

## Breach

Where a perpetrator breaches the conditions of an interim or final protection order, **criminal penalties apply in all Australian state and territory jurisdictions**. The breach behaviour may also constitute another criminal offence in the relevant jurisdiction (for example, assault or stalking) for which further criminal penalties may be imposed [Mackay et al 2015].

A breach of an **undertaking** given to the court is not enforceable (although it may be considered by the court an act of contempt), and should a person require protection in the event of further domestic and family violence, fresh application proceedings or an application to reinstate proceedings must be initiated. Mutual orders [Douglas & Fitzgerald 2013] may have the effect of minimising or neutralising serious domestic and family violence by one party on the basis that both parties are considered to be at fault, notwithstanding that one party is likely to be at greater risk of violence than the other.