

the applicant's place of work, you can ask the court to change the restrictions in the DVPO to enable you to go to work without being in breach of the DVPO.

You do not have to have legal representation to argue against the DVPO. However, you can ask a lawyer to help you to prepare your defence and to appear in court for you. If you cannot afford a lawyer, you can seek assistance from the Public Solicitor's Office or the USP Community Legal Centre.

If you don't file a defence and don't appear at the hearing, the Court can make a final DVPO in your absence.

What happens if you breach a DVPO?

If you do not comply with a DVPO, you are in breach of a court order and you may be punished for contempt. Further, the applicant can report the matter to the police and you may be arrested and charged.

For further information contact:

The Public Solicitor's Office

PO Box 794
Port Vila
Phone: 23450
Fax: 23451

USP Community Legal Centre

USP Emalus Campus
PMB 9072
Port Vila
Phone: 27026
Fax: 25543

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The information contained in this brochure is only intended as a guide to the law and is not a substitute for obtaining legal advice. If you have any further questions we strongly suggest you seek legal advice.

Note: This information applies to people who live in, or are affected by, the law as it applies in Vanuatu.
The information in this brochure is current as at 30 June 2006.

University of the South Pacific Community Legal Centre
PMB 9072 Port Vila VANUATU Ph: 27026 Fax: 25543
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UNIVERSITY OF THE
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Opposing a Domestic Violence Protection Order

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What is a Domestic Violence Protection Order and what does it do?

A Domestic Violence Protection Order (“DVPO”) is an order made by the court to protect a person, or any member of their family, from actual or threatened violence or abuse by another member of their family.

The person applying for the DVPO is called “the claimant”. The person who the claimant is complaining about is called “the defendant”.

It is possible for an adult to apply for an order to protect a child of the family from domestic violence or abuse.

Who is a member of the family?

For the purposes a DVPO, a family member can be any person who is accepted as a member of the family.

A person can be a member of your family even if they aren’t related to other family members by blood or marriage or if they don’t live in the same house.

What is violence?

Violence includes punching, hitting, slapping, pushing, biting, kicking, shoving, burning, pulling hair, twisting arms, legs or neck, choking, bending back fingers and any other unwanted physical or sexual contact.

It also includes shouting and verbal abuse, or even threats of violence without any actual physical contact.

Nobody has the right to use or even threaten to use violence against another person, even if the other person is a member of his or her family.

What does a DVPO do?

The court may make a DVPO requiring the defendant:

- not to use violence against a person or their family (this type of order is called a “non-violence order”);
- to leave the family home for a specific period of time (this type of order is called an “exclusive occupation order”); and/or
- not to make any kind of contact with a family member or members, including things like approaching them in the street or making phone calls to them (this type of order is called a “non-molestation order”).

Opposing a DVPO

If you have been served with a DVPO, it means that the applicant has obtained a court order to stop you from using actual or threatened violence or abuse against the

family member or members mentioned in the DVPO.

Receiving the order/application

DVPOs are usually made without the defendant knowing about it. A bailiff, a police officer or some other agent of the Court will give you (the respondent) a copy of the DVPO and other papers after the DVPO is made.

Initially, the DVPO will apply only for a short period of time; sometimes no more than 14 days. At the next hearing date (this will be specified on the DVPO), the Magistrate will decide whether to continue the DVPO, make changes to it, or remove it.

Can you argue against the DVPO?

You may challenge the continuation of the DVPO or any of the alleged facts at the next hearing date.

If the application for a DVPO is made on notice (eg you are made aware of the application before the Order is made), you may challenge the application or any of the alleged facts.

You may also challenge any of the restrictions placed on you by the DVPO. For example, if the DVPO prevents you from going within 200 meters of the applicant but your place of work is 100 meters away from