

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1995, No. 13*

Regulations under the *Domestic Violence Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Domestic Violence Act*.

Dated 28 April 1995.

K.J.A. ASCHE
Administrator

AMENDMENTS OF DOMESTIC VIOLENCE REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Domestic Violence Amendment Act 1994*.

2. PRINCIPAL REGULATIONS

The Domestic Violence Regulations are in these Regulations referred to as the Principal Regulations.

3. TABLE OF FORMS

Regulation 5 of the Principal Regulations is amended by omitting "9" and substituting "10".

4. SCHEDULE 1

Schedule 1 to the Principal Regulations is amended by adding at the end the following:

"20AA	Summons to appear / appear and produce documents	10".
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* Notified in the *Northern Territory Government Gazette* on 28 April 1995.

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5. SCHEDULE 2

Schedule 2 to the Principal Regulations is amended -

- (a) by omitting from Form 1 -
 - (i) "under the *Postal Service Act 1975* of the Commonwealth"; and
 - (ii) "the procedures under that Act for acknowledging receipt" and substituting "postal procedures";
- (b) by omitting from Form 2 -
 - (i) "THE COURT" and substituting "THE COURT OR THE CLERK (the Registrar of the Local Court)";
 - (ii) "the spouse*" and substituting "the person on whose behalf the application is made*";
 - (iii) "the Court of Summary Jurisdiction to make" and substituting "the Court of Summary Jurisdiction or the Clerk to make"; and
 - (iv) "the Court of Summary Jurisdiction" and substituting "the Court of Summary Jurisdiction or the Clerk";
 - (v) "the court may make" and substituting "the Court or the Clerk may make"; and
 - (vi) "a.m./p.m.", "he/she" and "his/her" and substituting "a.m./p.m.*", "he/she*" and "his/her*" respectively;
- (c) by omitting from Form 3 -
 - (i) "States of Australia" and substituting "States of Australia, BUT ONLY IF registered under the relevant law of those Territories or States";
 - (ii) "the defendant's spouse" and substituting "the person making the application or on whose behalf the application is made"; and
 - (iii) "(defendant's spouse)" and substituting "(the person making the application or on whose behalf the application is made)";

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- (d) by omitting from Form 4 -
 - (i) "a spouse" (first occurring) and substituting "a person who is in a domestic relationship with you or a person making an application on behalf of a person who is in a domestic relationship with you";
 - (ii) "Summary Jurisdiction sitting at" and substituting "Summary Jurisdiction or the Clerk (the Registrar of the Local Court) at"; and
 - (iii) all words after "Cross out whichever does not apply." and substituting the following:

"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.";
- (e) by omitting Form 5 and substituting the following:

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"FORM 5

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.....(the defendant) of(address) on the day of19..., at..... in the Northern Territory, did (1)

Assault or cause personal injury to, or damage to property in the possession of,.....of....(address)..... being a person in a domestic relationship with the defendant (2), and in particular and unless restrained is likely to again assault or cause personal injury or damage.

Threaten to assault, to cause personal injury to, or to cause damage to property in the possession of,.....(address)....., being a person in a domestic relationship with the defendant (2),..... and unless restrained is likely to again make such a threat or carry out the threat.

Behave in a provocative or offensive manner (3) towards.....(address)....., being a person in a domestic relationship with the defendant (2), by being behaviour that was likely to lead to a breach of the peace and unless restrained is likely to again behave in the same or a similar manner.

There are in existence the following orders affecting the defendant and the person in a domestic relationship with the defendant:

..... (4)

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Application made by telephone on theday
of 19...., at o'clock
to.....
a Magistrate of the Northern Territory of Australia.

.....
Applicant to sign his/her copy

.....
Magistrate to sign his/her copy

ORDER

I,,
having heard an application under section 6(1) by a member
of the Police Force of the Northern Territory of Australia,
order that the defendant: (5)

- refrain from entering the premises situated at
..... until o'clock
onor until such time as a
further order is made.
- refrain from assaulting or threatening to assault,
or causing or threatening to cause personal injury
to,.....of....(address).....
- refrain from causing or threatening to cause damage
to property in the possession of
of...(address).....
- refrain from acting in a provocative or offensive
manner (3) towards..... of.....
(address).....
-
.....
..... (Here describe any other restraints or orders imposed)

The reasons for making the order are that on the hearing of
the application I am satisfied that unless the order is so
made the defendant will: (5)

- again assault or cause personal injury to.....
.....
or property in the possession of.....
- again threaten, or carry out the threats that have
been made against.....
or the property of.....
- again behave in a provocative or offensive manner (3)
towards

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(Here describe other reasons)

-
-
-

I further order that the order is returnable on the day of 19...., at a.m./p.m. at the Court of Summary Jurisdiction at in the Northern Territory of Australia to deal with the application, and be further dealt with according to law.

Magistrate (6)

SUMMONS TO DEFENDANT

AND the defendant is summoned to appear at the above-mentioned time to be further dealt with according to law.

- Applicant informed of terms of order.
- Defendant informed of terms of order (including summons). (7)

.....
Magistrate/Member of the Police Force (6)

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 or second offence; for a third 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:

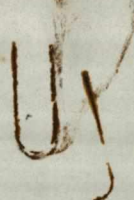
- (1) Tick and complete the applicable item. Only members of the Police Force can make applications under section 6.
- (2) For the purposes of the Act, a person is in a domestic relationship with another person if he or she -
 - (a) is or has been a relative of the other person (see section 3 of the 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

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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 of any Court affecting the defendant and the person for whose benefit the order is being sought, e.g. Family Court/Home Detention.
 - (5) Tick and complete the applicable item.
 - (6) Magistrate/member of Police Force to sign his/her copy.
 - (7) Tick both or whichever is applicable.
 - (8) 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."; and

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(f) by adding at the end the following:

"FORM 10

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*:

- (a) capable of furnishing information or giving evidence relevant to the application;
- (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 atin the Northern Territory on..... at a.m./p.m.

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

* Cross out whichever does not apply."

