



Australian Capital Territory

Domestic Violence Act 1986

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About this republication

The republished law

This is a republication of the *Domestic Violence Act 1986* effective from 30 May 1997 to 16 October 1997.

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Australian Capital Territory

DOMESTIC VIOLENCE ACT 1986

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Updated as at 29 May 1997

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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—

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- (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) an offence against a provision of the Crimes Act specified in column 1 of Schedule 1A or an attempt to commit such an offence;

- (b) an offence against section 27 of this Act; or

- (c) an offence against section 129 of the *Motor Traffic Act 1936*;

committed by a person so as to cause physical or emotional harm to—

- (d) a spouse of the person;

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

- (f) a relative; or

- (g) 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 Regulations;

“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*;

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“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 de facto spouse; and

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

“relevant family contact order”, in relation to a protection order or an interim protection order, means a Division 11 contact order within the meaning of Division 11 of Part 7 of the *Family Law Act 1975* of the Commonwealth that relates to access between the aggrieved person or the respondent, and any child of either of those persons;

“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 1 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—

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- (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 22 (4) (a) and section 199 of the *Magistrates Court (Civil Jurisdiction) Act 1982* do not apply in relation to proceedings under this Act.

(2) Notwithstanding the provisions of sections 206 and 207 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.

Court to be informed of relevant contact orders

8A. (1) The applicant for a protection order shall inform the Court of any relevant family contact order, or any pending application for such an order, of which the applicant is aware.

(2) A failure to comply with subsection (1) does not affect the validity of a protection order or an interim protection order.

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NOTE: RELATIONSHIP WITH FAMILY LAW ACT

Divisions 10 and 11 of Part 7 of the *Family Law Act* of the Commonwealth deal with the relationship between protection orders and contact orders within the meaning of that Part. In particular, section 68J imposes an obligation on certain persons to inform the court of any protection orders or interim protection orders and under section 68S certain persons may apply for a declaration of the extent to which a contact order is inconsistent with a protection order or an interim protection order.

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);
- (ea) whether access between the aggrieved person or the respondent, and any child of either of those persons, is relevant to the making of the order, and to any relevant family contact order of which the Court is aware;
- (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.

(3) A failure to have regard to any of the matters mentioned in paragraph (1) (ea) does not affect the validity of a protection order or an order varying a protection order.

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.

(2A) In making an interim protection order, the Court shall have regard to whether access between the aggrieved person or the respondent, and any child of either of those persons, is relevant to the making of the order, and to any relevant family contact order of which the Court is aware.

(2B) A failure to have regard to any of the matters mentioned in subsection (2A) does not affect the validity of an interim protection order or an order varying an interim protection order.

(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—firearms

14A. (1) Where a protection order is made in respect of a person who is the holder of a licence under the *Firearms Act 1996*, the licence is by force of this section cancelled.

(2) If the court makes such a protection order, the court may also order—

- (a) the seizure of any firearm and any ammunition for a firearm in the respondent's possession; and
- (b) the seizure of the licence.

(3) Where an interim protection order is made in respect of a person who is the holder of a licence under the *Firearms Act 1996*, the licence is by force of this section suspended until the order is confirmed or revoked and the court may order—

- (a) the seizure of the licence for the period specified in the order; and
- (b) the seizure and detention for that period of any firearm and any ammunition for a firearm in the respondent's possession.

(4) An expression used in this section that is defined in the *Firearms Act 1996* has, in this section, the same meaning as in that Act.

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.

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(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 a protection order, the Court shall have regard to the matters specified in section 10.

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(5) In determining whether to revoke a protection order, the Court shall have regard to the matters specified in section 10, other than the matters specified in paragraph 10 (1) (ea).

(6) In determining whether to vary an interim protection order, the Court shall have regard to—

- (a) the need to ensure the safety of the aggrieved person pending the hearing and determination of the application for a protection order; and
- (b) the matters specified in subsection 14 (2A).

(7) In determining whether to revoke an interim protection order, the Court shall have regard to the need to ensure the safety of the aggrieved person pending the hearing and determination of the application for a protection order.

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 Firearms; 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 Firearms.

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 50 penalty units or imprisonment for a period not exceeding—

- (a) in the case of a first offence—2 years; or
- (b) in any other case—5 years;

or by both fine and imprisonment.

(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 250 penalty units; and
- (b) in the case of a natural person—by a fine not exceeding 50 penalty units, or imprisonment for a period not exceeding 6 months, 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.

Exemptions from restrictions on publication

30A. Section 30 does not apply to—

- (a) a party to proceedings under this Act who informs a person of the contents of an order made in those proceedings; or
- (b) a person who, pursuant to subsection 68J (1) or (2) of the *Family Law Act 1975* of the Commonwealth, informs a court of a protection order or an interim protection order.

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 387 (2) of that Act.

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- (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 1A

Section 3

**DOMESTIC VIOLENCE OFFENCES UNDER THE
CRIMES ACT 1900**

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92H	Unlawful assault or threatening to inflict grievous or actual bodily harm with intent to commit an act of indecency
92J	Committing an act of indecency without consent
92K	Committing an act of indecency upon or in the presence of a young person
92L	Incest or similar offences
92M	Abducting or detaining a person with intent to engage in sexual intercourse
128	Destroying or damaging property
129	Destroying or damaging property by means of fire or explosive
133	Possession of an article with intent to use it to destroy property
145 (1) (a)	Being armed with a weapon or instrument with intent to commit an offence
146	Forcible entry on to land in a manner likely to cause a breach of the peace
493	Possession of an offensive weapon or disabling substance in a public place in circumstances likely to cause alarm
494	Possession of an offensive weapon or disabling substance in circumstances indicating intent to use the weapon or substance
546A	Behaving in an offensive manner

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.

Domestic Violence Act 1986

SCHEDULE 2

FORMS

Form 1

Section 12

Domestic Violence Act 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 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

Domestic Violence Act 1986

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

Domestic Violence Act 1986

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.

2. The *Legislation (Republication) Act 1996* (No. 51, 1996) authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. Those amendments make no change in the law. Amendments made pursuant to that Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

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	—

Domestic Violence Act 1986

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>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)	—
<i>Bail (Consequential Amendments) Act 1992</i>	9, 1992	28 May 1992	Ss. 1 and 2: 28 May 1992 Remainder: 28 Nov 1992	S. 3
<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	—
<i>Statute Law Revision Act 1994</i>	26, 1994	31 May 1994	31 May 1994	—
<i>Statute Law Revision (Penalties) Act 1994</i>	81, 1994	29 Nov 1994	Ss. 1 and 2: 29 Nov 1994 Remainder: 29 Nov 1994 (see <i>Gazette</i> 1994, No. S269, p. 2)	—
(Reprinted as at 31 January 1995)				
<i>Statute Law Revision Act 1995</i>	46, 1995	18 Dec 1995	18 Dec 1995	—
<i>Domestic Violence (Amendment) Act 1996</i>	3, 1996	12 Mar 1996	Ss. 1-3: 12 Mar 1996 Remainder: 11 June 1996 (see s. 2 (2) and <i>C'wealth Gazette</i> 1996, No. GN5, p. 468)	S. 10
<i>Domestic Violence (Amendment) Act (No. 2) 1996</i>	37, 1996	10 July 1996	10 July 1996	—

(Reprinted as at 30 November 1996)

Domestic Violence Act 1986

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>Firearms Act 1996</i>	74, 1996	20 Dec 1996	Ss. 1 and 2: 20 Dec 1996 Remainder: 17 May 1997 (see <i>Gazette</i> 1997, No. S135)	—
<i>Domestic Violence (Amendment) Act 1997</i>	24, 1997	29 May 1997	Ss. 1-3: 29 May 1997 Remainder: 30 May 1997 (see s. 2 (2) and <i>Gazette</i> 1997, No. S149)	—

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; No. 26, 1994; No. 3, 1996; No. 24, 1997
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
S. 8	am. Act No. 46, 1995
S. 8A	ad. Act No. 3, 1996
S. 9	am. Act No. 30, 1990
S. 10	am. Act No. 30, 1990; No. 3, 1996
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; No. 3, 1996
S. 14A.....	ad. Act No. 36, 1990 am. No. 65, 1990; Act No. 9, 1991; No. 74, 1996; No. 24, 1997
S. 15	am. Act No. 30, 1990; No. 37, 1992
S. 18	am. Act No. 44, 1991; No. 3, 1996
S. 19	am. Act No. 36, 1990; Nos. 9 and 44, 1991; No. 74, 1996
Part III (ss. 20-26)	rep. Act No. 9, 1992
S. 20	rs. Act No. 30, 1990 rep. Act No. 9, 1992
Ss. 21-23	rep. Act No. 9, 1992
S. 24	am. No. 38, 1989

Domestic Violence Act 1986

NOTES—continued

Table of Amendments—continued

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

Provision	How affected
	rep. Act No. 9, 1992
S. 25	rep. Act No. 9, 1992
S. 26	am. Act No. 30, 1990
	rep. Act No. 9, 1992
S. 27	am. Act No. 37, 1992; No. 81, 1994; No. 37, 1996
S. 29	am. Act No. 44, 1991
S. 30	am. No. 38, 1989; Act No. 81, 1994
S. 30A	ad. Act No. 30, 1990
	rs. No. 3, 1996
Ss. 33, 34.....	ad. Act No. 34, 1992
S. 31	am. Act No. 46, 1995
Schedule 1A	ad. Act No. 24, 1997
Schedule 2.....	am. Act No. 44, 1991; No. 37, 1992

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