling formed part of the client's activities.
WA	Government agencies may exchange information to ensure the safety of the protected person or a child. This does not include employment services.

¹³ These details are correct as at date of publication. Providers should check the currency of the information for their jurisdiction.

PROTECTION ORDERS



LEGAL ADVICE

It's important that you don't try to go beyond your role in relation to advising your client about their options as either a victim or perpetrator, as giving incorrect advice could have serious consequences for the victim and any children in their care.

Job seekers may be able to get assistance with their legal issues free through LegalAid if they are eligible. Links to LegalAid in each state and territory are below. The Employment Fund may at the discretion of the provider be used to support a Stream C jobactive job seeker to access legal advice and representation.

LINKS TO LegalAid IN EACH STATE AND TERRITORY

[LegalAid ACT](http://www.legalaidact.org.au/) - <http://www.legalaidact.org.au/>

[LegalAid NSW](http://www.legalaid.nsw.gov.au/) - <http://www.legalaid.nsw.gov.au/>

[LegalAid NT](http://www.ntlac.nt.gov.au/) - <http://www.ntlac.nt.gov.au/>

[LegalAid Queensland](http://www.legalaid.qld.gov.au/) - <http://www.legalaid.qld.gov.au/>

[LegalAid SA](http://www.lsc.sa.gov.au/cb_pages/legal_aid.php) - http://www.lsc.sa.gov.au/cb_pages/legal_aid.php

[LegalAid Tasmania](http://www.legalaid.tas.gov.au/) - <http://www.legalaid.tas.gov.au/>

[LegalAid Victoria](https://www.legalaid.vic.gov.au/) - <https://www.legalaid.vic.gov.au/>

[LegalAid WA](http://www.legalaid.wa.gov.au/) - <http://www.legalaid.wa.gov.au/>

PROTECTION ORDERS

WORKING WITH PERPETRATORS

It is up to the judge or magistrate to decide what conditions they place on an alleged offender as part of the protection order, and this can vary case by case depending on both the victim's and perpetrator's circumstances. Some examples may include:

- ⊕ Exclusion from the victim's place of residence, so that the perpetrator has to find somewhere else to stay;
- ⊕ Exclusions from other premises or within a perimeter around a premises, which may impact job placement options, particularly in smaller towns;
- ⊕ Requirements to participate in counselling or behaviour-change programs, which may be counted towards a Job Plan and activities;
- ⊕ Removal of access to weapons or revocation of firearms license, which may impact job seekers looking for work in a small number of industries.

Providing practical support to the perpetrating job seeker in terms of assistance to locate accommodation and facilitating access to counselling or group programs can help them to comply with the terms of their order. This is somewhere that employment services can work to stop violence.

If a perpetrator does not comply with their order, they may be found to be in breach. Penalties can range across jurisdictions from fines of \$1,250 to \$70,000 and prison terms of seven days to five years. In order to be breached, the victim or the police must present evidence to court, so not all perpetrators who contravene their orders necessarily receive a breach penalty.

WORKING WITH VICTIMS

It's important to link victims to the right support as quickly as possible, and in this case that can mean helping a victim access [LEGAL ADVICE](#) as well as support to attend court. That support could take the form of:

- ⊕ Negotiating leave from a job placement on court dates;
- ⊕ Arranging child care to facilitate court attendance;
- ⊕ Travel assistance to get to and from court;
- ⊕ Referral to a court support service that can attend the court date with your client;
- ⊕ Making variations to activity requirements where possible to accommodate court attendance.

Talk to your client about the supports that are right for them.

LEGAL ADVICE
Refer to Resource 5