

# About Breaches

## What is a breach?

A breach occurs when the respondent, either personally or through another person, does any act which disobeys any of the conditions of the Order. The Respondent needs to have been served with the order and also know about the conditions on the Order before s/he can be charged with a breach.

Some examples of breaches are:

- Hitting you, pushing you
- Possessing a weapon
- Damage to your property, including hurting your pets
- Harassing you – eg. telephoning you constantly, coming to your home or work place uninvited.
- Threatening to harm you
- Harassing or threatening to harm any aggrieved persons named in the Order.

If the respondent is breaching your Protection Order and you want the police to investigate with a view to charging the respondent with a breach:

1. Record Details of the Breach: write down what has happened, when and where, number of times it happened, names of witnesses.
2. Report the Breach: Go to a police station near you and report the breach. Make sure that you record the name of the Police Officer to whom you spoke.
3. If the Police do not Act: It is important that if the police do not act and you think they should, that you contact the Domestic Violence Liaison Officer at the police station concerned, or the Officer in Charge of the station and discuss what has been happening.

Note: You may need to go back to Court and change or add extra conditions if the police consider that your Order is inadequate to charge the respondent with a breach. This is called making an Application to Vary your Order. The Domestic Violence Assistance Program (DVAP) at the Court House can assist you with your application. Phone no: 3807 7622

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## When a respondent is charged with a breach ...

Once charged with a breach of a Protection Order by the police, the respondent is arrested and brought before a Magistrate. If the respondent pleads guilty s/he is sentenced. The degree of seriousness of the breach and the number of breaches that have been committed, determine the sentence that is given by the court. For the first breach, the respondent will probably receive a fine or be ordered to attend a perpetrators program.

After repeated breaches, the respondent may get a prison sentence. If the respondent pleads not guilty, the matter will be dealt with at a Hearing (Trial). You will be required to come to the Trial to give evidence.

