

How to write Further and Better Particulars

When the Magistrates' Court asks you to further explain in writing what family violence you have experienced, and why you think it is likely to happen again, this is called 'Further and Better Particulars'.

Why do I need to do this?

When a person who uses violence (called the Respondent) argues against a Family Violence Intervention Order, the Magistrates' Court will hold a "Contested Hearing" to decide:

- If a final Family Violence Intervention Order should be made; and
- If so, the conditions of any final Intervention Order, including how long it should be in place.

To make a final Family Violence Intervention Order, the Magistrate needs to be satisfied:

- It is likely that the Respondent committed family violence against you; and
- That the Respondent is likely to commit family violence again, unless the Intervention Order is made.

Who will see what I write?

The Respondent will get a copy of your Further and Better Particulars. They will be given an opportunity to respond to and challenge what you have written. This is called a "Response to Further and Better Particulars".

You will be given a copy of the Response but will not be given an opportunity to respond to their Response until the Contested Hearing.

The Magistrate who will hear your case will read what you have written and the Response to Further and Better Particulars.

When do I have to do this?

The Court will tell you when and how to provide your Further and Better Particulars to the Magistrate. If you are not sure, contact the Court.

The Court will keep the original document or email, one copy will be given to the Respondent, and you will be given a copy to keep. Be sure to share a copy with your lawyer, if you have one.

If you email your Further and Better Particulars to the Court, copy in the Respondent's lawyer (if known).

What will happen if I don't do what the Court asks?

It is hard to secure an Intervention Order without hearing from you about what you have experienced.

If you do not provide Further and Better Particulars:

- You may only be allowed to bring up some of the family violence events you have experienced at your hearing.
- Your case may be delayed.
- You may have to pay the Respondent's legal costs.
- Your application for an Intervention Order may be dismissed.

What should I include?

It is important to write down as much as you can.

You can write your Further and Better Particulars in an email, a letter, or list. There is no set form or template.

You must:

- Write "Further and Better Particulars" at the top of your email, letter or list; and
- Number each paragraph you write.

Your email, letter or list should include:

Evidence of family violence

Provide copies of any documents that show family violence has occurred. This could include:

- › Emails
- › Text messages
- › Photographs
- › Police statements
- › Medical reports

A timeline of family violence incidents

Write down each incident of family violence that the Respondent has committed against you, in clear and direct language.

Include:

- › The date, time, and location of each incident, and list them in the order in which they occurred.
- › Where your child/children were at the time and if they saw or heard anything.

If you cannot remember the date or time of an incident, you should give an estimate. For example, you could say: "In approximately January 2021..."

Sometimes family violence happens so often that it is not possible to list each incident. Do your best to

summarise what has happened. For example, you could say: "In the second half of 2018, the violence happened so much that I can't remember each incident. The Respondent generally hit me two to three times a week".

A list of witnesses

Write down people who you want to go to Court with you to give evidence that family violence has happened. Make sure the people you name:

- › Are people who saw or heard any of the incidents in your timeline, or
- › Are people you told about any of the incidents in your timeline.

The people you list are called "witnesses". Next to their name, write down what each person can say about the incident.

Make sure you talk to the people you list. They may be asked to attend Court to give sworn evidence about what they saw or heard.

They will be asked about what they saw or heard. They will not be asked about their opinion of you or the person who uses violence.

A witness must be at least 18 years old.

It is ok if you don't have any witnesses other than yourself. The Court knows that family violence often occurs behind closed doors.

Family violence is any abusive behaviour that is used to control someone and make them afraid for their safety and wellbeing or the safety of another person.

If a child sees or hears abusive behaviour or its impacts, they are a victim of family violence in their own right.

Family violence can be:

- › physically hurting you, breaking objects or using force to scare you
- › putting you down, calling you names, making you feel worthless
- › criticising or controlling decisions you make
- › threatening to cancel your visa
- › stopping you from seeing other people or connecting to culture
- › limiting your control of money, e.g. by giving you a spending allowance or stopping you from working
- › threatening to hurt your family, friends, pets or themselves
- › threatening to tell others about your sexuality or personal information
- › checking to see what you're doing all of the time
- › wanting to access your personal messages, phone or social media

We welcome feedback. See our website to share your feedback or complaint:

womenslegal.org.au

women's legal
service victoria

PO Box 13311 Law Courts VIC 8010

P 03 8622 0600 E admin@womenslegal.org.au



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