

*Court of Summary Jurisdiction*  
PRACTICE DIRECTION

**DOMESTIC VIOLENCE APPLICATIONS**

**Background**

It has for some time been the practice of the court to assess and provide early hearing dates for a variety of matters particularly where victims or witnesses may be anxious or at risk. One such category is domestic violence applications.

Generally speaking interim applications are heard immediately, by phone or within days of filing in the court registry. Where it is not possible to arrange for consent orders and a defendant wishes to exercise his right to defend the application an early hearing date is usually set. It seems however that the practice between courts has not been consistent and it is desirable that a uniform system be implemented throughout the Territory.

**Procedures**

1. When an application is filed at the registry, staff are to inquire as to whether there is a need for the application to be heard urgently that day.
2. Where there is a request for urgency then a Registrar or other person identified by the Principal Registrar for the purpose will check and if appropriate authorise the matter to be referred to a sitting Magistrate for his early attention.
3. Practitioners involved in applications should take appropriate instructions and advise court staff of any reason for urgency.
4. Where a matter is deemed urgent it shall be referred to a Magistrate at the first opportunity.
5. Where a matter is not urgent then it shall be made returnable on the nearest convenient date when the court customarily deals with domestic violence applications. The court will make arrangements for service.
6. When a defendant appears and consent orders cannot be arranged between the parties then a hearing date shall be set for the hearing of the application. Generally speaking such hearings should be listed on an urgent basis, unless there are alternative arrangements that can ensure the safety of all concerned.
7. Practitioners involved in defended matters should attempt settlement (including on an interim basis) and be in a position to advise the court of whether an urgent hearing is required.

**HUGH BRADLEY**  
**CHIEF MAGISTRATE**

2 June 1999