NORTHERN TERRITORY OF AUSTRALIA

DOMESTIC AND FAMILY VIOLENCE REGULATIONS 2008

As in force at 8 April 2025

Table of provisions

Part 1 Preliminary matters

1 Citation 1

Part 2 General matters

2 Definitions 1
3 Interstate DVOs 2
3A Registered foreign orders 2

Part 3 Drug and alcohol testing

Division 1 General matters

4 Application of Part 2
5 Interpretation 3

Division 2 Testing for alcohol in breath

6 Breath test 4
7 Breath analysis 4
8 Conducting breath analyses 5
9 Breath analysis indicates alcohol in breath 5

Division 3 Testing for prohibited drug

10 Saliva test 5
11 Urine test 6

Division 4 Blood sample

12 Requirement to provide sample of blood 7
13 Taking sample of blood 8

Division 5 Other matters for this Part

14 Analysis of samples 8
15 Evidence by certificate 8
16 Police officers who may carry out breath tests, saliva tests, urine tests or breath analyses 9
17 Persons other than police officers who may carry out breath tests, saliva tests, urine tests or breath analyses 10

18 Protection from liability of health practitioners and analysts 10

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 8 April 2025

DOMESTIC AND FAMILY VIOLENCE REGULATIONS 2008

Regulations under the *Domestic and Family Violence Act 2007*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Domestic and Family Violence Regulations 2008*.

Part 2 General matters

2 Definitions

In these Regulations:

analyst means either of the following:

(a) a person authorised under regulation 60 of the *Traffic Regulations 1999* to be an analyst for the *Traffic Act 1987*;

(b) a person appointed under section 3(8) of the *Misuse of Drugs Act 1990*.

authorised person, for Part 3, see regulation 5(1).

breath analysis, for Part 3, see regulation 5(1).

breath analysis instrument, for Part 3, see regulation 5(1).

breath test, for Part 3, see regulation 5(1).

health practitioner, for Part 3, see regulation 5(1).

qualified person, for Part 3, see regulation 5(1).

saliva test, for Part 3, see regulation 5(1).

urine test, for Part 3, see regulation 5(1).

3 Interstate DVOs

For section 103A(1)(h) of the Act, each of the following are prescribed as an interstate DVO:

(a) a family violence restraining order made under the *Restraining Orders Act 1997* (WA);

(b) a domestic violence order made under the *Domestic Violence and Protection Orders Act 2008* (ACT);

(c) release conditions imposed under section 125 of the *Domestic and Family Violence Protection Act 2012* (Qld).

Note for regulation 3(b)

The Domestic Violence and Protection Orders Act 2008 (ACT) is repealed, but an order made under that Act can have continuing effect.

3A Registered foreign orders

For section 103B(h) of the Act, each of the following are prescribed as registered foreign orders:

(a) a registered foreign order under the *Family Violence Act 2016* (ACT);

(b) a registered foreign order under the *Domestic and Family Violence Protection Act 2012* (Qld);

(c) a foreign intervention order registered under Part 4 of the *Intervention Orders (Prevention of Abuse) Act 2009* (SA), other than an order that is declared by the *Intervention Orders (Prevention of Abuse) Regulations 2011* (SA) not to be a foreign intervention order for Part 3A of that Act.

Part 3 Drug and alcohol testing

Division 1 General matters

4 Application of Part

This Part applies in relation to a respondent if a DVO applying to the respondent:

(a) prohibits the respondent from consuming alcohol or using a drug (other than a drug as prescribed by a health practitioner); and

(b) includes an ancillary order requiring that the respondent submit to testing by an authorised person to monitor compliance with the prohibition.

Note for regulation 4

Section 126E of the Police Administration Act 1978 and regulation 19AB of the Police Administration Regulations 1994 also confers a power on a police officer to enter certain places for the purpose of exercising the officer's powers under this Part.

5 Interpretation

(1) In this Part:

analyst means a person authorised under regulation 60 of the *Traffic Regulations 1999* to be an analyst for the *Traffic Act 1987*.

authorised person means:

(a) a police officer; and

(b) any other person or class of persons authorised in writing for this Part by the Commissioner of Police.

breath analysis means an analysis of a sample of a respondent's breath by a breath analysis instrument to ascertain the concentration of alcohol in the respondent's breath.

breath analysis instrument means an apparatus that is a prescribed breath analysis instrument under regulation 56 of the *Traffic Regulations*.

breath test means a test of a sample of a respondent's breath to assess whether alcohol may be present in the respondent's breath.

health practitioner means a person registered under the *Health Practitioner Regulation National Law* to practice in a health profession (other than as a student).

qualified person means a person who has been trained to take samples of blood from persons by a Registered Training Organisation that is registered with the Australian Skills Quality Authority.

saliva test means a test of a sample of a respondent's saliva to ascertain whether a drug, the use of which is prohibited under a DVO applying to the respondent, may be present in the respondent's body.

urine test means a test of a sample of a respondent's urine to ascertain whether a drug, the use of which is prohibited under a DVO applying to the respondent, may be present in the respondent's body.

(2) For this Part, anything done by a person acting under the supervision or direction of a health practitioner or analyst is taken to have been done by the health practitioner, or analyst, as the case may be.

Division 2 Testing for alcohol in breath

6 Breath test

(1) A respondent must comply with:

(a) a reasonable direction by an authorised person to submit to a breath test to assess whether the respondent may have alcohol in his or her breath; and

(b) the directions given by the authorised person about submitting to the breath test.

(2) For a direction mentioned in subregulation (1)(a) to be reasonable, it is not necessary that the authorised person suspects that the respondent has consumed alcohol.

7 Breath analysis

(1) This regulation applies if an authorised person:

(a) requires a respondent to submit to a breath test and the respondent fails to provide a sufficient sample of breath for the completion of the test; or

(b) suspects on reasonable grounds, whether as a result of the test or otherwise, that the respondent may have consumed alcohol.

(2) The respondent must comply with:

(a) a reasonable direction given by an authorised person to submit to a breath analysis to determine the concentration of alcohol in the respondent's breath; and

(b) the directions given by the authorised person, or another authorised person, about submitting to the breath analysis.

(3) A police officer may detain, and if necessary arrest, a respondent for the following purposes:

(a) conducting a breath analysis;

(b) taking the respondent to a place where a breath analysis is to be carried out.

8 Conducting breath analyses

An authorised person must not use a breath analysis instrument under this Part unless the person is authorised as mentioned in regulation 16(2) or 17(1)(b) to carry out breath analyses under these Regulations.

9 Breath analysis indicates alcohol in breath

If an analysis of a respondent's breath by a breath analysis instrument indicates the respondent has alcohol in the respondent's breath, the authorised person who operated the instrument must give to the respondent without delay a written statement (or a statement printed by the instrument) stating:

(a) the date the sample of breath was taken and analysed; and

(b) the time of the breath analysis; and

(c) the results of the analysis.

Division 3 Testing for prohibited drug

10 Saliva test

(1) A respondent must comply with:

(a) a reasonable direction by an authorised person to submit to a saliva test to assess whether the respondent may have a drug, the use of which is prohibited under a DVO applying to the defendant, in the respondent's body; and

(b) the directions given by the authorised person about submitting to the saliva test.

(2) For a direction mentioned in subregulation (1)(a) to be reasonable, it is not necessary that the authorised person suspects that the respondent has used a drug, the use of which is prohibited under a DVO applying to the defendant.

(3) A police officer may detain, and if necessary arrest, a respondent for the following purposes:

(a) conducting a saliva test;

(b) taking the respondent to a place where a saliva test is to be carried out.

11 Urine test

(1) A respondent must comply with:

(a) a reasonable direction by an authorised person to submit to a urine test to assess whether the respondent may have a drug, the use of which is prohibited under a DVO applying to the respondent, in the respondent's body; and

(b) the directions given by the authorised person about submitting to the urine test.

(2) For a direction mentioned in subregulation (1)(a) to be reasonable, it is not necessary that the authorised person suspects that the respondent has used a drug, the use of which is prohibited under a DVO applying to the defendant.

(3) The respondent :

(a) must provide a sufficient sample of urine to enable testing to be carried out; and

(b) must not tamper with the sample in any way.

(4) A police officer may detain, and if necessary arrest, a respondent for the following purposes:

(a) conducting a urine test;

(b) taking the respondent to a place where a urine test is to be carried out.

Division 4 Blood sample

12 Requirement to provide sample of blood

(1) An authorised person may require a defendant to provide a sample of the respondent's blood in any of the following circumstances:

(a) the respondent is required to submit to a breath test under regulation 6, or a breath analysis under regulation 7, and refuses to submit or fails to provide a sufficient sample for the test or analysis;

(b) as a result of a breath test under regulation 6, the authorised person suspects that the respondent may have consumed alcohol and it is not possible to conduct a breath analysis;

(c) as a result of a breath test under regulation 6, or a breath analysis under regulation 7, the authorised person suspects that the respondent may have used a drug, the use of which is prohibited under a DVO applying to the respondent;

(d) the respondent is required to submit to a saliva test under regulation 10 and refuses to submit or fails to provide a sufficient sample for the test;

(e) as a result of a saliva test under regulation 10, the authorised person suspects that the respondent may have a drug that is prohibited under a DVO in his or her body;

(f) the respondent is required to submit to a urine test under regulation 11 and refuses to submit or fails to provide a sufficient sample for the test;

(g) the respondent has a medical condition that hinders the person's ability to provide a sample:

(i) of breath for a breath test or breath analysis; or

(ii) of saliva for a saliva test; or

(iii) of urine for a urine test.

Examples for subregulation (1)(b)

1 There is no authorised person available to operate a breath analysis device.

2 A breath analysis is attempted but the device malfunctions.

(2) If any of the circumstances mentioned in subregulation (1) exist, a police officer may detain, and if necessary arrest, the respondent for the following purposes:

(a) taking a sample of the respondent's blood;

(b) taking the respondent to a place where a sample of the respondent's blood is to be taken.

13 Taking sample of blood

(1) A sample of blood may be taken from a respondent only by:

(a) a health practitioner; or

(b) a qualified person.

(2) A person mentioned in subregulation (1) may take a sample of blood whether or not the respondent consents to the sample being taken.

(3) A sample of blood taken under subregulation (1) for analysis is the property of the Territory.

Division 5 Other matters for this Part

14 Analysis of samples

Analysis of a sample of saliva, urine or blood taken under this Part must be carried out by an analyst.

15 Evidence by certificate

In any proceedings in a court, a certificate purporting to be signed by any of the following is evidence of the matters stated in the certificate and the facts on which they are based:

(a) the Commissioner of Police – certifying any of the following about a person named in the certificate:

(i) the person is a police officer and authorised under regulation 59 of the *Traffic Regulations 1999* to use a prescribed breath analysis instrument within the meaning of the *Traffic Act 1987*;

(ii) the person is authorised under regulation 60 of the *Traffic Regulations 1999* to be an analyst for the purposes of the *Traffic Act 1987*;

(iii) the person is appointed under section 3(8) of the *Misuse of Drugs Act 1990* to be an analyst for that Act;

(b) the Commissioner of Police – certifying that a person named in the certificate is an authorised person who is authorised, under regulation 16(2) or 17(1)(b), to carry out breath tests, saliva tests, urine tests or breath analyses;

(c) an authorised person – certifying the following:

(i) the apparatus used by the authorised person was a breath analysis instrument;

(ii) the breath analysis instrument was in proper order and properly operated;

(iii) the breath analysis instrument was used in a manner that complied with this Part;

(iv) a sample of the breath of a respondent named in the certificate was provided for analysis using a breath analysing instrument;

(v) a concentration of alcohol expressed in grams per 210 litres of exhaled breath was indicated by the breath analysis instrument as being present in the breath of the respondent on the day and at the time specified in the certificate;

(vi) a statement was given to the respondent under regulation 9;

(vii) a matter about a saliva test or a urine test administered by the authorised person;

(d) an analyst, or a person employed by an analyst, about an analysis of a sample of saliva, urine or blood for this Part.

16 Police officers who may carry out breath tests, saliva tests, urine tests or breath analyses

(1) Every police officer is authorised to carry out a breath test, saliva test or urine test under this Part.

(2) A police officer who is authorised under regulation 59 of the *Traffic Regulations 1999* to use a prescribed breath analysis instrument within the meaning of the *Traffic Act 1987* is authorised to carry out breath analyses under this Part.

17 Persons other than police officers who may carry out breath tests, saliva tests, urine tests or breath analyses

(1) The Commissioner of Police may, in writing, authorise persons who are not police officers:

(a) to carry out breath tests, saliva tests and urine tests under this Part; or

(b) to carry out breath analyses under this Part.

(2) The Commissioner of Police may not authorise a person under subregulation (1)(a) unless the Commissioner considers the person:

(a) is trained to carry out breath tests, saliva tests and urine tests; and

(b) is capable of carrying out breath tests, saliva tests and urine tests correctly.

(3) The Commissioner of Police may not authorise a person under subregulation (1)(b) unless:

(a) the person is also authorised under subregulation (1)(a); and

(b) the Commissioner considers the person:

(i) is trained in the use of a breath analysis instrument; and

(ii) is capable of using the instrument correctly.

18 Protection from liability of health practitioners and analysts

A health practitioner, qualified person or an analyst, or a person acting under the supervision of a health practitioner or analyst, is not civilly or criminally liable for an act done or omitted to be done by the health practitioner, qualified person, analyst or person in good faith for this Part.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Domestic and Family Violence Regulations* (SL No. 17, 2008)**

Notified	1 July 2008
Commenced	1 July 2008 (r 2, s 2 *Domestic and Family Violence Act 2008* (Act No. 34, 2007) and *Gaz* G25, 25 June 2008, p 4)

***Domestic and Family Violence Amendment (Drug and Alcohol Testing) Regulations 2013* (SL No. 45, 2013)**

Notified	19 December 2013
Commenced	5 February 2014 (r 2, s 2 *Domestic and Family Violence Act 2013* (Act No. 7, 2013) and *Gaz* G5, 5 February 2014, p 2)

***Domestic and Family Violence Amendment Regulations 2015* (SL No. 31, 2015)**

Notified	23 December 2015
Commenced	20 January 2016 (r 2, r 2 *Bail Amendment Regulations 2015* (SL No. 32, 2015), s 2 *Bail Amendment Act (No. 2) 2015* (Act No. 33, 2015) and *Gaz* G3, 20 January 2016, p 2)

***Domestic and Family Violence (Recognition of Domestic Violence Orders) (National Uniform Law) Amendment Act 2017* (Act No. 2, 2017)**

Assent date	10 March 2017
Commenced	25 November 2017 (*Gaz* S86, 24 November 2017)

***Domestic and Family Violence Amendment Regulations 2017* (SL No. 33, 2017)**

Notified	24 November 2017
Commenced	25 November 2017 (r 2, s 2 *Domestic and Family Violence (Recognition of Domestic Violence Orders) (National Uniform Law) Amendment Act 2017* (Act No. 2, 2017) and *Gaz* S86, 24 November 2017)

***Domestic and Family Violence Amendment Regulations 2021* (SL No.6, 2021)**

Notified	2 June 2021
Commenced	2 June 2021

Domestic and Family Violence Amendment Regulations 2022 **(SL No. 2, 2022)**

Notified 17 February 2022
Commenced 18 February 2022

Domestic and Family Violence Amendment Regulations 2023 **(SL No. 20, 2023)**

Date made 29 August 2023
Commenced 30 August 2023

Justice Legislation Amendment (Domestic and Family Violence) Act 2023 **(Act No. 33, 2023)**

Assent date 6 December 2023
Commenced 25 March 2024 (*Gaz* S18, 22 March 2024)

Amending Legislation

Justice and Other Legislation Amendment Act 2024 **(Act No. 4, 2024)**

Assent date 14 March 2024
Commenced pt 5, div 1: 30 October 2023 (s 2(2));
pt 3, div 2: 25 March 2024 (s 2(3), s 2 *Sentencing and Other Legislation Amendment Act 2022* (Act No. 28, 2022) and *Gaz* S19, 22 March 2024);
pt 4: 25 March 2024 (s 2(4), s 2 *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023* (Act No. 20, 2023) and *Gaz* S20, 22 March 2024);
rem: 15 March 2024 (s 2(1))

Police Administration Legislation Amendment Act 2025 **(Act No. 8, 2025)**

Assent date 7 April 2025
Commenced 8 April 2025 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr: 1, 2, 5, 15 and 16.

4 LIST OF AMENDMENTS

pt 1 hdg	ins No. 45, 2013, r 4
pt 2 hdg	ins No. 45, 2013, r 5
r 2	sub No. 45, 2013, r 6
r 3	amd No. 45, 2013, r 7
	rep Act No. 2, 2017, s 21
	ins No. 33, 2017, r 4
r 3A	ins No. 33, 2017, r 4
r 3B	ins No. 6, 2021, r 4
	sub No. 2, 2022, r 4
	amd No. 20, 2023, r 4
	rep Act No. 33, 2023, s 66
pt 3 hdg	ins No. 45, 2013, r 8
pt 3	
div 1 hdg	ins No. 45, 2013, r 8
r 4	ins No. 45, 2013, r 8
	amd No. 31, 2015, r 4; Act No. 33, 2023, s 67; Act No. 8, 2025, s 10

r 5	ins No. 45, 2013, r 8
	amd No. 31, 2015, r 5; Act No. 33, 2023, s 67
pt 3	
div 2 hdg	ins No. 45, 2013, r 8
rr 6 – 7	ins No. 45, 2013, r 8
	amd No. 31, 2015, r 7; Act No. 33, 2023, s 67
r 8	ins No. 45, 2013, r 8
r 9	ins No. 45, 2013, r 8
	amd No. 31, 2015, r 7; Act No. 33, 2023, s 67
pt 3	
div 3 hdg	ins No. 45, 2013, r 8
rr 10 – 11	ins No. 45, 2013, r 8
	amd No. 31, 2015, r 7; Act No. 33, 2023, s 67
pt 3	
div 4 hdg	ins No. 45, 2013, r 8
r 12	ins No. 45, 2013, r 8
	amd No. 31, 2015, r 7; Act No. 33, 2023, s 67
r 13	ins No. 45, 2013, r 8
	amd Act No. 33, 2023, s 67
pt 3	
div 5 hdg	ins No. 45, 2013, r 8
r 14	ins No. 45, 2013, r 8
r 15	ins No. 45, 2013, r 8
	amd Act No. 33, 2023, s 67
rr 16 – 17	ins No. 45, 2013, r 8
r 18	ins No. 45, 2013, r 8
	amd No. 31, 2015, r 6