

Domestic Violence Orders 5

What happens in Court?



Magistrates Court

How do I know where I should go for Court?

There will be a date, time and Court House written on the application. Usually the time will be 10:00am and you should get yourself to the Court House at least 15 minutes before the allocated time. In the Court House there will be a Court List - look for your name and next to your name there will be a Court Room number. Go to that Court Room and make yourself known to the Court Officer who should be just outside of that Court Room. The Court Officer may make themselves known to you by calling out your name just before 10:00am.

If the Court House has only one Court Room, then you should go to that Court Room and wait outside. If you are unsure of where you should be, go and see one of the staff at the registry and they should be able to assist you.

Do I need to speak with anyone before Court starts?

If you are the Applicant you need to find your lawyer if you have one. If you do not have a lawyer, then you should let the Court Officer know that you are there and ready to go ahead with your application.

If you are the "protected person" in an application by the Police, you should try and talk to the Police representative to let them know you are there. If you are not sure who that is, ask the Court Officer and they should be able to point that person out to you.

If you are the Defendant and the application is made by the Police, you should try and speak to the Police representative before Court starts to let them know what you intend to do about the application. It may be that you can agree on what orders could be made by the Court and that will mean things will be dealt with a lot quicker when you actually get into Court.

If you are the Defendant and the Police have nothing to do with the application, you should make yourself known to the Court Officer so they can let the Magistrate know you are in Court when it is your turn.

When do I actually have to be in the Court Room?

You will be asked to go into the Court Room by the Court Officer just before the Magistrate is brought into the Court, it is best to go in and wait for your turn. If you do not feel comfortable about being inside the Court for whatever reason, as long as you stay nearby so that you can hear your name called by the Court Officer, it is okay to stay outside the Court Room. You may want to stay outside if you have young children with you or you are uncomfortable being in the same room as the other person involved in the application.

How do I know it is my turn?

You will see that there are other people in the same Court Room as you are in and that is because all of the applications for domestic violence orders are listed in the one day. You should wait for your name to be called and move forward to the "bar table" which is the table facing the Magistrate, when your name is called. If you are outside once Court has

started and your name is called, then when you enter the Court go straight to the bar table and introduce yourself to the Magistrate.

What do I have to tell the Magistrate?

If you are the Applicant you need to tell the Magistrate what orders you want and why. You should have all of the relevant information in your supporting affidavit. If the defendant does not turn up, the Magistrate may ask you to get into the witness box and give some further evidence. Just answer any questions the best you can and then the Magistrate will be able to decide whether or not an interim order should be made or if the defendant has been served, whether a final order should be made.

If you are a Defendant you will be asked by the Magistrate if you oppose the order being made, consent to the orders or consent to the orders with some variations. If you oppose, then the matter will be given another date for a hearing and the Magistrate may make some orders about filing affidavits in support of your side of the story. The Magistrate may decide to make interim orders before the hearing date.

If there are children of the relationship, make sure that you let the Magistrate know what arrangements have been made for contact between the children and yourself and if there are any Family Court proceedings current in relation to those children.

Will the Order be made on that first day?

Depending on a lot of factors, an order may be made on the first day. It is unlikely to be made on that day if the defendant is opposing the application, although an interim, temporary order may be put in place until the hearing date.

Do's and Don'ts of the Court Room

You should turn off your mobile phone before entering the Court Room.

If you have young children with you who have become restless, you should take them outside until your matter is heard.

When entering and leaving the Court Room while the Magistrate is in the room, you should give a short bow towards the Magistrate.

Listen when you are being spoken to by the Magistrate and do not interrupt. However once the Magistrate is finished talking, do not be afraid to voice any concerns you have with the Magistrate.

Stand when you are being spoken to by the Magistrate and stand when you want to speak to the Magistrate.

Do not swear, shout or mumble when talking in Court, speak clearly and try to keep any temper under control.

What happens at the Contested Hearing?

Even though you have given some of your evidence in the form of an affidavit, you will be called upon to give oral evidence at a hearing. You may still have to actually say what has happened and most likely will be cross-examined, asked questions by the other person's lawyer as to what happened. The Magistrate may also ask you some questions. The Applicant and their witnesses will give evidence first and then the Defendant and their witnesses. Any witness may be cross-examined by the other person, Applicant or Defendant. At the end of all of the evidence, the Magistrate will make a decision.

Further information can be obtained by visiting our website at www.nt.gov.au/justice/ntmc/