

MAGISTRATES COURT OF THE AUSTRALIAN CAPITAL TERRITORY

PRACTICE DIRECTION NO. 1 OF 2013

**Hearing applications for interim orders under Part 4 of the
*Domestic Violence and Protection Orders Act 2008***

1. This Practice Direction replaces Practice Direction No. 1 of 2010 and commences on the date it is signed.
2. The *Court Procedures Rules 2006* allow the Registrar, and any Deputy Registrar authorised by the Chief Magistrate, to exercise the power of the Court to make interim protection orders under the *Domestic Violence and Protection Orders Act 2008*, (see rule 6251).
3. This is to allow for a more efficient use of the Court's judicial resources, whilst recognising the need for these applications to be heard as quickly as the interests of justice allow.
4. The Registrar, or any authorised Deputy Registrar, will not exercise the jurisdiction of the Court with respect to applications falling within the ambit of this Practice Direction in circumstances where the making of an interim order will result in the exclusion of a respondent from property in which they hold a proprietary interest. In such cases the application for an interim order will be referred to a Magistrate for determination.
5. Further, in situations where an application for an interim order is refused by the Registrar (or authorised Deputy Registrar), the applicant will be entitled to renew their application before a Magistrate. It is anticipated that a renewed application will be heard by a Magistrate on the same day as the original application, wherever possible.
6. The Registrar and any authorised Deputy Registrar will have an obligation to advise an applicant where an application for an interim order is refused, of his/her entitlement to renew the application before a Magistrate, and to facilitate any such further application if that is requested.
7. Until a further notice amending this Practice Direction is published only the Registrar the Deputy Registrars holding the positions of Legal Manager and Legal Officer (or anyone acting in these positions) will exercise the power delegated under rule 6251.

Dated 21 March 2013

By direction of the Chief Magistrate and Magistrates



L A Walker
Chief Magistrate