# NORTHERN TERRITORY OF AUSTRALIA

# **DOMESTIC VIOLENCE REGULATIONS**

# As in force at 1 January 1997

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#### NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 1997

#### DOMESTIC VIOLENCE REGULATIONS

#### Regulations under the *Domestic Violence Act*

#### 1 Citation

These Regulations may be cited as the *Domestic Violence* Regulations.

#### 2 Commencement

These Regulations shall come into operation on the commencement of the *Domestic Violence Act 1992*.

#### 3 Reference to form

A reference to a form by number is a reference to the form so numbered in Schedule 2.

#### 3A Service of applications

An application under the Act may be served on the defendant personally or by leaving a copy for the defendant at his or her last or most usual place of abode or of business with some other person who is apparently an inmate or employed at that place and who has apparently attained the age of 16 years.

#### 4 Declaration of service of document

Where a person serves a summons or order for the purposes of the Act, the person shall, as soon as practicable, complete a declaration of service in accordance with Form 1 and file it at the registry of the Court where the matter was or is to be dealt with.

#### 5 Table of forms

Forms 2 to 10 inclusive are to be used for the purposes of the Act by reference to and in accordance with the Table in Schedule 1.

# Schedule 1

# regulation 5

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# FORM 1

regulation 4

# NORTHERN TERRITORY OF AUSTRALIA

# Domestic Violence Act

# UNATTESTED DECLARATION OF SERVICE

·	Name	
ΟΙ		ct address
decla	re that	I did
at		
	Time	
on		
	Date	
at		
	Place	
0 0		the attached summons the attached order
	0	personally on the defendant: I said: What is your name?
	0	He/she* said: by leaving it for the defendant: at the defendant's:
		o last known
		o most usual
		place of:
		o residence o business
		with some other person apparently:
		o resident
		o employed
		at that place and apparently not less than 16 years of age.
		I said: What is your name?
		He/she* said:

I said: Do you live/work\* here?

He/she\* said:

I said: How old are you?

He/she\* said:

- \* Delete if inapplicable
- o it was properly addressed and posted by AR Security Post to the defendant:

at the defendant's:

- o last known
- o most usual

place of:

- o residence
- o business
- o and the defendant has acknowledged receipt of the mail containing the order in accordance with postal procedures;
- o its existence and terms were made known orally or in writing to the defendant by a member of the Police Force;
- o it was served in such other manner as the Court or a Magistrate orders, namely:

							S	3	i	(	J	r	1	6	Э	(	t

#### NORTHERN TERRITORY OF AUSTRALIA

#### Domestic Violence Act

section 4

#### APPLICATION FOR RESTRAINING ORDER

APPLICANT:

+

**DEFENDANT:** 

+

**BASIS OF APPLICATION:** 

RESTRAINING ORDERS YOU WANT THE COURT OR THE CLERK (the Registrar of the Local Court) TO MAKE:

DETAILS OF CONDUCT OF PERSON TO BE RESTRAINED:

+ Insert name and address.

#### ORDERS IN FORCE NOW:

(1) Is there any order(s) in force between you/the person on whose behalf the application is made\* and the person to be restrained?
(Here list the details of existing orders affecting the defendant and you that you know of: e.g. home detention orders, other restraining orders under this Act or orders under any other Act.

NOTE: In the case of any of the following matters under the Family Law Act 1975 of the Commonwealth, you need only list them if they require or authorise contact between a child and you or the defendant: contact orders (previously known as access orders), parenting plans, recovery of children orders, specific issues orders, injunctions under section 68B or 114 of that Act, undertakings accepted by the Family Court or recognisances entered into pursuant to an order under that Act.)

YES / NO (Delete whichever does not apply)

- (2) If yes:
- (a) Attach a copy of the order(s) (if you can); or
- (b) If a copy of an order is not attached, give the following details:

Name of court which made the order:

Where is that court?

Date order was made:

What does the order say?

Signature Date Place

\*Delete if inapplicable

#### **NOTICE TO PARTIES**

An application has been made asking the Court of Summary Jurisdiction or the Clerk to make a restraining order against the defendant.

#### THE APPLICATION WILL BE DEALT WITH:

by the Court of	f Summary Jurisdiction or the Clerk
at	in the Northern Territory on
at	a.m./p.m.*

The defendant must attend the hearing at the court on the day set out above if he/she\* wishes to defend the application.

IF THE DEFENDANT DOES NOT ATTEND AT COURT, the Court or the Clerk may make the orders set out in the application or other similar orders in his/her\* absence.

ANY ORDER MADE can be registered in another State or Territory without further notice to you and can be enforced there.

Clerk/Police Officer Date Place

\*Delete if inapplicable

#### NORTHERN TERRITORY OF AUSTRALIA

sections 4, 8, 8B, 18 and 20

#### Domestic Violence Act

#### **ORDER**

Appli	cant:
+	
Defe	ndant:
+	
Date	of Application:
The (	Court/the Clerk* hereby orders:
Date	d
	order shall, unless it is sooner revoked or varied, continue in force to and ding the
day c	of 19
	ert name and address. ete if inapplicable.
TAKE	NOTICE that:
	non-compliance with this order renders you liable to a term of imprisonment for not more than 6 months or to a fine of not more than \$2,000 for a first offence; for a second or subsequent offence you would be liable to a mandatory term of imprisonment for not less than 7 days or more than 6 months.

upon registration this order is also enforceable in other Territories and States of Australia, BUT ONLY IF registered under the relevant law of those Territories or States.

<sup>\*</sup> Fill in this part where the Clerk, with the consent of the defendant and the person making the application or on whose behalf the application is made, makes the order.

I, (defendant), consent to the above	e orders.
Signed Dated	
I, (the person making the application made), consent to the above order	ation or on whose behalf the application is
Signed Dated	

<sup>\*</sup>This part is not to be included unless the order is made by consent.

# NORTHERN TERRITORY OF AUSTRALIA

Section 4(5)

# Domestic Violence Act

# SUMMONS TO A DEFENDANT TO SHOW CAUSE PURSUANT TO SECTION 4(5)

(the defendant)	
of	
The attached application was made by of	
a member of the Police Force of the Northern Territory/a persone domestic relationship with you or a person making an application a person who is in a domestic relationship with you* and on	
a Court of Summary Jurisdiction or the Clerk (the Registrar of that	e Local Court)
made the attached order in your absence.	
You are summoned to appear at the Court of Summary Jurisdict at in the Northern Territory onat a.m./p.m.	
to show cause why the attached order should not be confirmed.	
Dated at in the Northern Territory.	
Clerk of the Court/Justic	e of the Peace

TAKE NOTICE that if you do not appear the order may be confirmed.

- Non-compliance with the order renders you liable to a term of imprisonment for not more than 6 months or a fine of not more than \$2,000 for a first offence; for a second or subsequent offence you would be liable for a mandatory term of imprisonment for not less than 7 days or more than 6 months.
- Upon registration the order is also enforceable in other Territories and States of Australia.

<sup>\*</sup>Cross out whichever does not apply.

For the purposes of the Act, a person is in a domestic relationship with another person if he or she:

- (a) is or has been a relative of the other person (see section 3 of the *Domestic Violence Act*), including:
  - (i) a spouse, including a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were the spouse of the person although not married to the person; or
  - (ii) a relative according to Aboriginal tradition or contemporary social practice;
- (b) has or had the custody or guardianship of, or right of access to, the other person, or is or has been subject to the custody or guardianship of the other person or that other person has or has had a right of access to the person;
- (c) ordinarily or regularly resides or has resided with the other person, or with another relative, of the other person;
- (d) is or has been a relative of a child of the other person; or
- (e) has or has had a relationship with the other person, who is a member of the opposite sex.

# NORTHERN TERRITORY OF AUSTRALIA

section 6

# Domestic Violence Act

# APPLICATION AND ORDER UNDER SECTION 6

I,
a member of the Police Force of the Northern Territory, state that
o Assault or cause personal injury to, or damage to property in the possession of,
Threaten to assault, to cause personal injury to, or to cause damage to property in the possession of,
o Behave in a provocative or offensive manner (3) towards
There are in existence the following orders under this Act, the Family Law Act 1975 of the Commonwealth (to the extent specified in note (4)) or another Act, affecting the defendant and the person for whose benefit the order is sought:
(4)

of	ation made by telephone on the19, ato'clock
a Mag	istrate of the Northern Territory of Australia.
	Applicant to sign his/her copy
	Magistrate to sign his/her copy
ORDE	iR .
having	heard an application under section 6(1) by a member of the Police of the Northern Territory of Australia, order that the defendant: (5)
0	entering or remaining near the premises situated at until o'clock onor until such time as the Court further orders.
0	assaulting or threatening to assault, or causing or threatening to cause personal injury to,of(address)
0	causing or threatening to cause damage to property in the possession of(address)
0	acting in a provocative or offensive manner (3) towards of
	And I further order that:
0	(other orders)
(Here	describe any other restraints or orders imposed)
	easons for making the order are that on the hearing of the application I tisfied that unless the order is so made the defendant will: (5)
0	again assault or cause personal injury toor damage to property in the possession of
0	again threaten, or carry out the threats that have been made against or the property of
0	again behave in a provocative or offensive manner (3) towards

0	(Here describe other reasons)
Jurisd in the further summ	ner order that the order is returnable on the
	Magistrate to sign his/her copy (6)
SUMN	IONS TO DEFENDANT
	the defendant is summoned to appear at the above-mentioned time to their dealt with according to law.
0	Applicant informed of terms of order.
0	Defendant informed of terms of order (including summons).
	Magistrate to tick as applicable and sign his/her copy
	Member of the Police Force to tick as applicable and sign his/her copy

NOTICE TO DEFENDANT: If you do not appear at the above-mentioned time and place, the order may be confirmed. If you do not comply with the order you could be found guilty of an offence punishable by 6 months imprisonment or a fine of \$2,000 for a first offence; for a second offence or subsequent offence you would be liable to a mandatory term of imprisonment for not less than 7 days or more than 6 months.

Upon registration the order is also enforceable in other Territories and States of Australia, BUT ONLY IF registered under the relevant law of those Territories or States.

#### NOTES:

(1) Tick and complete the applicable item. Only members of the Police Force can make applications under section 6.

- (2) For the purposes of the Act, a person is in a domestic relationship with another person if he or she:
- (a) is or has been a relative of the other person (see section 3 of the *Domestic Violence Act*), including:
  - (i) a spouse, including a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were the spouse of the person although not married to the person; or
  - (ii) a relative according to Aboriginal tradition or contemporary social practice;
- (b) has or had the custody or guardianship of, or right of access to, the other person, or is or has been subject to the custody or guardianship of the other person or that other person has or has had a right of access to the person;
- (c) ordinarily or regularly resides or has resided with the other person, or with another relative, of the other person;
- (d) is or has been a relative of a child of the other person; or
- (e) has or has had a relationship with the other person, who is a member of the opposite sex.
- (3) Provocative or offensive behaviour that is likely to lead to a breach of the peace includes, but is not limited to, behaviour that may cause another person to reasonably fear violence to or harassment of himself, herself or another.
- (4) Here list the details of existing orders the defendant and the person for whose benefit the order is being sought that the person knows of, e.g. home detention orders, other restraining orders under this Act or orders under any other Act.
- NOTE: In the case of any of the following matters under the *Family Law Act 1975* of the Commonwealth, you need only list them if they require or authorise contact between a child and the person for whose benefit the order is being sought or the defendant: contact orders (previously known as access orders), parenting plans, recovery of children orders, specific issues orders, injunctions under section 68B or 114 of that Act, undertakings accepted by the Family Court or recognisances entered into pursuant to an order under that Act.
- (5) Tick and complete the applicable item.

# NORTHERN TERRITORY OF AUSTRALIA

8

	section 8
	Domestic Violence Act
AP	ICATION TO VARY OR REVOKE RESTRAINING ORDER
APPLICA	:
+	
DEFEND	T:
+	
DETAILS	ORDERS TO BE VARIED OR REVOKED:
	n a copy of the order. (If you do not have a copy of the order, you obtain one from the Court of Summary Jurisdiction.)
VARIATIO	REVOCATION OF EXISTING ORDER:
(1)	If you want to add a new order(s) to the existing order, write out the new order(s) you want added.
(2)	If you want to omit an order(s) that is one of the existing orders, write out the order(s) you want omitted from the existing orders.
(3)	If you want an existing order(s) changed, write out the order(s) as you want it to be.
(4)	Do you want the existing order revoked? YES / NO
(De	te whichever does not apply)
REASON	FOR VARIATION OR REVOCATION:
Bri	y, what are your reasons for wanting to vary or revoke the order?
	Signed Date Place
+Insert na	e and address.

#### **NOTICE TO PARTIES**

An application has been made asking the Court of Summary Jurisdiction to make a restraining order against the defendant.

THE APPLICATION WILL BE DEALT WITH:

by the Court of Summary	Jurisdiction
ata.m./p.m.	in the Northern Territory on

The defendant must attend the hearing at the court on the day set out above if he/she wishes to defend the application.

IF THE DEFENDANT DOES NOT ATTEND AT COURT, the court may make the orders set out in the application or other similar orders in his/ her absence.

ANY ORDER MADE can be registered in another State or Territory without further notice to you and can be enforced there.

Clerk/Police Officer\*
Date
Place

\*Delete if inapplicable

#### FORM 6A

#### NORTHERN TERRITORY OF AUSTRALIA

section 8A

#### Domestic Violence Act

#### APPLICATION AND VARIATION OF ORDER UNDER SECTION 8A

I, a m	nember of the Police Force of the
Northern Territory (1), state that	(person on whose
behalf application is made) of	(address), a person in a
domestic relationship (2) with the pers	son in relation to whom the order(s)
specified below is made, on the	19,
at in the Northern Te	erritory, did request me to seek a
variation of the following order(s):	

#### DETAILS OF ORDERS TO BE VARIED:

Attach a copy of the order. (If you do not have a copy of the order, you may obtain one from the Court of Summary Jurisdiction.)

#### VARIATION OF EXISTING ORDER:

- (1) If a new order is to be added to the existing order, write out the new order.
  - (2) If an existing order is to be omitted, write out that order.
- (3) If an existing order is to be changed, write out the order as it should read.

(Delete whichever does not apply)

There are in existence the following orders under this Act, the *Family Law Act 1975* of the Commonwealth (to the extent specified in note (3)) or another Act, affecting the defendant and the person for whose benefit the order is sought: (3)

REASONS FOR VARIATION:
Briefly, state the reasons the variation is sought.
Application made by telephone on the day of
Magistrate to sign his/her copy
Member of Police Force to sign his/her copy
ORDER
I,, having heard an application for a variation of an order under section 8A(1) by a member of the Police Force of the Northern Territory of Australia, vary the order as follows: (5)
The reasons for varying the order are that on the hearing of the application I am satisfied that:
I further order that this variation of an order is returnable on the

#### SUMMONS TO DEFENDANT

AND the defendant is summoned to appear at the above-mentioned time to be further dealt with according to law and to show cause why this variation of an order should not be confirmed.

- o Applicant informed of terms of variation of order.
- o Defendant informed of terms of variation of order (including summons).

Magistrate to tick as applicable and sign his/her copy

Member of the Police Force to tick as applicable and sign his/her copy

NOTICE TO DEFENDANT: If you do not appear at the above-mentioned time and place, the variation of the order may be confirmed. If you do not comply with the order as varied you could be found guilty of an offence punishable by 6 months imprisonment or a fine of \$2,000 for a first offence; for a second or subsequent offence you would be liable to a mandatory term of imprisonment for not less than 7 days or more than 6 months.

Upon registration the variation of the order is also enforceable in other Territories and States of Australia, BUT ONLY IF registered under the relevant law of those Territories or States.

#### NOTES:

- (1) Only members of the Police Force can make applications under section 8A.
- (2) For the purposes of the Act, a person is in a domestic relationship with another person if he or she:
- (a) is or has been a relative of the other person (see section 3 of the *Domestic Violence Act*), including:
  - (i) a spouse, including a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were the spouse of the person although not married to the person; or
  - (ii) a relative according to Aboriginal tradition or contemporary social practice;

- (b) has or had the custody or guardianship of, or right of access to, the other person, or is or has been subject to the custody or guardianship of the other person or that other person has or has had a right of access to the person;
- (c) ordinarily or regularly resides or has resided with the other person, or with another relative, of the other person;
- (d) is or has been a relative of a child of the other person; or
- (e) has or has had a relationship with the other person, who is a member of the opposite sex.
- (3) Here list the details of existing orders affecting the defendant and the person for whose benefit the order is being sought that the person knows of, e.g. home detention orders, other restraining orders under this Act or orders under any other Act.
- NOTE: In the case of any of the following matters under the Family Law Act 1975 of the Commonwealth, you need only list them if they require or authorise contact between a child and the person for whose benefit the order is being sought or the defendant: contact orders (previously known as access orders), parenting plans, recovery of children orders, specific issues orders, injunctions under section 68B or 114 of that Act, undertakings accepted by the Family Court or recognisances entered into pursuant to an order under that Act.

#### FORM 6B

#### NORTHERN TERRITORY OF AUSTRALIA

sections 8A and 8B

#### Domestic Violence Act

# SUMMONS TO A DEFENDANT TO SHOW CAUSE PURSUANT TO SECTION 8A OR 8B

TO:
(the defendant)
of
The attached application to vary the order in force in relation to you was made byof
a member of the Police Force of the Northern Territory/a person who is in a domestic relationship with you/ or a person making an application on behalf o a person who is in a domestic relationship with you* and on
a Court of Summary Jurisdiction or the Clerk (the Registrar of the Local Court at
made the variation of the order (as attached) in your absence.
You are summoned to appear at the Court of Summary Jurisdiction a
Dated at in the Northern Territory.
Clerk of the Court/Justice of the Peace

TAKE NOTICE that if you do not appear the variation of the order may be confirmed.

- Non-compliance with the order as varied renders you liable to a term of imprisonment for not more than 6 months or a fine of not more than \$2,000 for a first offence; for a second or subsequent offence you would be liable for a mandatory term of imprisonment for not less than 7 days or more than 6 months.
- Upon registration the order as varied is also enforceable in other Territories and States of Australia.

\*Cross out whichever does not apply.

#### NOTE:

For the purposes of the Act, a person is in a domestic relationship with another person if he or she:

- (a) is or has been a relative of the other person (see section 3 of the *Domestic Violence Act*), including:
  - (i) a spouse, including a spouse of the person according to Aboriginal tradition, a former spouse of the person and a person of the opposite sex who is living or has lived with the person as if he or she were the spouse of the person although not married to the person; or
  - (ii) a relative according to Aboriginal tradition or contemporary social practice;
- (b) has or had the custody or guardianship of, or right of access to, the other person, or is or has been subject to the custody or guardianship of the other person or that other person has or has had a right of access to the person;
- (c) ordinarily or regularly resides or has resided with the other person, or with another relative, of the other person;
- (d) is or has been a relative of a child of the other person; or
- (e) has or has had a relationship with the other person, who is a member of the opposite sex.

# NORTHERN TERRITORY OF AUSTRALIA

section 11

# Domestic Violence Act

# **DECLARATION**

# **DEFENDANT'S DETAILS:**

I, + of declare that I have formed the opinion that an interstate restraining order is i force against the defendant in the State of on the following grounds:	'n
Signature of Police Office Dat Place	е

+Insert name and address.

#### NORTHERN TERRITORY OF AUSTRALIA

section 18

#### Domestic Violence Act

# NOTICE OF REGISTRATION OF INTERSTATE RESTRAINING ORDER DEFENDANT'S DETAILS:

(1)

TO: THE REGISTRAR (2)

ADDRESS:

AND TO: The Commissioner of Police

TAKE NOTICE THAT the attached order dated ................... 19.. was registered in the Court of Summary Jurisdiction in the Northern Territory on

at

and was adapted and modified for its effective operation in the Territory in accordance with the order dated ............................... 19.. attached hereto.

Clerk of the Court Date Place

#### NOTES:

- (1) Name and address.
- (2) Details of Court where the interstate restraining order was made.

# NORTHERN TERRITORY OF AUSTRALIA

section 20

# Domestic Violence Act

# APPLICATION TO CANCEL OR VARY INTERSTATE ORDER

1.	APPLICANT:	
+		
2.	DEFENDANT:	
+		
On at in the was m	State / nade against the defendant.	Territory* the attached restraining order
TO TH AT	HE COURT OF SUMMARY JUR	ISDICTION
I requ	est that the attached order be va	ried*/cancelled* as follows:
		Signature of Applicant Date Place
	rt name and address. e if inapplicable.	

#### NORTHERN TERRITORY OF AUSTRALIA

section 20AA

#### Domestic Violence Act

# SUMMONS TO A PERSON TO APPEAR OR TO APPEAR AND PRODUCE DOCUMENTS

TO:
(the person to be summoned)
of(address)
WHEREAS an application has been made by or on behalf of (name of person by whom or on whose behalf an application was made) of (address of person for whom application made) alleging that the defendant (name of defendant) did (brief description of allegations against defendant)
and it appears to the Court of Summary Jurisdiction at in the Northern Territory that you are*:
<ul> <li>(a) capable of furnishing information or giving evidence relevant to the application;</li> </ul>
(b) capable of producing the following documents relevant to the application:
[ briefly describe the documents sought ]
YOU are summoned to appear at/ appear and produce those documents to* the Court of Summary Jurisdiction at
Dated at in the Northern Territory.
Magistrate /Clerk/ Justices of the Peace
NOTE: If you fail to comply with this summons without reasonable excuse you

\* Cross out whichever does not apply.

could be liable to a fine of \$2,000.

#### **ENDNOTES**

#### 1 KEY

Key to abbreviations

amd = amended od = order
app = appendix om = omitted
bl = by-law pt = Part

ch = Chapter r = regulation/rule
cl = clause rem = remainder
div = Division renum = renumbered

exp = expires/expiredrep = repealedf = formss = sectionGaz = Gazettesch = Schedulehdg = headingsdiv = Subdivision

ins = inserted SL = Subordinate Legislation

It = long title sub = substituted

nc = not commenced

#### 2 LIST OF LEGISLATION

#### Domestic Violence Regulations (SL No. 51, 1993)

Notified 22 December 1993

Commenced 1 January 1994 (r 2, s 2 Domestic Violence Act 1992 (Act

No. 67, 1992) and *Gaz* G51, 22 December 1993, p 3)

#### Amendments of Domestic Violence Regulations (SL No. 11, 1995)

Notified 12 April 1995 Commenced 12 April 1995

#### Amendments of Domestic Violence Regulations (SL No. 13, 1995)

Notified 28 April 1995

Commenced 1 May 1995 (r 2, s 2 Domestic Violence Amendment Act 1994

(Act No. 60, 1994) and Gaz S17, 28 April 1995)

#### Amendments of Domestic Violence Regulations (SL No. 60, 1996)

Notified 19 December 1996

Commenced 1 January 1997 (r 2, s 2 Domestic Violence Amendment

Act 1996 (Act No. 57, 1996) and Gaz S39,

19 December 1996)

#### 3 LIST OF AMENDMENTS

r 3A	ins No. 11, 1995, r 1
r 4	amd No. 11, 1995, r 2
r 5	amd No. 13, 1995, r 3

sch 1 amd No. 13, 1995, r 4; No. 60, 1996, r 3 sch 2 amd No. 13, 1995, r 5; No. 60, 1996, r 4