



DPP policy on applying for court-initiated interim orders under s 112 *Family Violence Act 2016*

Purpose

This document sets out the DPP policy on applying for court-initiated interim orders under section 112 of the *Family Violence Act 2016*.

Policy

Section 112 of the *Family Violence Act 2016* states that the court may make an interim order against a defendant in a family violence proceeding in specified circumstances.

The DPP's position is to not make applications for court-initiated interim orders under s 112. Although the court may make such orders of its own initiative, it is not the position of the DPP to advocate for such orders in court.

The DPP is responsible for the conduct for criminal proceedings, per the functions set out in section 6 of the *Director of Public Prosecutions Act 1990*. In a bail hearing, the role of the DPP is to assist the court in making decisions 'relating to bail for accused people in connection with criminal proceedings' (*Bail Act 1992*), irrespective of the existence of any civil order. Making applications for such orders could place the DPP in potential conflict in the prosecution of any breaches.

In situations where the court makes a condition of a defendant's bail 'to comply with a court-initiated interim order' in the absence of any bail conditions directed to the protection of the complainant, the intended protective purposes of that 'comply' condition may be subverted if the complainant applies for, and is granted, a less stringent FVO. Prosecutors should press for any standalone bail conditions that are appropriate, notwithstanding the making of any court-initiated interim order.