



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Ms Chiaka Barry MLA

Addressed to: Minister for the Prevention of Family and Domestic Violence

Redirected to: Minister for Police, Fire and Emergency Services

Reference: JACS

Hearing: 10 February 2025

In relation to: The process involved in the serving of Family Violence Orders and the options available to victim survivors if the serving is delayed.

Question received: 10 February 2025

Answer Due: 26 February 2025

I have heard that it can take some time to serve a Domestic Violence Order.

1. Which ACT government agencies are responsible for serving a Domestic Violence Order?
2. How many staff are involved in the serving of Domestic Violence Orders?
3. Can you advise whether you have any internal service standards for the timeframe for delivery of a Domestic Violence Order?
4. Can you advise what the average time is for the service of a Domestic Violence Order?
5. Is there a process of escalation to police if the Sherriff's Office is unable to serve a Domestic Violence Order within a reasonable timeframe?
6. What options are available to Domestic Violence victims if a Domestic Violence Order has not been served within a reasonable timeframe?

Dr Marisa Paterson MLA: The answer to the Member's question is as follows:

Please note, with the introduction of the *Family Violence Act 2016*, the ACT now refers to Domestic Violence Orders as Family Violence Orders (FVO).

1. Which ACT government agencies are responsible for serving a Domestic Violence Order?

The Australian Federal Police (AFP) is the government agency responsible for the service of Family Violence Orders (FVOs) within the ACT. While any sworn member within ACT Policing can serve an FVO in the ACT, it is the Service and Process Team (SPT) within ACT Policing, that has primary responsibility for serving FVOs.

2. How many staff are involved in the serving of Domestic Violence Orders?

As any sworn member of the AFP has authority to serve an FVO, these orders are routinely served by members from many different business areas throughout ACT Policing, for example General Duties officers, Proactive Intervention and Diversion Team and the Domestic & Family Violence Investigation Unit.

Currently, the SPT consists of 9 sworn members whose role is to serve documents (including FVOs) and 2 unsworn members, whose role is to support the administration of the SPT.

3. Can you advise whether you have any internal service standards for the timeframe for delivery of a Domestic Violence Order?

The ACT Magistrates Court directs that 'a police officer personally serves the interim order, the timing notice and the application on the respondent as soon as practicable.'

As FVOs are applied for to ensure the safety of person/s, the SPT will always prioritise the service of these documents.

4. Can you advise what the average time is for the service of a Domestic Violence Order?

The physical efforts to serve an Order by police are substantial and ongoing, with most orders needing multiple attempts to locate the respondent over varying lengths of time.

The routine workflow for SPT, is for orders to be served anywhere from the first attempt through to multiple attempts (in some instances this could be up to a dozen or more). In most cases, the FVO is served before its first hearing.

Unfortunately, there have been some cases where the Order is unable to be served.

There can be several issues that ACT Policing encounters which causes a delay in serving orders that may not be evident. Police are required to serve an FVO on the respondent in person. If a respondent is actively avoiding police and the service of documents, police do not possess any additional powers or lawful means to locate and or access the person to serve the order.

The overall number of documents requiring ACT Policing service and ACT Policing's overall resourcing does not permit police to take the time to 'wait out' respondents (static surveillance etc).

Consistent and multiple attempts are however made to serve.

If the situation is urgent, an interim (temporary) family violence order may be granted by a Magistrate on the same day the application is lodged.

5. Is there a process of escalation to police if the Sherriff's Office is unable to serve a Domestic Violence Order within a reasonable timeframe?

Within the ACT, the direction is for police to personally serve any protection orders on parties. If SPT is unable to serve the respondent of a protection order (being an FVO, Personal Protection Order or Workplace Protection Order), the Court Protection Unit within the Magistrates Court Registry will seek an affidavit of attempted service to be provided which details all attempts made and provides clarity regarding the inability to serve.

6. What options are available to Domestic Violence victims if a Domestic Violence Order has not been served within a reasonable timeframe?

The applicant to the proceeding may seek to file an application before the Court seeking substituted service for consideration before a Deputy Registrar or Magistrate and use the affidavit of attempted service for support.

The means of service would be dependent upon the application filed but may include service by email or leaving at a confirmed address.

ACT Policing would welcome exploring initiatives to further improve timeframes for the service of Orders, including legislative reform to allow for electronic service, sub-service on legal guardians, and/or entry powers to enable service.

Approved for circulation to the Standing Committee on Social Policy

Signature: *M. Paterson*

Date: *4/3/25*

By the Minister for Police, Fire and Emergency Services, Dr Marisa Paterson MLA

