

A guide for people applying for **Personal Protection Orders (PPOs)**,
including **Workplace Protection Orders (WPOs)**

What do I need to complete?

To make an application please complete the forms and lodge at the ACT Magistrates Court, Knowles Place, Canberra

- An application for a personal protection order (form 2) or workplace protection order (form 3);
- A private and confidential form to provide to the police. This will assist the police to locate the respondent and serve your application and any orders made. This will not be provided to the respondent.
- A notice of address for service (this will be kept confidential unless you consent to its release);
- You may need to appoint someone to represent you, as a **litigation guardian**, if you are under 14 years of age or have impaired decision making ability. If so, you will need to have that person complete a statement of appointment of litigation guardian.

FOR MORE INFORMATION AND TO ACCESS FORMS: courts.act.gov.au/magistrates/protection

What is personal violence?

It is behaviour
by one person
towards another
that may include:

- a) Physical violence or abuse
- b) Sexual violence or abuse
- c) Threatening behaviour
- d) Stalking
- e) Harassing, intimidating or offensive behaviour
- f) Damaging property

In relation to a workplace this may include those matters in (a)–(e) in relation to a person at the workplace; or in relation to property damage at the workplace, that causes reasonable fear to a person at the workplace.

A person applying for a PPO or WPO is called '**the applicant**'. An applicant may also be an **affected person**, but the police, a parent or litigation guardian may apply for a PPO on behalf of an **affected person**. An employer may apply for a WPO.

COMMON TERMS EXPLAINED

Who is an **AFFECTED PERSON**?

- for a **Workplace Protection Order**: an affected person is a person against whom personal violence has been or is likely to be committed, being an employee, the employer or any other person at the workplace.
- for a **Personal Protection Order**: a person against whom personal violence has been, or is likely to be committed.

Who is a **PROTECTED PERSON**?

- a person who is protected under a protection order.

Who is a **RESPONDENT**?

- the person against whom you seek a protection order against or against whom a protection order has been made.

Who is a **LITIGATION GUARDIAN**?

- a person appointed to represent a person who has impaired decision making ability.

If you would like legal advice about your situation or have trouble with these forms please call **(02) 6207 1874** or drop in to the Legal Aid Protection Unit located in the ACT Magistrates Court.

Obtaining a PPO or WPO against a child or young person It is not possible to obtain a PPO or a WPO against a child aged under 10. If the respondent is aged 10–14, the Court will usually require them to be represented by a parent, lawyer, or litigation guardian who can run the case for them.

CONFIDENTIALITY OF YOUR ADDRESS It is not necessary for the Court to tell the respondent your address in order to make a PPO or WPO. If you do not want the respondent to know your address, do not put it on the application form. The Court will ask you to complete a notice of address for service, this will be kept confidential unless you give the Court consent to disclose.

FORM 3: Application for a Workplace Protection Order (WPO)

Personal Violence Act 2016

In the Magistrates Court of the Australian Capital Territory

(Court staff to complete)

WPO /

Giving false or misleading information is a serious offence, punishable by a fine, imprisonment or both.

IMPORTANT: Do not provide your personal address or other contact details in this form if you wish to keep it confidential from the other party. *(See instruction form for further details)*

WHICH PEOPLE? PLEASE INCLUDE FULL NAMES AND ANY ALIASES

APPLICANT

(employer who is asking the Court to make the order)

The applicant must be the legal entity who is the employer at the workplace. Do not use the trading name or business name (like ABC Plumbing, XYZ Cafe). Examples of the legal entity who may be the employer:

- a government body (eg. the Australian Capital Territory or the Commonwealth),
- a company or other artificial legal person (eg. ('Toast and Beans Pty Ltd') or ('the trustee for Best and Worst Family Trust),
- a sole trader (eg. Alan Merici or Janette Jones),
- a partnership (Alan Merici and Janette Jones).

If you are not the employer, attach evidence that you are authorised to make this application on the employer's behalf (eg. if applying on behalf of a company, evidence that you are a director of it, or a signed authority to lodge his application).

AFFECTED PERSON(S):

Employer / employee / other

WORKPLACE ADDRESS/ES

(the Workplace):

(attach more pages if there is more than one address)

Postcode

RESPONDENT (name of person who the application is against)

Family name(s)

Other name(s)

Date of birth

RESPONDENT'S ADDRESS

Postcode

Relationship between respondent
and applicant **or** workplace

Is an immediate (interim) protection order sought?

Yes

No

If YES, why?

— Is the safety of a person from personal violence at the workplace at risk? *(short explanation)*

— Is there a risk of substantial damage to property at the workplace? *(short explanation)*

If there are other, current court or tribunal orders or ongoing proceedings about the respondent that the Court should know about, provide details below.

Examples could include mental health orders, family or personal violence orders, remand orders, detention orders, good behaviour orders or orders relating to an employment dispute, criminal or Fair Work Commission proceedings.

WHAT PERSONAL VIOLENCE IN RELATION TO A WORKPLACE?

Has the respondent engaged in any behaviour in relation to the workplace that is personal violence? *(See the definition of personal violence in relation to a workplace at the front of this form)*

Yes No

Has the respondent caused any property damage at the workplace?

Yes No

Provide dates and locations for events.

Include any police report numbers and details of injuries sustained. Attach copies of relevant documents or photos (eg. printouts of threatening email or text messages).

If you believe that the respondent may engage in this behaviour in future, explain why you believe that. *(Attach extra pages if more space is needed)*

SAFETY

Does the respondent own a gun(s) or have a gun licence?

Yes No Unsure

Has another WPO or protection order been granted against the respondent to protect the affected person or a workplace anywhere in Australia or New Zealand?

Yes No Unsure

Include details or provide the Court with a copy if you have one:

Has the respondent breached any WPO or similar protection order?

Yes No Unsure

Include details:

Do you want the Court to send a copy of any order made to someone else? (eg. a shopping centre manager if the workplace is a shop in the centre)

Yes No

If yes, include details:

LENGTH OF ORDER YOU ARE SEEKING

Period of final order

Length of order: months (for a period of up to 12 months)

If you require a longer order, for how long do you seek the order?

To obtain a longer order, you will need to show the Court that special or exceptional circumstances exist. If you believe those circumstances do exist, please set them out here:

WHAT ARE YOU ASKING THE COURT TO PROHIBIT THE RESPONDENT FROM DOING?

If you are asking for exceptions to these prohibitions, please tick any boxes below that you want to apply, or write other exceptions in the spaces provided.

*Please
✓
if
required*

The respondent be prohibited from:

1. Entering the workplace

2. Being within metres of the workplace,

EXCEPT

3. Engaging in behaviour that constitutes personal violence in relation to the workplace

4. Contacting or approaching a person at the workplace.

If this is someone other than the affected person, please write their name(s) here:

EXCEPT

5. Causing someone else to engage in personal violence in relation to the workplace

6. Other conditions that would ensure the safety and protection of the affected person

Please state below what these are:

Applicant's signature

Date