Year: 2026 **Vol:** 01 **Case No:** 26

Categories: domestic violence; siblings; need for legal advice

Application adjourned for legal advice where safety order sought by a woman against her sister

A judge in a rural District Court adjourned an application for a safety order made by one sister against another. The applicant and respondent were two sisters; one sister had been granted an application for a protection order against her sibling in early 2026. Both were appearing in court to have the safety order application heard. The applicant sister had instructed a solicitor while her respondent sibling did not have legal representation.

The judge stated that she was going to adjourn the application to enable the respondent to get legal advice and/or representation. The judge stated that the respondent was young and that if the safety order was granted any breach was potentially a criminal offence, if she was convicted, and a conviction could have serious repercussions for her. The judge advised the respondent that it was important that she was aware of the effect of a safety order, if it were to be granted and then breached.

The previous year the respondent had moved out of the family home where both the applicant and their parents lived. The applicant's solicitor told the judge that the respondent had indicated prior to the hearing that she would consent to a safety order for three years.

The judge said that she was giving the respondent the opportunity to get legal advice as this was a complex matter given that the applicant resided in the family home with both of their parents, whom the respondent may wish to visit, and a safety order would prevent the respondent from watching and besetting the family home.

The respondent insisted that she wanted the application to be dealt with on that date and said that she had left the family home and could not visit her parents while her applicant sister was able to stay in the family home. The judge stated: "This is why I wish to adjourn this hearing until you have obtained legal advice."

The respondent insisted to the judge that she wanted the matter dealt with that day and stated: "I want it done today, I have taken a day off work, I do not want a solicitor, and this is being dragged out." She became upset.

The judge again advised the respondent that there were substantial risks in consenting to a safety order without the benefit of legal advice and suggested that the respondent apply for legal aid. The respondent indicated that she had previously obtained a legal aid application form but had not completed or submitted it to the Legal Aid Board. The judge adjourned the matter for a month to enable the respondent to apply for legal aid with the protection order to continue.