

# AUSTRALIAN CAPITAL TERRITORY

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## Domestic Violence Ordinance 1986

No. 52 of 1986

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# AUSTRALIAN CAPITAL TERRITORY

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## Domestic Violence Ordinance 1986

No. 52 of 1986

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 27 August 1986.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

LIONEL BOWEN  
Attorney-General

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An Ordinance relating to domestic violence, and for other purposes

### PART I—PRELIMINARY

#### Short title

1. This Ordinance may be cited as the *Domestic Violence Ordinance 1986*.<sup>1</sup>

#### Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.

#### Interpretation

3. In this Ordinance, unless the contrary intention appears—

“authorised police officer” means the police officer for the time being in charge of a police station;

“child”, in relation to a person, includes a person under the age of 18 years—

- (a) who normally or regularly resides with the first-mentioned person; or
- (b) of whom the first-mentioned person is a guardian;

“clerk” means the Clerk or a Deputy Clerk of the Court;

“Court” means the Magistrates Court;

“Crimes Act” means the Crimes Act, 1900 of the State of New South Wales in its application to the Territory;

“de facto spouse”, in relation to a person, means a person of the opposite sex to the first-mentioned person who is living with the first-mentioned person as that person’s husband or wife although not legally married to the first-mentioned person;

“domestic violence offence” means a prescribed offence committed by a person against—

- (a) a spouse of the person; or
- (b) a child of the person or of a spouse of the person;

“drug” means—

- (a) a substance specified in Schedule 1; or
- (b) a substance that is a Schedule 8 substance or a Schedule 12 substance within the meaning of the *Poisons and Narcotic Drugs Ordinance 1978*;

“interim protection order” means an order made under section 14;

“legal practitioner” means a barrister and solicitor within the meaning of the *Legal Practitioners Ordinance 1970*;

“prescribed offence” means—

- (a) murder or attempted murder;
- (b) manslaughter or attempted manslaughter; or
- (c) an offence under section 27, 28, 29, 30, 31, 33, 33A, 35, 37, 38, 39, 41, 46, 47, 54, 58, 59, 61, 83, 90A, 92A, 92B, 92C, 92D, 92E, 92F, 92G, 92H, 92J, 92K, 92L, 92M, 493, 494 or

546A of the Crimes Act or an attempt to commit such an offence;

“protection order” means an order made under section 4;

“respondent”, in relation to a protection order or an interim protection order, means the person in respect of whom the order is sought or made, as the case requires;

“spouse” includes former spouse, de facto spouse and former de facto spouse.

## **PART II—PROTECTION ORDERS**

### **Making of protection orders**

**4. (1)** Where, on an application made in accordance with this Part in respect of a person, the Court is satisfied, on the balance of probabilities, that—

- (a) the respondent has engaged in conduct that constitutes a domestic violence offence and, unless the respondent is restrained, the respondent is likely to engage in further conduct that would constitute that or another domestic violence offence;
- (b) the respondent has threatened to engage in conduct that would constitute a domestic violence offence and, unless the respondent is restrained, the respondent is likely to engage in conduct that would constitute that or another domestic violence offence; or
- (c) the respondent has engaged in conduct of such an offensive or harassing nature in respect of a spouse of the respondent or a child of the spouse or of the respondent that the spouse fears for his or her safety or for the safety of a child of the spouse or of the respondent,

the Court may make an order restraining the respondent from engaging in that conduct and in conduct that would constitute any domestic violence offence and may impose one or more of the prohibitions and conditions specified in section 9.

**(2)** In sub-section (1)—

- (a) a reference to conduct that constitutes a domestic violence offence shall be read as including a reference to conduct engaged in outside the Territory that, if it were engaged in within the Territory, would constitute a domestic violence offence; and

- (b) a reference to conduct of an offensive or harassing nature shall be read as including a reference to conduct engaged in outside the Territory.

### **Applications for protection order**

5. An application for a protection order may be made by—
- (a) the spouse of a person, being the spouse in respect of whom the alleged conduct has been, or is likely to be, engaged in by that person;
  - (b) where the alleged conduct involves a child—
    - (i) a person with whom the child normally resides; or
    - (ii) a parent or guardian of the child; or
  - (c) a police officer.

### **Date for hearing**

6. The clerk shall fix a date for the hearing of an application for a protection order that is not more than 2 days after the date on which the application is filed.

### **Parties**

7. (1) The person in respect of whom the application is made shall be the respondent to the proceedings.

(2) Where the applicant is a police officer, the spouse in respect of whom, or in respect of whose child, the alleged conduct has been engaged in shall be a party to the proceedings.

(3) Where the alleged conduct in respect of which an application is made has been engaged in with respect to a child—

- (a) the clerk shall, as soon as practicable, cause a copy of the application, together with notice of the time and date of the hearing, to be given—
  - (i) where the child does not normally reside with the respondent—to the person with whom the child normally resides; and
  - (ii) where the child has a parent or guardian with whom the child does not normally reside—to that parent or guardian; and
- (b) subject to sub-section (2), a person to whom a copy of an application and notice have been given under paragraph (a) shall, on application to the Court, be made a party to the proceedings.

### **Hearing of application**

**8. (1)** Paragraph 20 (4) (a) and section 198 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* do not apply in relation to proceedings under this Ordinance.

**(2)** Notwithstanding the provisions of sections 205 and 206 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982*—

- (a) an affidavit; and
- (b) a notice referred to in sub-section 206 (1) of that Ordinance,

shall each be served—

- (c) as soon as practicable before the hearing; or
- (d) within such other time as the Court orders.

**(3)** Where a period of time, being a period of 5 days or less, is prescribed or allowed for any purpose under this Ordinance, that period shall be reckoned exclusive of any day on which the office of the Court is closed.

### **Restrictions in order**

**9. (1)** Subject to this Ordinance, a protection order may—

- (a) prohibit the respondent from being on premises on which the spouse of the respondent, or a child of the spouse or of the respondent, resides or works;
- (b) prohibit the respondent from being on premises specified in the order, being premises frequented by the spouse or a child of the spouse or of the respondent;
- (c) prohibit the respondent from being in a locality specified in the order;
- (d) prohibit the respondent from approaching within a specified distance of the spouse of the respondent or a child of the spouse or of the respondent;
- (e) prohibit the respondent from contacting, harassing, threatening or intimidating the spouse or a child of the spouse or of the respondent;
- (f) prohibit the respondent from damaging property of the spouse of the respondent or of a child of the spouse or of the respondent;
- (g) where the order contains a prohibition of the kind referred to in paragraph (a)—

- (i) prohibit the respondent from taking possession of specified personal property, being property that is reasonably needed by the spouse of the respondent or a child of the spouse or of the respondent;
- (ii) direct the respondent to give specified personal property that is in the possession of the respondent and is reasonably needed by the spouse of the respondent to the spouse of the respondent;
- (h) prohibit the respondent from causing another person to engage in the conduct referred to in paragraph (e) or (f) or sub-paragraph (g) (i);
- (j) specify conditions subject to which the respondent may be on premises, or in a locality, specified in the order.

(2) The Court may make an order that includes a prohibition of the kind referred to in paragraph (1) (a) or (g) notwithstanding any legal or equitable interests the respondent might have in the property comprising the premises or in the property to which the prohibition of the kind referred to in paragraph (1) (g) relates.

#### **Matters to be taken into account**

**10. (1)** In determining an application for a protection order, the Court shall have regard to the following:

- (a) the need to ensure the spouse of the respondent, or a child of the spouse or of the respondent, is protected from violence or harassment;
- (b) the welfare of a child of the spouse or of the respondent;
- (c) the accommodation needs of the spouse and of any child of the spouse or of the respondent;
- (d) any hardship that may be caused to the respondent or to any other person as a result of the making of the order;
- (e) where the Court proposes to include in the order a prohibition or direction of the kind referred to in paragraph 9 (1) (g)—the income, assets and liabilities of the respondent and of the spouse of the respondent;
- (f) any other matter that, in the circumstances of the case, the Court considers relevant.



(2) In having regard to the matters referred to in sub-section (1), the Court shall consider the matters referred to in paragraphs (1) (a) and (b) as being of primary importance.

### **Counselling**

11. Where the Court makes a protection order, the Court may recommend that the respondent or the spouse of the respondent, or both, participate in counselling of a nature specified by the Court.

### **Service of application**

12. (1) Subject to section 28, the clerk shall, as soon as practicable after an application for a protection order has been filed, cause—

- (a) a copy of the application, together with notice of the proceedings in accordance with Form 1 in Schedule 2, to be served personally on the respondent; and
- (b) where the applicant is a police officer—a copy of the application, together with notice of the date on which, and time and place at which, the application is to be heard, to be served personally on the spouse in respect of whom, or in respect of whose child, the alleged conduct has been engaged in.

(2) Where the hearing of an application is adjourned by reason of the fact that the application and the notice of proceedings have not been served on the respondent, the date, time and place stated in the notice of proceedings shall be the date, time and place fixed by the Court for the adjourned hearing.

### **Procedure in absence of respondent**

13. Where—

- (a) notice of the proceedings has been served on the respondent in accordance with this Ordinance; and
- (b) the respondent fails to appear in person at the Court at the time fixed for the hearing of the application for the protection order,

the Court may—

- (c) proceed to hear and determine the matter in the respondent's absence; or
- (d) where the Court is satisfied, having regard to the material before it, that it is appropriate to do so—adjourn the matter and issue a warrant for the respondent to be apprehended and brought before the Court.

**Interim orders****14. (1) Where—**

- (a) an application for a protection order has been made in accordance with this Part; and
- (b) the Court is satisfied that it is necessary, in order to ensure the safety of the spouse or a child of the spouse or of the respondent pending the hearing and determination of the application, to make an interim protection order,

the Court may make an interim protection order whether or not a copy of the application has been served on the respondent.

(2) The Court shall not make an interim protection order unless the application is supported by oral evidence on oath given by the applicant or the spouse.

**(3) An interim protection order—**

- (a) shall restrain the respondent from engaging in the conduct on which the application is based;
- (b) may prohibit the respondent from being on premises on which the spouse or a child of the spouse or of the respondent resides; and
- (c) shall not contain any other prohibition or condition specified in section 9 unless the Court is satisfied, by reason of the circumstances of the case, that it is necessary to do so to ensure the safety of the spouse or a child of the spouse or of the respondent.

**Explaining of proposed order to respondent****15. Where—**

- (a) the Court proposes to make a protection order or an interim protection order; and
- (b) the respondent is before the Court,

the Court shall, before making the order, explain to the respondent, in language likely to be readily understood by the respondent—

- (c) the purpose, terms and effect of the proposed order;
- (d) the consequences that may follow if the respondent fails to comply with the terms of the proposed order; and

- (e) the means by which the proposed order may be varied or revoked.

**Criminal proceedings: hearing of application**

**16.** The power of the Court to make a protection order or an interim protection order in respect of a person may be exercised notwithstanding that the person has been charged with an offence arising out of the same conduct as that out of which the application for the protection order arose.

**Duration of order**

**17. (1)** A protection order remains in force for such period, not exceeding 12 months, as the Court specifies in the order.

**(2)** Where a protection order contains a prohibition or condition of the kind specified in section 9, the Court may specify different periods, being periods none of which exceeds the period referred to in sub-section (1), as the period for which each prohibition or condition is to remain in force.

**(3)** Subject to this section, an interim protection order remains in force for such period, not exceeding 10 days, as the Court specifies in the order.

**(4)** Where—

- (a) the Court adjourns the hearing of an application for a protection order; and

- (b) an interim protection order is in force in respect of the respondent,

the Court may, by order, extend the period for which an interim order is to remain in force until the date fixed for the further hearing of the application.

**(5)** An interim protection order made on an application under section 5 ceases to be in force—

- (a) where a protection order is made on that application and the respondent is present at the time the protection order is made—when the protection order is made;

- (b) where a protection order is made on that application but the respondent is not present at the time the protection order is made—when the protection order is served on the respondent; or

- (c) when the application is dismissed.

**Variation and revocation of orders**

**18. (1)** Where a protection order or an interim protection order is in force, a party to the proceedings in which the order was made may apply to the Court for an order varying or revoking the order.

**(2)** On an application under sub-section (1), the Court may by order vary or revoke the protection order or interim protection order.

**(3)** The clerk shall cause a copy of an application under this section to be served personally on each other person who was a party to the proceedings in which the original order was made.

**(4)** In determining whether to vary or revoke a protection order, the Court shall have regard to the matters specified in section 10.

**Service, &c., of order**

**19. (1)** Where a protection order or an interim protection order is made or varied by the Court, the clerk shall—

- (a) arrange for an order in the prescribed form to be formally drawn up and filed in the Court;
- (b) cause a copy of the order to be served personally on the respondent; and
- (c) cause a copy of the order to be forwarded to—
  - (i) the Commissioner of Police; and
  - (ii) each other person who was a party to the proceedings.

**(2)** In sub-section (1), a reference to an order in the prescribed form shall be read as a reference to—

- (a) in the case of the making of a protection order or an interim protection order—an order in accordance with Form 2 in Schedule 2; and
- (b) in the case of the varying of a protection order or an interim protection order—an order in accordance with Form 3 in Schedule 2.

**PART III—BAIL****Interpretation**

**20.** In this Part, “prescribed person”, in relation to a person admitted to bail, means a spouse or a child of the person or a parent, child, brother or sister of a spouse of the person.

**Bail—general**

**21. (1) Where—**

(a) a person is in the custody of a police officer after having been arrested without a warrant and charged with a domestic violence offence or an offence under section 27; and

(b) the police officer does not bring the person before the Court forthwith, the police officer—

(c) shall inform the person, or cause the person to be informed, that the person—

(i) may apply for bail;

(ii) may communicate with a legal practitioner of the person's choice in connection with the making of an application for bail; and

(iii) may communicate with any other person of the person's choice, being a person who may reasonably be expected to assist the person in connection with the provision of bail,

and, if the person asks for facilities to do so, shall provide the person with reasonable facilities to enable the person so to communicate with a legal practitioner or other person;

(d) shall inform the person, or cause the person to be informed, of particulars of the matters specified in section 23 and of the conditions subject to which the person may be released on recognizance; and

(e) if the person applies for bail—

(i) where the police officer is authorised to admit the person to bail—shall consider whether the person should be admitted to bail; and

(ii) in any other case—shall bring the person before an authorised police officer.

**(2)** Where a person is brought before an authorised police officer pursuant to sub-section (1), the officer shall consider whether the person should be admitted to bail.

**(3)** Where an authorised police officer is satisfied, before sub-section (1) has been fully complied with, that it is appropriate to release a person on

recognizance to appear without any other conditions, the officer may so release the person.

### **Police bail**

**22. (1)** An authorised police officer who is required to consider whether to admit a person to bail shall—

- (a) afford—
  - (i) the person or a legal practitioner representing the person; and
  - (ii) any other police officer involved in the investigation of the offence with which the person is charged,

an opportunity to make submissions to the authorised police officer concerning the matters specified in section 23; and

- (b) having regard to those submissions and to the matters specified in section 23, determine whether the person should be admitted to bail.

**(2)** Where the authorised police officer is satisfied that, having regard to the matters specified in section 23—

- (a) it is appropriate to release the person on the person entering into a recognizance to appear before the Court; and
- (b) it is not necessary to impose any other conditions,

the officer shall release the person upon the person entering into a recognizance, with or without sureties, to appear before the Court on the date, and at the place and time, specified in the recognizance, being a date not later than the next sitting day of the Court.

**(3)** Where the authorised police officer is satisfied that, having regard to the matters specified in section 23, it is not appropriate to admit the person to bail without imposing any other conditions, the officer shall, having regard to—

- (a) the conditions that may be imposed in admitting a person to bail; and
- (b) the extent to which the imposition of one or more of those conditions would be appropriate, having regard to the matters specified in section 23,

determine whether to admit the person to bail.

**(4)** A person who has been charged with the domestic violence offence of murder or attempted murder shall not be admitted to bail under this Part.

**Criteria for bail**

**23. (1)** For the purposes of determining whether a person should be admitted to bail, the following matters are specified:

- (a) the following matters related to the probability of the person appearing in court in respect of the relevant offence if admitted to bail:
  - (i) the background and community ties of the person, having regard to the nature of his or her residence, employment and family situation and to his or her police record, if known;
  - (ii) the circumstances in which the alleged offence was committed, the nature and seriousness of the offence, the strength of the evidence against the person and other information relevant to the likelihood of the person absconding;
- (b) the following matters related to the interests of the person:
  - (i) the period that the person may be obliged to spend in custody if bail is refused and the conditions under which he or she would be held in custody;
  - (ii) the need of the person to be free for the purposes of preparing for his or her appearance before a court and obtaining legal advice and for other purposes;
  - (iii) the need of the person for physical protection, whether the need arises because the person is incapacitated by intoxication, injury or the use of drugs or arises from other causes;
- (c) the following matters related to the protection of the community:
  - (i) the likelihood of the person interfering with evidence, intimidating witnesses or hindering police inquiries;
  - (ii) the likelihood of the person committing an offence while released on bail;
  - (iii) the likelihood of the person harassing a prescribed person while released on bail.

**(2)** In paragraph (1) (c), a reference to an offence shall be read as including a reference to an offence against a law in force in the Territory and a law of a State or of another Territory.

**Conditions of bail**

**24. (1)** Where an authorised police officer determines that it is appropriate to admit a person to bail subject to conditions, the officer may require that the recognizance to be entered into by the person to appear be subject to such of the conditions specified in sub-section (2) as the officer considers appropriate.

**(2)** For the purposes of sub-section (1), the following conditions are specified:

- (a) that the person observe specified requirements as to his or her conduct while released on bail, including, but not limited to, the following:
  - (i) that the person not harass or molest, or cause another person to harass or molest, a specified prescribed person;
  - (ii) that the person not be in premises in which a specified prescribed person resides or works;
  - (iii) that the person not be on or near premises frequented by a specified prescribed person;
  - (iv) that the person not be in a locality in which are situated the premises in which a specified prescribed person resides or works;
  - (v) that the person not approach within a specified distance of a specified prescribed person;
  - (vi) where the first-mentioned person continues to reside with a prescribed person—that the person not enter or remain in the place of residence while under the influence of liquor or a drug;
  - (vii) that the person report at such times as are specified at a specified police station;
- (b) that the person charged, or another person acceptable to the authorised police officer—
  - (i) undertake in writing to pay a specified sum to the Commonwealth if the person charged fails to appear in accordance with the recognizance entered into by him or her;
  - (ii) undertake in writing to pay a specified sum to the Commonwealth, and give security acceptable to the authorised police officer for the payment of that sum, if the person



charged fails to appear in accordance with the recognizance entered into by him or her; or

- (iii) deposit with the authorised police officer a specified sum to be forfeited to the Commonwealth if the person charged fails to appear in accordance with the recognizance entered into by him or her.

(3) The authorised police officer shall not determine to admit a person to bail subject to a condition that is more onerous than is necessary in the interests of justice or the protection of the community.

### **Bail in respect of several offences**

**25.** Where a person stands charged with 2 or more offences at least one of which is a domestic violence offence or an offence under section 27—

- (a) the authorised police officer, in considering whether to admit the person to bail, shall have regard to all the offences with which the person stands charged; and
- (b) if the officer determines that the person should be admitted to bail—
  - (i) the person shall be admitted to bail in respect of all the offences with which the person stands charged;
  - (ii) the person need enter into only one recognizance in respect of all the offences with which the person stands charged; and
  - (iii) where the person is admitted to bail subject to conditions—the conditions shall apply in respect of each offence.

### **Notification of decision**

**26. (1)** Where an authorised police officer decides—

- (a) to refuse to admit a person to bail; or
- (b) to admit a person to bail subject to conditions,

the officer shall inform the person—

- (c) of his or her decision;
- (d) where bail was refused—that the person is entitled to communicate with a legal practitioner; and
- (e) where the person would be admitted to bail subject to conditions and the conditions are such that the person is unable or unwilling to

comply, or to arrange for compliance, with them—that the person is entitled to communicate with a legal practitioner.

(2) A police officer shall, upon request by a person charged, provide the person with reasonable facilities to communicate with a legal practitioner.

(3) The authorised police officer who considers whether a person should be admitted to bail shall—

(a) where he or she decides to admit the person to bail—take all reasonable steps to inform, as soon as practicable—

(i) the spouse in respect of whom the alleged conduct was engaged in; and

(ii) where the alleged conduct was engaged in in respect of a child—the person who has the care and control of the child,

of the decision and, where the person is admitted to bail subject to conditions, of the conditions; and

(b) where the authorised police officer decides not to admit the person to bail—inform that spouse of the decision.

#### **PART IV—MISCELLANEOUS**

##### **Offence**

27. Where—

(a) a protection order or an interim protection order is made and—

(i) the respondent was present at the time the protection order or interim protection order was made; or

(ii) where the respondent was not present at the time the protection order or interim protection order was made—a copy of the protection order or interim protection order has been served personally on the respondent; and

(b) the respondent contravenes the order in any respect,

the respondent is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both.

**Service other than personal service**

**28.** Where it appears to the Court that it is not reasonably practicable to serve a copy of an application under this Ordinance personally, the Court may—

- (a) order that the copy of the application be served by such other means as the Court thinks just; or
- (b) make an order for substituted service.

**Service of documents by police**

**29. (1)** Where the Court is satisfied, having regard to the material before it, that it is appropriate to do so, the court may direct that a document required to be served on a person be served by a police officer.

**(2)** Where the Court gives a direction under sub-section (1), an authorised police officer shall, when requested to do so by the clerk, arrange for the document to be served by a police officer.

**Restrictions on publication of reports of proceedings**

**30. (1)** A person shall not, otherwise than pursuant to a direction or order of a court, print or publish by any means a report or account of any proceedings under this Ordinance if the printing or publication identifies—

- (a) a party to the proceedings;
- (b) a person who is related to, or associated with, a party to the proceedings or is, or is alleged to be, in any other way concerned in the matter to which the proceedings relate; or
- (c) a witness in the proceedings.

**(2)** A person who contravenes sub-section (1) is guilty of an offence punishable, on conviction—

- (a) in the case of a body corporate—by a fine not exceeding \$25,000; and
- (b) in the case of a natural person—by a fine not exceeding \$5,000, or imprisonment for a period not exceeding 2 years, or both.

**(3)** Proceedings for an offence against this section shall not be commenced except by, or with the consent in writing of, the Attorney-General or the Director of Public Prosecutions.

### Appeals

**31. (1)** Part XIXA of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* applies in relation to an appeal from—

- (a) the making, variation or revocation of a protection order; or
- (b) a refusal of the Magistrates Court to make a protection order,

as if the appeal were an appeal from a judgment or order of a kind specified in sub-section 282C (2) of that Ordinance.

**(2)** An appeal to the Supreme Court does not lie from—

- (a) the making, variation or revocation of an interim protection order; or
- (b) the refusal of the Magistrates Court to make an interim protection order.

### Application of Crimes Act, 1900, &c.

**32.** Nothing in this Ordinance shall be taken to affect the operation of sub-section 547 (1) of the Crimes Act or Part X of the *Magistrates Court Ordinance 1930*.

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## SCHEDULES

### SCHEDULE 1

Section 3

#### Drugs

Amitriptyline and other compounds structurally derived therefrom by substitution in the side chain.

Barbituric acid and its derivatives.

Cabromal.

Chloral hydrate and its derivatives.

Chlordiazepoxide and other substances structurally derived from benzodiazepine with ataractic properties.

Chlormezanone.

Chlorpromazine and other substances structurally derived from phenothiazine with ataractic properties.

Chlorprothixene and other thioxanthenes.

Ethchlorvynol.

Ethinamate.

Glutethimide.

Haloperidol and other substances structurally derived from butyrophenone with ataractic properties.

Meprobamate.

Mianserin and other tetracyclic antidepressants.

Paraldehyde.

Phenelzine and other monoamine oxidase inhibitors with ataractic properties.

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**SCHEDULE 2**

**FORMS**

Form 1

Section 12

*Domestic Violence Ordinance 1986*

**NOTICE OF PROCEEDINGS**

IN THE MAGISTRATES

COURT AT CANBERRA

No. of 19

Between

(*applicant*)

and

(*respondent*)

To the Respondent

An application under section 4 of the *Domestic Violence Ordinance 1986* for a protection order has been made by \_\_\_\_\_ against you. A copy of the application is attached. The application has been set down for hearing on \_\_\_\_\_ 19 at \_\_\_\_\_ (*time*) at \_\_\_\_\_ (*place*)

If you do not appear in person at the hearing of the application, the Court may—

- (a) deal with the application in your absence; or

(b) issue a warrant for your apprehension to be brought before the Court.

Dated 19 .

[Signature]

Clerk of the Magistrates Court

Form 2

Section 19

*Domestic Violence Ordinance 1986*

PROTECTION ORDER *or*  
INTERIM PROTECTION ORDER

IN THE MAGISTRATES

COURT AT CANBERRA

No. of 19

The Court, having heard an application made by [*name of applicant*] under the *Domestic Violence Ordinance 1986* in respect of the conduct [*or threatened conduct*] of [*name of respondent*] towards [*name of person to be protected*]:

Now the Court this day orders that, for [*period*]:

1. [*name of respondent*] not engage in the following conduct:
2. [*name of respondent*] not engage in conduct that constitutes any domestic violence offence.
3. [*name of respondent*] comply with the following prohibitions and conditions:

[specify prohibitions and conditions and any other period or periods for which they are imposed]

Dated 19 .

[Signature]

Clerk of the Magistrates Court

Form 3

Section 19

*Domestic Violence Ordinance 1986*

ORDER VARYING PROTECTION ORDER *or*

INTERIM PROTECTION ORDER

IN THE MAGISTRATES

COURT AT CANBERRA

No.     of 19

The Court, having heard an application made by [*name of applicant*] under the *Domestic Violence Ordinance 1986* in respect of the conduct [*or threatened conduct*] of [*name of respondent*] towards [*name of person to be protected*], and having on [*date of original order*] ordered that, for [*period*]:

1. [*name of respondent*] not engage in the following conduct:
2. [*name of respondent*] not engage in conduct that constitutes any domestic violence offence.
3. [*name of respondent*] comply with the following prohibitions and conditions:

[specify prohibitions and conditions and any other period or periods for which they are imposed]

Now the Court, on the application of [*name of applicant*], this day orders that the Protection Order [*or Interim Protection Order*] be varied as follows:

[*specify details of variation*]

Dated                    19     .     .

[*Signature*]

Clerk of the Magistrates Court

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**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on 4 September 1986.