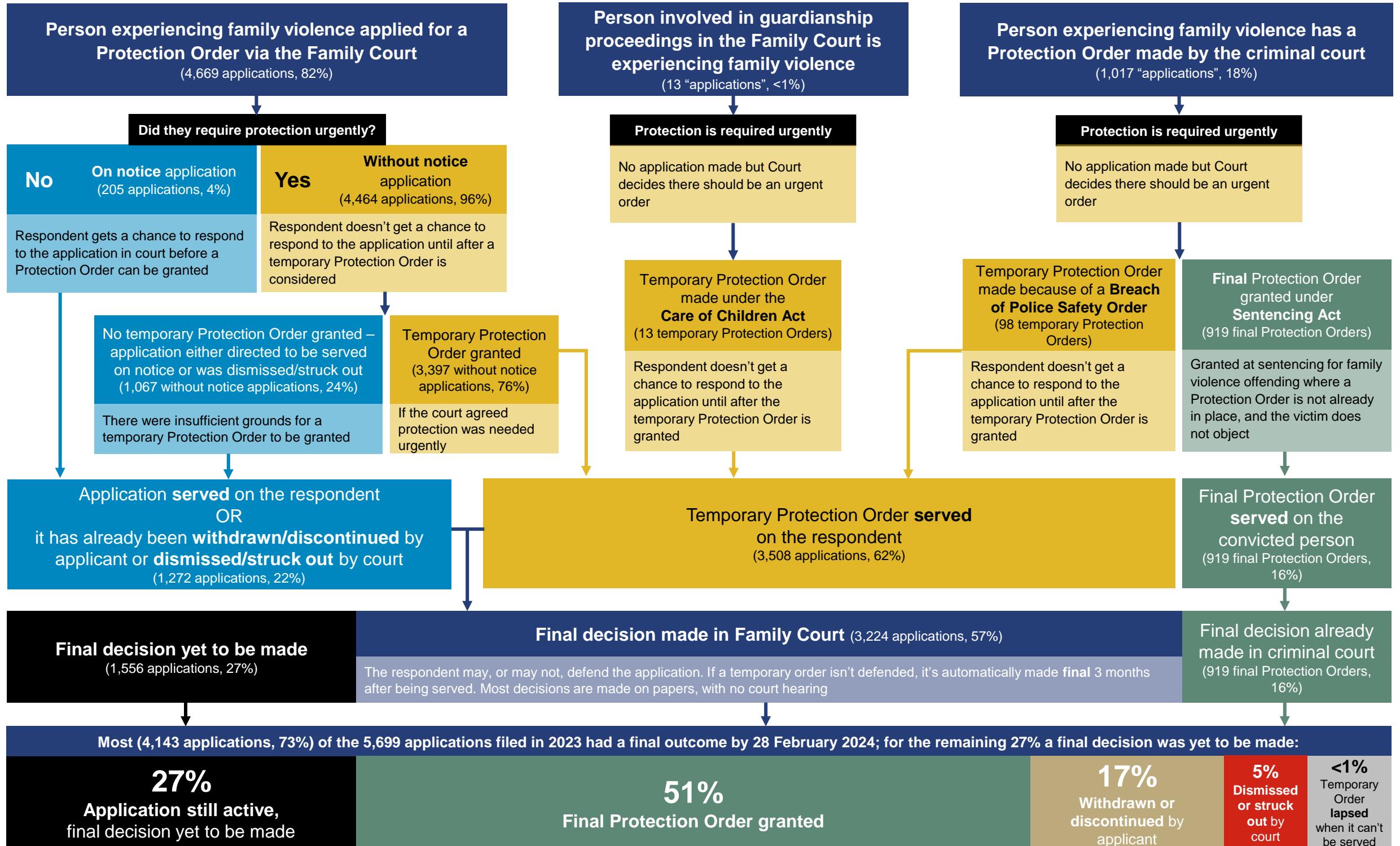


Most Protection Order applications are granted

This flowchart shows how Protection Order applications filed in 2023 progress through the Protection Order process. Due to the time the process takes, some applications were still active (as at 28 February 2024), but with time these will have final outcomes.



5,699 Protection Order applications were filed in 2023



Definitions and further information

This flowchart is a summary of the [Protection Order application data tables](#) published on the Ministry of Justice website. In total, there were 5,699 Protection Order applications filed between 1 January 2023 and 31 December 2023.

A Protection Order protects the person who applied (the applicant) and any children who regularly live with them from the violent person (the respondent). The police can enforce a Protection Order and arrest/charge the violent person if they break the conditions.

There are two types of Protection Orders:

Temporary Protection Orders - issued where an applicant requires urgent protection. A temporary Protection Orders usually last for 3 months (although it can be extended for an additional 3 months to enable it to be served) and during that time the respondent can defend it. The judge may discharge the temporary Protection Order (the application is dismissed) or make the Protection Order final (the application is granted). If a temporary Order has been served but the respondent does not defend it, it's automatically made final 3 months after being granted.

Final Protection Orders - the Protection Order application is granted. The Protection Order remains in force permanently, unless the respondent or the applicant asks the Family Court to end it and the court agrees. The court has to be satisfied that the reasons for the Protection Order are no longer an issue and the respondent is no longer a risk to the applicant.

There are five types of Protection Order application:

Application type	Number	Percentage
On notice	205	4%
Without notice	4,464	78%
Care of Children Act	13	<1%
Breach of Police Safety Order	98	2%
Sentencing Act	919	16%
Total	5,699	100%

On notice - where urgent protection is not needed. The respondent has the chance to defend themselves in court before any Protection Order is made. The judge listens to evidence from both sides and decides if a final Protection Order should be granted. They can still grant a Protection Order if the respondent doesn't defend the application.

Without notice - where urgent protection is wanted. If the judge agrees the situation is urgent they will grant a temporary Protection Order. To keep the applicant safe the respondent is not informed of (served with) the application until after the temporary Protection Order has been granted. The judge may decide that urgent protection is not needed (and so a temporary Protection Order is not granted) and may direct the application to proceed on notice or dismiss the application.

Care of Children Act - during guardianship proceedings in the Family Court a judge may grant a temporary Protection Order in favour of a parent, other person providing day-to-day care or other person who may have contact with the child. This temporary Protection Order follows the process for a without notice application.

Breach of Police Safety Order - a Police Safety Order (PSO) can be issued by Police to protect people at risk from violence, harassment or intimidation. If the person bound by the PSO does anything that is not permitted, Police can take them to the District Court and request a temporary Protection Order be issued. This occurs as long as there is no objection from the person being protected. This temporary Protection Order follows the process for a without notice application.

Sentencing Act - a final Protection Order granted at sentencing in the District Court or High Court for family violence offending where a Protection Order is not already in place, and the victim does not object.

Not all applications have a hearing

Only on notice and defended without notice applications generally proceed to a hearing. When an application is dealt with without a hearing the applicant and respondent don't need to be present and the judge rules on the application based on the information provided.

Some applications were still active at the end of the year, but most had a final outcome by the end of the year:

Application outcome	Number	Percentage
Application granted	2,891	51%
Dismissed or struck out	288	5%
Lapsed	15	<1%
Withdrawn or discontinued	949	17%
Application still active	1,556	27%
Total	5,699	100%

Applications still active - the final outcome was yet to be determined. Most of the applications still active (27%) were without notice applications that had been filed in the last 3 months of the year (within the 3 month period the defendant has to defend it) or the last 6 months of the year (which would include applications given an additional 3 months to allow the respondent to be served).

The final outcomes included:

Application granted - a final Protection Order is granted.

Dismissed or struck out by court - a judge has considered the application and decided there are insufficient grounds for a Protection Order to be granted.

Lapsed - if the respondent can't be served with the temporary Protection Order it can be extended for an additional 3 months to enable the respondent to be served. If they still cannot be served then the application lapses at the end of those 3 months.

Withdrawn or discontinued by the applicant - applicants can choose to discontinue/withdraw their application for any reason, and this can occur at any point before or during the hearing for the Protection Order application. If an on notice application cannot be served on a respondent it may also be discontinued.