



Australian Capital Territory

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The republished law

This is a republication of the *Domestic Violence Act 1986* effective from 3 August 1992 to 27 November 1992.

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Australian Capital Territory
DOMESTIC VIOLENCE ACT 1986

Reprinted as at 31 August 1992

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Australian Capital Territory
DOMESTIC VIOLENCE ACT 1986

An Act relating to domestic violence, and for other purposes

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Domestic Violence Act 1986*.¹

Commencement

2. This Act shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.¹

Interpretation

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

“aggrieved person” means a person in respect of whom the alleged conduct has been, or is likely to be, engaged in;

“approved crisis support organisation” means an organisation approved under section 33;

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

“child”—

- (a) means a person who has not attained the age of 18 years; and

- (b) in relation to a person, includes a child—

- (i) who normally or regularly resides with the person; or
- (ii) of whom the person is a guardian;

“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;
- (b) a child of the person or of a spouse of the person;
- (c) a relative; or
- (d) a household member;

“drug” means—

- (a) a substance specified in Schedule 1; or
- (b) a substance that is specified in Schedule 1 or 2 to the *Drugs of Dependence Act 1989*;

“household member”, in relation to a person, means a person who normally resides, or was normally resident, in the same household as the first-mentioned person (other than as a tenant or boarder);

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

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

“prescribed offence” means—

- (a) murder or attempted murder;
- (b) manslaughter or attempted manslaughter; or
- (c) an offence under section 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30 or 31, paragraph 32 (1) (a) or 32 (2) (a) or section 33, 37, 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;

“Registrar” means the Registrar or a Deputy Registrar of the Court;

“relative”, in relation to a person—

(a) means—

(i) the father, mother, grandfather, grandmother, step-father, step-mother, father-in-law or mother-in-law of the person;

(ii) the son, daughter, grandson, granddaughter, step-son, step-daughter, son-in-law or daughter-in-law of the person;

(iii) the brother, sister, half-brother, half-sister, step-brother, step-sister, brother-in-law or sister-in-law of the person;

(iv) the uncle, aunt, uncle-in-law or aunt-in-law of the person;

(v) the nephew or niece of the person; or

(vi) the cousin of the person;

(b) includes a person who would have been a relative of a kind referred to in paragraph (a) if the first-mentioned person had been legally married to his or her defacto spouse; and

(c) includes a former relative of a kind referred to in paragraph (a) or (b);

“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;

“vary” includes adapt and modify.

PART II—PROTECTION ORDERS**Making of 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—
 - (i) a spouse of the respondent;
 - (ii) a relative;
 - (iii) a household member; or
 - (iv) a child of the spouse or of the respondent;that—
 - (v) the spouse, relative, household member or child fears for his or her safety; or
 - (vi) the spouse fears for the safety of the child;

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 subsection (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 orders

5. An application for a protection order may be made by—

- (a) an aggrieved person;
- (b) where the alleged conduct involves a child—
 - (i) a person with whom the child normally resides;
 - (ii) a parent or guardian of the child; or
 - (iii) the child; or
- (c) a police officer.

Date for hearing

6. The Registrar 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 aggrieved person 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 Registrar 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 subsection (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.

Representation of children

7A. (1) Where—

- (a) an application for a protection order is made by a child;
- (b) the child is not separately represented by another person; and
- (c) it appears to the Court that the child should be so represented;

the Court may, of its own motion or on the application of a person (including the child), order that the child be separately represented by another person and the Court may make such other orders as it thinks necessary to secure that representation.

(2) Where the Court orders that a child be separately represented, the Court may request that the representation be arranged by the Legal Aid Office (A.C.T.).

Hearing of application

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

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

- (a) an affidavit; and
- (b) a notice referred to in subsection 206 (1) of that Act,

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 Act, 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 Act, a protection order may—

- (a) prohibit the respondent from being on premises on which the aggrieved person resides or works;
- (b) prohibit the respondent from being on premises specified in the order, being premises frequented by the aggrieved person;
- (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 aggrieved person;
- (e) prohibit the respondent from contacting, harassing, threatening or intimidating the aggrieved person;
- (f) prohibit the respondent from damaging property of the aggrieved person;
- (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 aggrieved person; or
 - (ii) direct the respondent to give specified personal property that is in the possession of the respondent and is reasonably needed by the aggrieved person to the aggrieved person;
- (h) prohibit the respondent from causing another person to engage in the conduct referred to in paragraph (e) or (f) or subparagraph (g) (i); or
- (j) specify conditions subject to which the respondent may—
 - (i) be on premises;
 - (ii) be in a locality; or
 - (iii) approach or contact a person (including a child);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.

(3) Where the Court makes an order that includes a prohibition or direction of a kind referred to in subsection (1), the Court may extend the prohibition or direction to apply in relation to a child of the aggrieved person.

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 aggrieved person is protected from violence or harassment;
- (b) the welfare of a child affected, or likely to be affected, by the respondent's conduct;
- (c) the accommodation needs of the aggrieved person, the children (if any) of the aggrieved person and the children (if any) 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 aggrieved person (other than an aggrieved person who is a child);
- (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 subsection (1), the Court shall consider the matters referred to in paragraphs (1) (a) and (b) as being of primary importance.

Consent orders

10A. The Court may, with the consent of the parties to the proceedings, make any order under this Act without proof or admission of guilt.

Counselling

11. Where the Court makes a protection order, the Court may recommend that the respondent, the aggrieved person or any other person participate in counselling of a nature specified by the Court.

Service of application

12. (1) Subject to section 28, the Registrar 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 aggrieved person (other than an aggrieved person who is a child).

(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 Act; 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 aggrieved person 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.

(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 aggrieved person 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 aggrieved person.

Protection orders, interim protection orders—weapons

14A. (1) Where a protection order is made in respect of a person who is the holder of a licence under the *Weapons Act 1991*, the licence is by force of this section cancelled unless, on application being made to it at the time of the making of the order, the court is satisfied that the licence should not be cancelled.

(2) In determining an application under subsection (1), the court shall have regard to the matters specified in section 10.

(3) The court may, in addition to making the protection order, order the seizure, and detention for the period during which the order is in force, of any dangerous weapon or restricted weapon in the respondent's possession.

(4) Where a licence is cancelled by force of subsection (1) cancellation of the licence takes effect on the date of service of the order on that person.

(5) Where the court makes an interim protection order, it may, if the respondent is the holder of a licence under the *Weapons Act 1991*, make an order—

- (a) suspending the licence for the period specified in the order; and
- (b) directing the seizure and detention for that period of any dangerous weapon or restricted weapon in the respondent's possession.

(6) In this section—

“dangerous weapon” and “restricted weapon” have the same respective meanings as in the *Weapons Act 1991*.

Explaining proposed orders

15. (1) 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 or cause to have explained 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;
- (e) the means by which the proposed order may be varied or revoked; and
- (f) that, where a State or another Territory has reciprocal legislation in force, the proposed order may be registered, and enforced, in that State or other Territory without notice of registration being given to the respondent.

(2) Where—

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

the Court shall, before making the order, explain or cause to have explained to the aggrieved person, in language likely to be readily understood by the aggrieved person—

- (c) the matters specified in paragraphs (1) (c), (d) and (e); and
 - (d) the consequences of the aggrieved person aiding or abetting the respondent in the commission of an offence against section 27.
- (3)** Where—
- (a) the Court proposes to make a protection order or an interim protection order;
 - (b) the aggrieved person is a child; and
 - (c) the person who has the care and control of the child is before the Court;

the Court shall, before making the order, explain or cause to have explained to the person who has that care and control, in language likely to be readily understood by that person—

- (d) the matters specified in paragraphs (1) (c), (d) and (e); and
- (e) the consequences of that person or the aggrieved person aiding or abetting the respondent in the commission of an offence against section 27.

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 subsection (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 subsection (1), the Court may by order vary or revoke the protection order or interim protection order.

(3) The Registrar 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 etc. of order

19. (1) Where a protection order or an interim protection order is made or varied by the Court, the Registrar 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 the Registrar of Weapons; and
 - (ii) each other person who was a party to the proceedings.
- (2) In subsection (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.
- (3) Where an order is made under section 14A, the Registrar shall cause a copy of the order to be forwarded to the Registrar of Weapons.

PART III—BAIL²

Interpretation

20. In this Part—

“prescribed person”, in relation to a person admitted to bail, means—

- (a) a child of the person;
- (b) the aggrieved person; or
- (c) a child, parent, brother or sister of the aggrieved 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 subsection (1), the officer shall consider whether the person should be admitted to bail.

(3) Where an authorised police officer is satisfied, before subsection (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 subsection (2) as the officer considers appropriate.

(2) For the purposes of subsection (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 Territory 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 Territory, 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 Territory 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 aggrieved person; or
 - (ii) where the aggrieved person is 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—
 - (i) the aggrieved person; or
 - (ii) where the aggrieved person is a child—the person who has the care and control of the child.

PART IV—MISCELLANEOUS

Offence

27. (1) 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.

(2) In paragraph (1) (b), a reference to contravening an order shall be read as including a reference to engaging in conduct outside the Territory that, if it were engaged in within the Territory, would contravene the order.

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 Act 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 subsection (1), an authorised police officer shall, when requested to do so by the Registrar, 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 Act 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 to the proceedings.

(2) A person who contravenes subsection (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 Director of Public Prosecutions.

Exemption from restrictions on publication

30A. Section 30 does not apply to a party to proceedings under this Act who informs a person of the contents of an order made in those proceedings.

Appeals

31. (1) Part XIXA of the *Magistrates Court (Civil Jurisdiction) Act 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 subsection 282C (2) of that Act.

(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 etc.

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

Approval of crisis support organisations

33. (1) The Minister may, by notice in the *Gazette*, approve an organisation to be a crisis support organisation for the purposes of this Act.

(2) A notice under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Disclosure of information to an approved crisis support organisation

34. Where a police officer or a staff member of the Australian Federal Police suspects on reasonable grounds that a domestic violence offence has been, is being or is likely to be committed in relation to a person, a police officer or staff member may disclose to an approved crisis support organisation any information that is likely to aid the organisation in rendering assistance to the person or to any children of the person.

SCHEDULES**SCHEDULE 1**

Section 3

Drugs

Amitriptyline and other compounds structurally derived therefrom by substitution in the side chain.
 Barbituric acid and its derivatives.
 Carbromal.
 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.

SCHEDULE 2

FORMS

Form 1

Section 12

Domestic Violence Act 1986

NOTICE OF PROCEEDINGS

IN THE MAGISTRATES
 COURT AT CANBERRA

No. of 19
 (applicant)
 (respondent)

Between
 and

To the Respondent

An application under section 4 of the *Domestic Violence Act 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]

Registrar of the Magistrates Court

SCHEDULE 2—contined

Form 2

Section 19

Domestic Violence Act 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 Act 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*]

Registrar of the Magistrates Court

Note: If a State or another Territory has reciprocal legislation in force, this order may be registered, and enforced, in that State or other Territory without notice of registration being given to the respondent.

Form 3

Section 19

Domestic Violence Act 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 Act 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*]

Registrar of the Magistrates Court

NOTES

1. The *Domestic Violence Act 1986* as shown in this reprint comprises Act No. 52, 1986 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Domestic Violence Ordinance 1986</i>	52, 1986	4 Sept 1986	1 Oct 1986 (see <i>Gazette</i> 1986, No. S484)	
<i>Drug Laws (Consequential Amendments) Ordinance 1989</i>	14, 1989	15 Mar 1989	1 Apr 1989 (see <i>Gazette</i> 1989, No. S109)	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Domestic Violence (Amendment) Act 1990</i>	30, 1990	28 Sept 1990	28 Sept 1990	—
<i>Domestic Violence (Amendment) Act (No. 2) 1990</i>	36, 1990	7 Nov 1990	7 Nov 1990	—
<i>Magistrates Court (Amendment) Act 1990</i>	65, 1990	24 Dec 1990	24 Dec 1990	—
<i>Weapons (Consequential Amendments) Act 1991</i>	9, 1991	3 Apr 1991	Ss. 1 and 2: 3 Apr 1991 Remainder: 3 Oct 1991 (see s. 2 (2))	—
<i>Magistrates and Coroner's Courts (Registrar) Act 1991</i>	44, 1991	20 Sept 1991	Ss. 1 and 2: 20 Sept 1991 Remainder: 25 Sept 1991 (see <i>Gazette</i> 1991, No. S103, p. 2)	—

NOTES—continued**Table of Acts—continued**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Bail (Consequential Amendments) Act 1992</i>	9, 1992	28 May 1992	S. 43 (see Note 2)	—
<i>Domestic Violence (Amendment) Act 1992</i>	34, 1992	8 July 1992	8 July 1992	—
<i>Protection Orders (Reciprocal Arrangements) (Consequential Amendments) Act 1992</i>	37, 1992	8 July 1992	Ss. 7 and 12: 3 August 1992 (see <i>Gazette</i> 1992, No. S130) Remainder: 8 July 1992	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3	am. No. 14, 1989; Act No. 30, 1990; No. 44, 1991; Nos. 34 and 37, 1992
Ss. 4, 5	am. Act No. 30, 1990
S. 6	am. Act No. 44, 1991
S. 7	am. Act No. 30, 1990; No. 44, 1991
S. 7A	ad. Act No. 30, 1990
Ss. 9, 10	am. Act No. 30, 1990
S. 10A	ad. Act No. 30, 1990
S. 11	am. Act No. 30, 1990
S. 12	am. Act No. 30, 1990; No. 44, 1991
S. 14	am. Act No. 30, 1990
S. 14A	ad. Act No. 36, 1990 am. No. 65, 1990; Act No. 9, 1991
S. 15	am. Act No. 30, 1990; No. 37, 1992
S. 18	am. Act No. 44, 1991
S. 19	am. Act No. 36, 1990; Nos. 9 and 44, 1991
S. 20	rs. Act No. 30, 1990
S. 24	am. No. 38, 1989
S. 26	am. Act No. 30, 1990
S. 27	am. Act No. 37, 1992
S. 29	am. Act No. 44, 1991
S. 30	am. No. 38, 1989
S. 30A	ad. Act No. 30, 1990
Ss. 33, 34	ad. Act No. 34, 1992
Schedule 2	am. Act No. 44, 1991; No. 37, 1992

NOTES—continued**Table of Amendments**—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision

How affected

2. Part III is amended by section 43 and the Schedule only of the *Bail (Consequential Amendments) Act 1992*.

The provision of the Schedule applicable to Part III provides as follows:

“Part III—

Repeal the Part.”

Subsections (2) and (3) of the *Bail (Consequential Amendments) Act 1992* provide as follows:

“(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

“(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.”

As at 3 August 1992 no date had been fixed for the commencement of section 43 and the amendment is not incorporated in this reprint.

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