

Question on Notice

No. 883

Asked on Thursday 25 May 2006

Mr McARDLE asked the Minister for Justice and Attorney-General (Mrs Lavarch) -

QUESTION:

- (1) Since the appointment of the permanent magistrate to the court house at Caloundra, how many applications have been filed for (a) an interim order under the terms of the domestic violence legislation and how many were approved, (b) a final order under the domestic violence legislation and how many were approved, (c) a variation of an existing order and how many were approved and (d) a discharge of an existing order whether interim or final and how many were approved?
- (2) In regard to final orders, how many were made for a duration of two years?

ANSWER:

A permanent Magistrate was appointed to Caloundra on 12 September 2005. The numbers stated below relate to the period 12 September to 28 May 2006.

The term 'interim order' does not exist under legislation dealing with domestic violence. The terminology employed is 'temporary protection order'. The term 'final order' also does not exist under the legislation. The term 'protection order' is used.

Temporary protection orders are usually issued by the Court as a result of an application for a protection order to ensure the safety of the aggrieved person until the Court can make a final determination on the application for a protection order.

- (1)(a) The Caloundra Magistrates Court issued 105 temporary protection orders resulting from applications received for a protection order. This represents a significant increase from the 2004-05 total of 19 orders due to the appointment of a permanent Magistrate. Prior to this permanent appointment, a Magistrate from Maroochydore visited Caloundra on a monthly basis, with the majority of temporary orders made at Maroochydore.
- (b) During the stated period, 206 applications for a protection order were lodged in the Caloundra Magistrates Court. Of these applications, 153 protection orders were issued by the Caloundra Magistrates Court; three of the applications were transferred to the Redcliffe Magistrates Court and one to the Noosa Magistrates Court where protection orders were issued by those courts. Again, as a result of the appointment of a permanent Magistrate to the Caloundra Magistrates Court, the number of protection orders issued by this court has increased substantially from 15 in 2004-05.

Of the remaining 49 applications:

- a total of 30 applications were either dismissed, temporary orders granted and revoked, struck out, no orders made, no further action or withdrawn;
- a total of 16 applications have been issued with current temporary protection orders; and
- three applications have yet to receive an order of the Court as at 28 May 2006.

- (c) There have been 37 applications to vary an existing domestic violence order. Of these, 25 originated in the Caloundra Magistrates Court and 12 originated in other courts which were transferred to the Caloundra Magistrates Court.

The Court has ordered 31 variations and two protection orders in relation to 27 of these applications. Of the remaining ten applications:

- a total of eight applications were either dismissed, no action taken, revocation of an existing protection order or withdrawn; and
- two applications are yet to receive an order of the Court as at 28 May 2006.

- (d) During the period, three applications to revoke an existing order were received, one originated in Caloundra Magistrates Court and two were transferred to Caloundra Magistrates Court. Of the three applications, two were withdrawn and one resulted in a variation to the protection order.

- (2) The Court ordered 121 protection orders with a duration of two years.