

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1993, No. 51\*

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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 15 December 1993.

K.J.A. ASCHE  
Administrator

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DOMESTIC VIOLENCE REGULATIONS

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.

4. DECLARATION OF SERVICE OF DOCUMENT

Where a person serves a document 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.

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\* Notified in the *Northern Territory Government Gazette* on 22 December 1993.

Domestic Violence Regulations

5. TABLE OF FORMS

Forms 2 to 9 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

TABLE OF FORMS

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Section of Act	Description of Form	Number of Form
4	Application for a restraining order	2
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Domestic Violence Regulations

SCHEDULE 2

Regulations 4 and 5

FORM 1

Regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Domestic Violence Act

UNATTESTED DECLARATION OF SERVICE

I, .....  
Name  
of .....  
Contact address

declare that I did

at .....  
Time  
on .....  
Date  
at .....  
Place

- serve the attached summons
- serve the attached order

- personally on the defendant -  
I said: What is your name?  
He/she\* said:
- by leaving it for the defendant -  
at the defendant's -  
 last known  
 most usual  
place of -  
 residence  
 business  
with some other person apparently -  
 resident  
 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

Domestic Violence Regulations

- it was properly addressed and posted by AR Security Post under the Postal Service Act 1975 of the Commonwealth to the defendant -
  - at the defendant's -
    - last known
    - most usual place of -
      - residence
      - business
    - and the defendant has acknowledged receipt of the mail containing the order in accordance with the procedures under that Act for acknowledging receipt;
  
- its existence and terms were made known orally or in writing to the defendant by a member of the Police Force;
  
- it was served in such other manner as the Court or a Magistrate orders, namely:

.....  
Signed

FORM 2

NORTHERN TERRITORY OF AUSTRALIA

Domestic Violence Act

Section 4

APPLICATION FOR RESTRAINING ORDER

APPLICANT:

+

DEFENDANT:

+

BASIS OF APPLICATION:

RESTRAINING ORDERS YOU WANT THE COURT TO MAKE:

DETAILS OF CONDUCT OF PERSON TO BE RESTRAINED:

+ Insert name and address.

Domestic Violence Regulations

ORDERS IN FORCE NOW:

- (1) Is there any order(s) in force between you/the spouse\* and the person to be restrained?

(This might be an order of the Family Court, such as a custody or access order, or any other type of court order.)

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 to make a restraining order against the defendant.

THE APPLICATION WILL BE DEALT WITH:

by the Court of Summary Jurisdiction  
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 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

Domestic Violence Regulations

FORM 3

NORTHERN TERRITORY OF AUSTRALIA

Sections 4, 8, 18 and 20

Domestic Violence Act

ORDER

Applicant:

+

Defendant:

+

Date of Application:

The Court/the Clerk\* hereby orders:

Dated

.....  
Magistrate/Clerk of the Court\*

This order shall, unless it is sooner revoked or varied, continue in force to and including the day of 19

- + Insert name and address.
- \* Delete 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 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 this order is also enforceable in other Territories and States of Australia.

\* Fill in this part where the Clerk, with the consent of the defendant and the defendant's spouse, makes the order.

I, (defendant), consent to the above orders.

Signed .....  
Dated ..... 19....

Domestic Violence Regulations

I, (defendant's spouse), consent to the above orders.

Signed .....  
Dated ..... 19....

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

FORM 4

NORTHERN TERRITORY OF AUSTRALIA

Section 4(5)

Domestic Violence Act

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

TO:  
(the defendant)  
of

The attached application was made by  
of  
a member of the Police Force of the Northern Territory/a spouse\*  
and on  
a Court of Summary Jurisdiction sitting at  
made the attached order in your absence.

You are summoned to appear at the Court of Summary Jurisdiction  
at ..... in the Northern Territory  
on ..... at ..... 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/Justice 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 or second offence; for a third or subsequent offence you would be liable for a mandatory term of imprisonment for not less than 7 days or more than 6 months.

Domestic Violence Regulations

- Upon registration the order is also enforceable in other Territories and States of Australia.

\*Cross out whichever does not apply. Spouse includes 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.

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 .....  
 of ..... (the defendant)  
 on the ..... day of .....19...  
 at..... in the Northern Territory, did (1)

- Cause personal injury to or damage to property in the possession  
 of.....  
 of .....  
 being a spouse (2) of the defendant, and in particular  
 .....  
 ..... and unless restrained  
 is likely to again cause personal injury or damage.
- Threaten to cause personal injury to or damage to property  
 in the possession  
 of .....  
 of .....  
 being a spouse (2) of the defendant, by .....  
 .....  
 and unless restrained is likely to carry out the threat.
- Behave in a provocative or offensive manner towards  
 .....  
 of .....  
 being a spouse (2) of the defendant, by .....  
 .....  
 being behaviour that was likely to lead to a breach of the  
 peace and the defendant is unless restrained likely to  
 again behave in the same or a similar manner.



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There are in existence the following orders affecting the defendant and the person for whose benefit the application is made:

.....  
.....  
..... (3)

Application made by telephone on the ..... day 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 refrain from: (4)

- entering the premises situated at ..... until ..... o'clock on ..... or until such time as the Court further orders.
  - causing or threatening to cause personal injury to ..... of .....
  - causing or threatening to cause damage to property in the possession of .....
  - acting in a provocative or offensive manner towards ..... of .....
  - .....
- (Here describe any other restraints 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 cause personal injury to ..... , or property in the possession of .....

Domestic Violence Regulations

- carry out the threats that have been made against  
.....  
or the property of.....
- again behave in a provocative or offensive manner towards  
.....
- (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.

NOTES:

- (1) Tick and complete which section applies. Only members of the Police Force can make applications under section 6.
- (2) Spouse includes 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.

*Domestic Violence Regulations*

(3) 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.

(4) Tick and complete which section applies.

(5) Tick and complete which section applies.

(6) Magistrate/member of Police Force to sign his/her copy.

(7) Tick both or whichever is applicable.

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FORM 6

NORTHERN TERRITORY OF AUSTRALIA

Section 8

*Domestic Violence Act*

APPLICATION TO VARY OR REVOKE RESTRAINING ORDER

APPLICANT:

+

DEFENDANT:

+

DETAILS OF ORDERS TO BE VARIED OR REVOKED:

*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/REVOCAION 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

*(Delete whichever does not apply)*

REASONS FOR VARIATION OR REVOCATION:

*Briefly, what are your reasons for wanting to vary or revoke the order?*

Signed  
Date  
Place

+Insert name and address.

Domestic Violence Regulations

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 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 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 7  
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 in force against the defendant in the State of  
on the following grounds:

.....  
Signature of Police Officer  
Date  
Place

+Insert name and address.

Domestic Violence Regulations

FORM 8

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.
-

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FORM 9

NORTHERN TERRITORY OF AUSTRALIA

Section 20

Domestic Violence Act

APPLICATION TO CANCEL OR VARY  
INTERSTATE ORDER

1. APPLICANT:

+

2. DEFENDANT:

+

On  
at  
in the State / Territory\*  
the attached restraining order was made against the defendant.

TO THE COURT OF SUMMARY JURISDICTION  
AT

I request that the attached order be varied\*/cancelled\* as follows:

.....  
Signature of Applicant  
Date  
Place

+Insert name and address.  
\*Delete if inapplicable.

\_\_\_\_\_  
\_\_\_\_\_