



Australian Capital Territory

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Australian Capital Territory

DOMESTIC VIOLENCE ACT 1986

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TABLE OF PROVISIONS

Section

PART I—PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

PART II—PROTECTION ORDERS

4. Protection orders
- 4A. Nature of domestic violence
5. Applications for orders
6. Date for return of application before the Court
7. Parties
- 7A. Representation of children
8. Hearing of application
- 8A. Court to be informed of relevant contact orders
- 8B. Evidence
9. Restrictions in order
10. Matters to be taken into account
- 10A. Consent orders
11. Recommendations by the Court
12. Service of application
13. Procedure in absence of respondent
14. Interim orders
- 14A. Protection orders, interim protection orders—firearms

Domestic Violence Act 1986

TABLE OF PROVISIONS—continued

- 15. Explaining proposed orders
 - 16. Criminal proceedings: hearing of application
 - 17. Duration of order
 - 17A. Application for extension of order
 - 17B. Court action on extension request
 - 17C. Application for cancellation of extended order
 - 19. Service etc. of order
 - 19A. Practice directions
 - 19B. Limitation on powers of Registrar
 - 19C. Application not invalid only because made under wrong Act
 - 19D. Offence
 - 19E. Recovery of certain expenses
- PART IIA—EMERGENCY PROTECTION ORDERS**
- 19F. Emergency protection orders
 - 19G. Recording of reasons when no emergency protection order is applied for
 - 19H. Duration of emergency protection orders
 - 19I. Procedure for obtaining an emergency protection order
 - 19J. Detention of person against whom an order is sought
 - 19K. Serving an emergency protection order
 - 19L. Revoking or varying an emergency protection order
 - 19M. Effect of orders on licences for firearms
 - 19N. Authorisation of judicial officers
- PART III—THE DOMESTIC VIOLENCE PREVENTION COUNCIL**
- 20. Interpretation
 - 21. Establishment
 - 22. Objective and functions
 - 23. Membership
 - 24. Terms of appointment
 - 25. Resignation
 - 25A. Termination of appointment
 - 26. Meetings of Council
 - 26A. Procedure at meetings
- PART IIIA—OFFICE OF DOMESTIC VIOLENCE PROJECT COORDINATOR**
- 26B. Interpretation
 - 26C. Appointment
 - 26D. Functions

Domestic Violence Act 1986

TABLE OF PROVISIONS—continued

- 26E. Powers
- 26F. Terms of office
- 26G. Resignation
- 26H. Termination of appointment
- 26I. Acting Coordinator
- 26J. Legal immunity

PART IV—MISCELLANEOUS

- 28. Service other than personal service
- 29. Service of documents by police
- 30. Restriction on publication of reports of proceedings
- 30A. Limits of restriction on publication
- 31. Appeals
- 32. Application of Crimes Act 1900 etc.
- 33. Approval of crisis support organisations
- 34. Disclosure of information to an approved crisis support organisation

**SCHEDULE 1A
DOMESTIC VIOLENCE OFFENCES UNDER THE
CRIMES ACT 1900**

**SCHEDULE 1
DRUGS**

**SCHEDULE 2
FORMS**



Australian Capital Territory

DOMESTIC VIOLENCE ACT 1986

An Act relating to domestic violence, and for other purposes

PART I—PRELIMINARY

1. Short title

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

2. Commencement

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

3. Interpretation

(1) 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—

Domestic Violence Act 1986

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

“Community Advocate” means the Community Advocate appointed under the *Community Advocate Act 1991*;

“Court” means the Magistrates Court;

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

“domestic violence” has the meaning given by section 4A;

“domestic violence offence” means an offence referred to in paragraph 4A (1) (c);

“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*;

“emergency protection order” means an order made under section 19F;

“extension request” means a notice referred to in subsection 17A (1);

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

“judicial officer” means—

- (a) a Magistrate;
- (b) the Registrar of the Court; or
- (c) a person authorised to act as a judicial officer under section 19N;

“MC (CJ) Act” means the *Magistrates Court (Civil Jurisdiction) Act 1982*;

“original order” means a protection order that is sought to be extended, whether or not that order has already been extended;

“protection order” means an order made under subsection 4 (1);

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

“relative”, in relation to a person—

- (a) means—

Domestic Violence Act 1986

- (i) the father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law or mother-in-law of the person;
 - (ii) the son, daughter, grandson, granddaughter, stepson, stepdaughter, son-in-law or daughter-in-law of the person;
 - (iii) the brother, sister, half-brother, half-sister, stepbrother, stepsister, 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 firstmentioned 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;

“relevant period”, in relation to the extension of an original order, means—

- (a) if the period of the extension applied for is—
 - (i) equal to the period of the original order; or
 - (ii) 2 years or less;

the period of the extension applied for; or

- (b) in any other case—a period of 2 years;

commencing on the day on which the original order expires;

“relevant person”, in relation to a person, means—

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

- (d) a person who normally resides, or was normally resident in, the same household as the person (other than as a tenant or boarder);

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

“sitting hours of the Court” has the meaning given by subsection (2);

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

“vary” includes adapt and modify.

- (2) For the purposes of this Act, a time is within the sitting hours of the Court if it is—
 - (a) on a day on which the Court is open for business; and
 - (b) between the earliest and latest times that the Court would normally sit on that day.

PART II—PROTECTION ORDERS

4. Protection orders

(1) Where the Court is satisfied, on the balance of probabilities, that a person has engaged in conduct that constitutes domestic violence, it may make an order against the person in accordance with this Part (in this Act called a “protection order”) that restrains the respondent from engaging in conduct that constitutes domestic violence.

(2) A protection order may also include 1 or more of the conditions specified in section 9.

(3) A protection order applies to the respondent’s conduct both within and outside the Territory.

(4) The Court may make an order in accordance with this Part varying or revoking a protection order.

4A. Nature of domestic violence

(1) For the purposes of this Act, a person’s conduct constitutes domestic violence if it—

- (a) causes physical injury to a relevant person;

Domestic Violence Act 1986

- (b) causes damage to the property of a relevant person;
- (c) is directed at a relevant person and constitutes an offence against—
 - (i) section 19D (breach of an order under this Act);
 - (ii) a provision of the *Crimes Act 1900* specified in Schedule 1A; or
 - (iii) section 129 of the *Motor Traffic Act 1936*;
- (d) constitutes a threat, made to a relevant person, to do anything in relation to that or another relevant person that would fall under paragraph (a), (b) or (c); or
- (e) is harassing or offensive towards a relevant person.

(2) In subsection (1), a reference to conduct that constitutes an offence includes a reference to conduct, wherever engaged in, that would constitute the offence if it were engaged in within the Territory.

5. Applications for orders

- (1) The Court may make a protection order on application by—
- (a) an aggrieved person;
 - (b) where the alleged behaviour involves a child—
 - (i) a person with whom the child normally resides;
 - (ii) a parent or guardian of the child;
 - (iii) the Community Advocate; or
 - (iv) the child;
 - (c) where the aggrieved person is a person under a disability within the meaning of the MC (CJ) Act—the Community Advocate; or
 - (d) a police officer.
- (2) An application to vary or revoke a protection order may be made by a person—
- (a) who was a party in the proceedings in which the order was made, or in proceedings in which the order was previously varied; or
 - (b) whom the Court is satisfied would have been entitled, if no earlier order had been made, to make an application now for a protection order against the respondent.
- (3) The Court shall not proceed with an application made by the Community Advocate unless it is satisfied that the Community Advocate is an appropriate person to make the application in the circumstances.

(4) An application for a protection order, or for a variation or revocation of a protection order, shall, subject to this Part, be made in accordance with Part III of the MC (CJ) Act.

(5) This section does not affect any right that a person would have, apart from this section, to make an application on behalf of an aggrieved person or a child referred to in paragraph (1) (b).

6. Date for return of application before the Court

(1) Unless subsection (2) applies, the Registrar shall fix a date for the return before the Court of an application for—

- (a) a protection order; or
- (b) the variation or revocation of a protection order;

that is not more than 2 days after the application is filed.

(2) Where—

- (a) the application is not for an ex parte order;
- (b) the applicant requests a later date; and
- (c) the Registrar is satisfied that the later date is necessary to give reasonable time for service of the application on the respondent;

the Registrar may fix a later date for the return of the application, being a date not more than 21 days after the date on which the application is filed.

7. Parties

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

(2) Where the applicant is not an aggrieved person, the person identified in the application as aggrieved 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.

7A. Representation of children

(1) Where—

- (a) an application for a protection order, or for the variation or revocation of 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.).

8. Hearing of application

(1) Paragraph 22 (4) (a) and section 199 of the MC (CJ) Act do not apply in relation to proceedings under this Act.

(2) Notwithstanding the provisions of sections 206 and 207 of the MC (CJ) Act—

- (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.

8A. Court to be informed of relevant contact orders

- (1) The applicant for a protection order, or for the variation or revocation of 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.

NOTE: RELATIONSHIP WITH FAMILY LAW ACT

Divisions 10 and 11 of Part 7 of the *Family Law Act 1975* 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.

8B. Evidence

- (1) Where, in proceedings under this Act, the Court is satisfied that it is appropriate, it may—
 - (a) permit evidence to be given orally or in writing otherwise than on oath; and
 - (b) inform itself on any matter in any manner it thinks fit.
- (2) This section does not limit the application of Part XV of the MC (CJ) Act to proceedings under this Act.

9. Restrictions in order

- (1) Subject to this Act, a protection order may impose such restraints or conditions on the respondent as the Court is satisfied are necessary or desirable in the circumstances, and may, for example—
 - (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;

Domestic Violence Act 1986

- (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);
- (ha) prohibit the respondent doing any of the things referred to in paragraphs (a) to (f), subparagraph (g) (i) or paragraph (h) in relation to a child of the aggrieved person; 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.

10. Matters to be taken into account

(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 domestic violence;
- (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;
 - (eb) if the respondent has previously engaged in conduct that constitutes domestic violence—that conduct;
 - (ec) if a protection order has been made in relation to the respondent at any time—particulars of the order;
 - (ed) if the respondent has contravened a protection order made in relation to him or her—particulars of the contravention;
 - (ee) the need to ensure that property is protected from damage;
 - (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.
- (5) In paragraphs (1) (ec) and (ed), a reference to a protection order shall be read as including a reference to an order under a law of a State or another Territory having the same effect or substantially the same effect as a protection order.

10A. Consent orders

The Court may, with the consent of the parties to the proceedings, make any order under this Act without proof or admission that the respondent has engaged in conduct that constitutes domestic violence.

11. Recommendations by the Court

When the Court hears an application under this Act, the Court may recommend that the respondent, the aggrieved person or any other person participate in a program of counselling, training, rehabilitation or assessment of a kind specified by the Court.

12. Service of application

(1) Subject to section 28, the Registrar shall, as soon as practicable after an application for a protection order, or for the variation or revocation of 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.

13. Procedure in absence of respondent

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;

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.

14. Interim orders

(1) Where—

Domestic Violence Act 1986

- (a) an application for a protection order or a variation of 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—

- (a) by oral evidence on oath given by the applicant; or
- (b) where the Court is satisfied that it would be unreasonable in the circumstances to require the applicant to give oral evidence—by affidavit evidence 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.

(3) An interim protection order—

- (a) shall restrain the respondent from engaging in the conduct on which the application is based;
- (aa) applies to the respondent's conduct both within and outside the Territory; and
- (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.

(4) The Court may vary or revoke an interim protection order where it is satisfied that it is necessary or desirable having regard to the matters in paragraph (1) (b) and subsection (2A).

14A. Protection orders, interim protection orders—firearms

(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.

15. Explaining proposed orders

(1) Where—

- (a) the Court proposes to make or vary 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 or vary 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 19D.

(3) Where—

- (a) the Court proposes to make or vary 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 19D.

16. Criminal proceedings: hearing of application

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.

17. Duration of order

(1) Unless the Court specifies otherwise in the order, a protection order remains in force for a period of 2 years.

(1A) The Court shall not specify that an order is to remain in force—

- (a) for a period greater than 2 years; or
- (b) until the Court otherwise orders;

unless satisfied that there are special or exceptional circumstances that justify the making of such an 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) An interim protection order remains in force for the period, being a period of not more than 21 days, specified in the order.

(3A) The Court shall not specify a period of more than 10 days for the purposes of subsection (3), unless the Court is satisfied that a longer period will be necessary to complete the proceedings and to allow service on the respondent of any protection order, or variation of a protection order, resulting from the proceedings.

(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.

17A. Application for extension of order

(1) No later than 21 days before the day on which a protection order is to expire, a person who would have been entitled under section 5 to have applied for the order may lodge with the Registrar a notice requesting an extension of the order.

- (2) Notwithstanding subsection (1), the Court may grant leave to a person to lodge an extension request less than 21 days before the expiration of the original order.
- (3) An extension request shall—
- (a) be in a form approved by the Registrar; and
 - (b) contain statements to the following effect:
 - (i) that the respondent may, on or before the day fixed for the hearing of the request, lodge with the Registrar a notice in a form approved by the Registrar opposing the extension of the order;
 - (ii) if no notice opposing the extension of the original order is made before the day fixed for the hearing of the request, the order shall be extended for the relevant period commencing on the day on which the original order expires.

17B. Court action on extension request

- (1) Where an extension request is lodged with the Registrar in accordance with section 17A—
- (a) the Court shall fix a hearing date no later than 14 days after the day on which the request is lodged; and
 - (b) the Registrar shall endeavour to cause notice of the making of the extension request and of the date fixed for hearing the request to be served on the respondent.
- (2) If notice of the making of the extension request and of the date fixed for hearing the request has not been served on the respondent before the date fixed for hearing the request—
- (a) the Court may extend the original order for the relevant period notwithstanding the absence of the respondent; and
 - (b) if the Court extends the order—the Court shall cause to be personally served on the respondent notice to the effect that—
 - (i) the original order has been extended; and
 - (ii) the respondent may, within 7 days of being personally served with the notice, apply for the cancellation of the extended order.
- (3) The Court shall extend an original order for the relevant period—
- (a) if, on the hearing of the extension request, the respondent fails to satisfy the Court that the order should not be extended;

- (b) if—
 - (i) notice of the making of the extension request and of the date fixed for hearing the request has been served on the respondent before the date fixed for hearing the request; and
 - (ii) the respondent does not lodge a notice opposing the extension on or before the date of the hearing; or
- (c) if—
 - (i) the respondent has lodged with the Registrar on or before the date fixed for the hearing of the extension request a notice opposing the extension of the order;
 - (ii) the respondent fails to appear on the date fixed for the hearing; and
 - (iii) the Court is satisfied that an adjournment is not warranted.

(4) The Court may grant an interim extension of an original order where the respondent has lodged with the Registrar on or before the date fixed for the hearing of the extension request a notice opposing the extension of the order—

- (a) if there is insufficient time to hear and determine the extension request before the expiration of the original order; or
- (b) if—
 - (i) the respondent fails to appear on the date fixed for hearing; and
 - (ii) the Court is satisfied that an adjournment is warranted.

(5) Where the Court grants an interim extension of an original order in accordance with subsection (4), it shall notify the respondent and applicant of the time fixed for the further hearing or the new hearing.

(6) If, on the hearing of a request for extension, the respondent satisfies the Court that the original order should not be extended, the Court shall not extend the order.

(7) A notice opposing the extension of an order shall be in a form approved by the Registrar.

17C. Application for cancellation of extended order

(1) If, within 7 days of being personally served with a notice in accordance with paragraph 17B (2) (b), a person lodges with the Registrar an application for cancellation of a protection order extended in accordance with subsection 17B (2), the Court shall—

Domestic Violence Act 1986

- (a) fix a hearing date; and
 - (b) notify the person who applied for the extension of the original order of the making of the application and of the hearing date.
- (2) If, on the hearing of an application referred to in subsection (1), the applicant satisfies the Court that the protection order should be cancelled, the Court shall—
- (a) cancel the order; and
 - (b) notify any person who was protected by the order and who is not present at the hearing that the order has been cancelled.

19. Service etc. of order

(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.

19A. Practice directions

Without limiting section 470 of the MC (CJ) Act, directions under that section with respect to procedures to be followed in proceedings under this Act may be directed at expediting the proceedings, in particular—

- (a) by means of conferences or other informal procedures; and
- (b) by taking measures to define and limit issues in the proceedings.

19B. Limitation on powers of Registrar

The Registrar shall exercise the powers under section 481 of the MC (CJ) Act in relation to an application under this Act only with the authorisation of the Chief Magistrate.

19C. Application not invalid only because made under wrong Act

- (1) This section applies where—
- (a) a person applied in good faith for a protection order under this Part;
 - (b) the person was not entitled to apply for a protection order in respect of the alleged conduct of the respondent, but was entitled to apply for a restraining order under Part X of the *Magistrates Court Act 1930*; and
 - (c) proceedings have commenced on the basis of the application.
- (2) If the proceedings have not concluded at the time when it becomes apparent that this section applies, the Court shall direct either—
- (a) that the proceedings be continued under this Part; or
 - (b) that the proceedings be continued under Part X of the *Magistrates Court Act 1930*.
- (3) If the proceedings have concluded before it becomes apparent that this section applies, any order purportedly made under this Part is as valid as if the application and order had been made under Part X of the *Magistrates Court Act 1930*.
- (4) Where the Court makes a direction under paragraph (2) (a), the proceedings shall be continued as if the applicant were a person entitled to apply for an order against the respondent under this Part.
- (5) Where the Court makes a direction under paragraph (2) (b), the proceedings shall be continued as if the application had been made and proceedings commenced under Part X of the *Magistrates Court Act 1930*.

19D. Offence

(1) A person who is subject to a protection order, an interim protection order or an emergency protection order and—

- (a) was present at the time the order was made; or
- (b) has been personally served with a copy of the order;

shall not contravene the order in any respect.

Penalty: 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 both a fine and imprisonment.

(2) This section applies in relation to the person's conduct whether within or outside the Territory.

19E. Recovery of certain expenses

- (1) Where the Court is satisfied that—
- (a) an application is frivolous, vexatious or has not been made in good faith; and
 - (b) a person other than the applicant has reasonably incurred expenses in relation to the proceeding in respect of the application;

the Court may order the applicant to pay to the other person an amount, not exceeding the expenses incurred, that it considers reasonable in the circumstances.

(2) The amount specified in the order is a debt due to the person by the applicant.

(3) This section shall not be taken to limit the power of the Court under the MC (CJ) Act to make an order for the payment of costs in proceedings under this Act.

PART IIA—EMERGENCY PROTECTION ORDERS

19F. Emergency protection orders

(1) A judicial officer may make an emergency protection order against a person in relation to a relevant person (in this section called the “aggrieved person”) if—

- (a) the time is outside the sitting hours of the Court; and
- (b) on an application by a police officer in accordance with this Part, the judicial officer is satisfied that—
 - (i) the respondent has engaged in conduct that gives reasonable grounds for believing that the respondent might, unless restrained, physically injure the aggrieved person; and
 - (ii) it is not practicable to arrest, or there are no grounds for arresting, the respondent.

- (2) An emergency protection order—
- (a) shall restrain the respondent from engaging in the conduct in relation to the aggrieved person on which the application for the order is based;
 - (b) applies to the respondent's conduct both within and outside the Territory;
 - (c) may prohibit the respondent from being on premises on which the aggrieved person resides;
 - (d) shall not prohibit a respondent under the age of 18 from being on premises on which he or she normally resides unless the judicial officer is satisfied that adequate arrangements have been made for his or her care and safety; and
 - (e) may contain a prohibition or condition specified in section 9 if the judicial officer is satisfied, in the circumstances of the case, that it is necessary to ensure the safety of the aggrieved person.
- (3) In making an emergency protection order, a judicial officer 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 contact order of which the judicial officer is aware.
- (4) A failure to have regard to the matters mentioned in subsection (3) does not affect the validity of an emergency protection order.

19G. Recording of reasons when no emergency protection order is applied for

Where a police officer—

- (a) deals with an incident in which the conduct of a person and the other circumstances appear to constitute the grounds mentioned in subsection 19F (1) for an emergency protection order; and
- (b) decides not to apply for an emergency protection order;

he or she shall make a record of the decision, setting down briefly the reasons for it.

19H. Duration of emergency protection orders

- (1) An emergency protection order remains in force until—
- (a) the close of business of the second sitting day of the Court following the issue of the order;

- (b) a protection order or interim protection order is made against the respondent in relation to the aggrieved person; or
 - (c) the order is revoked under section 19L;
- whichever is earlier.
- (2) An emergency protection order shall not be renewed or extended.

19I. Procedure for obtaining an emergency protection order

- (1) A police officer may apply to a judicial officer by telephone for an emergency protection order.
- (2) The police officer shall—
- (a) satisfy the judicial officer as to his or her identity and position;
 - (b) describe the conduct on which the application is based;
 - (c) give the reasons for the application;
 - (d) inform the judicial officer of any relevant family contact order, or any pending application for such an order, of which the police officer is aware; and
 - (e) provide such other information as the judicial officer requires.
- (3) Where it is reasonably practicable in the circumstances, the police officer shall provide a brief written statement of the matters mentioned in paragraphs (2) (b) and (c) by facsimile.
- (4) An order shall be made in a form approved by the Registrar of the Court, including—
- (a) the name, rank and identification number of the police officer;
 - (b) the name of the person for whose protection the order is sought;
 - (c) the terms of the order;
 - (d) the date and time the order was made; and
 - (e) the name and position of the judicial officer.
- (5) The order shall be—
- (a) where it is reasonably practicable—sent to the police officer by facsimile; or
 - (b) otherwise—dictated to the police officer by telephone.

(6) A paper produced by the facsimile transmission or written under the dictation mentioned in subsection (4) shall be treated as the emergency protection order.

(7) The judicial officer shall record in writing—

- (a) if the statement mentioned in subsection (3) has not been provided by facsimile—a brief account of the description and reasons mentioned in paragraphs (2) (b) and (c); and
- (b) if the application is refused—
 - (i) the name, rank and identification number of the police officer;
 - (ii) the name of the person for whose protection the order is sought; and
 - (iii) the reasons for refusing to make the order.

(8) The judicial officer shall provide the record (including any facsimiles received from the police officer) and any order made, or copies of them, to the proper officer of the Court.

19J. Detention of person against whom an order is sought

(1) Where it is proposed to apply for an emergency protection order against a person, a police officer may—

- (a) where appropriate, remove the person to another place; and
- (b) detain the person until the application for the order has been dealt with and any order served on the person.

(2) A person shall not be detained under this section for longer than 4 hours.

19K. Serving an emergency protection order

(1) A copy of an emergency protection order shall be served personally on each of the respondent and the aggrieved person by a police officer as soon as is reasonably possible.

(2) The police officer serving the order shall take such steps as are reasonable in the circumstances to explain to the respondent the effect of the order and the consequences of breaching it.

19L. Revoking or varying an emergency protection order

(1) An emergency protection order may be revoked by an order of the Court on an application by a police officer, the respondent or the aggrieved person.

(2) Outside the sitting hours of the Court, an emergency protection order may be revoked or varied by a judicial officer, on an application by a police officer.

(3) The procedure for revoking or varying an emergency protection order under subsection (2) is the same, subject to any necessary modifications, as that set out in—

- (a) section 19I, with paragraph (2) (b) omitted; and
- (b) section 19K.

19M. Effect of orders on licences for firearms

(1) Where an emergency protection order is made in respect of a person who holds a licence under the *Firearms Act 1996*, the licence is by force of this section suspended while the order remains in force, and the order may require—

- (a) the seizure of the licence for the period of 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.

(2) Where an expression used in this section is defined in the *Firearms Act 1996*, it has the same meaning as in that Act.

19N. Authorisation of judicial officers

The Chief Magistrate may, by instrument in writing, authorise a Deputy Registrar of the Court to act as a judicial officer for the purposes of this Part.

PART III—THE DOMESTIC VIOLENCE PREVENTION COUNCIL

20. Interpretation

In this Part—

“appointed member” means a member appointed under subsection 23 (6);

“Council” means the Domestic Violence Prevention Council established by section 21;

“member” means a member of the Council and includes the Chairperson;

“statutory office” means an office established by an Act;

“statutory office holder” means the holder of a statutory office and includes a person who at any time occupies for the time being, or performs for the time being the duties of, the office.

21. Establishment

There is hereby established a council to be known as the Domestic Violence Prevention Council.

22. Objective and functions

(1) The objective of the Council is to reduce the incidence of domestic violence offences.

(2) The functions of the Council are—

- (a) to promote collaboration among government agencies and non-government organisations involved in—
 - (i) law enforcement; or
 - (ii) the provision of health, education, crisis or welfare services to victims or perpetrators of domestic violence or otherwise relating to the incidence or prevention of domestic violence;
- (b) to assist and encourage the agencies and organisations referred to in paragraph (a) to promote projects and programs aimed at enhancing the safety and security of victims of domestic violence offences, with particular regard to children;
- (c) to advise the Minister on any matter relating to domestic violence;
- (d) to inquire into and provide advice to the Minister on matters relating to domestic violence that have been referred to the Council by the Minister;
- (e) to establish and maintain links with and among government agencies and non-government organisations concerned with domestic violence;
- (f) to assist government agencies and non-government organisations to develop procedures for the collection, standardisation and sharing of statistical information relating to domestic violence offences;
- (g) to collect statistical and other information relating to domestic violence offences;
- (h) to prepare and submit to the Minister a plan for dealing with domestic violence in the community, including recommendations on—
 - (i) any changes in the law or its administration that may be necessary;

- (ii) improving the effectiveness of the provision of assistance to victims of domestic violence offences;
 - (iii) the prevention of the occurrence of domestic violence offences; and
 - (iv) developing systems for monitoring the effectiveness of any programs recommended in the plan that are implemented;
- (i) to monitor developments within and outside Australia of legislation, policy and community views on domestic violence and the provision of health and welfare services to victims and perpetrators of domestic violence offences; and
 - (j) to give directions to the Domestic Violence Project Coordinator.

23. Membership

- (1) The Council consists of the Chairperson and 12 other members.
- (2) The Minister shall, by instrument, appoint a Chairperson of the Council.
- (3) Not less than 6 members shall be persons who, in the opinion of the Minister, are familiar with the views and interests of the community on matters relating to domestic violence and are capable of representing those views and interests, and shall include—
 - (a) at least 1 person who is capable of representing the views and interests of persons of Aboriginal and Torres Strait Islands descent; and
 - (b) at least 1 person who is capable of representing the views and interests of other persons of non-English speaking background.
- (4) The remaining members shall be—
 - (a) the Domestic Violence Project Coordinator;
 - (b) other statutory office holders who hold statutory offices specified by the Minister by instrument; or
 - (c) public servants who—
 - (i) occupy an office the functions of which involve dealing with matters that are relevant to a function of the Council; and
 - (ii) in the opinion of the Minister, have such experience and expertise as would assist the Council in the discharge of its functions.
- (5) The Minister shall not specify a statutory office for the purposes of paragraph (4) (b) unless satisfied that the discharge of the functions of the

office requires its holder to have such experience and expertise as would assist the Council in the discharge of its functions.

(6) A person referred to in subsection (3) or paragraph (4) (c) shall be appointed by the Minister by instrument.

(7) The performance of a function by the Council is not affected by reason only of there being a vacancy or vacancies in its membership.

24. Terms of appointment

(1) Subject to this Part—

- (a) the Chairperson holds office for such period not exceeding 2 years as is specified in the instrument of appointment;
- (b) any member who is a statutory office holder holds office as a member while he or she holds the relevant statutory office;
- (c) a member referred to in subsection 23 (3) holds office for such period not exceeding 2 years as is specified in the instrument of appointment; and
- (d) a member referred to in paragraph 23 (4) (c) holds office as a member while he or she occupies an office referred to in subparagraph 23 (4) (c) (i).

(2) A member is eligible for reappointment.

25. Resignation

An appointed member may resign his or her office by notice in writing signed by the member and delivered to the Minister.

25A. Termination of appointment

The Minister shall terminate the appointment of an appointed member—

- (a) for misbehaviour;
- (b) for physical or mental incapacity;
- (c) if he or she becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of remuneration for the benefit of those creditors;
- (d) is absent, without the permission of the Chairperson, from—
 - (i) 3 consecutive meetings of the Council; or
 - (ii) 4 out of 6 consecutive meetings of the Council; or

- (e) is convicted, in Australia or elsewhere, of an offence punishable by imprisonment for 1 year or longer.

26. Meetings of Council

- (1) The Chairperson shall convene a meeting of the Council—
 - (a) whenever he or she deems it necessary for the effective discharge of the functions of the Council;
 - (b) on receipt of a written request by the Minister;
 - (c) on receipt of a written request signed by not less than 3 other members of the Council; or
 - (d) whenever necessary in order to ensure that subsection (2) is complied with.
- (2) The Council shall hold a meeting at least once in any period of 3 months.
- (3) The Council shall hold a meeting in accordance with any resolution of the Council.

26A. Procedure at meetings

- (1) The Chairperson shall preside at all meetings at which he or she is present.
- (2) If the Chairperson is not present at a meeting or part of a meeting, the members present shall elect 1 of their number to preside at the meeting or part.
- (3) At a meeting of the Council a quorum shall consist of the majority of members for the time being.
- (4) Questions arising at a meeting shall be decided by a majority of votes of members present and voting.
- (5) The Council shall keep written minutes of its proceedings.
- (6) Subject to this Act, the procedures of the Council shall be as the Council determines.

**PART IIIA—OFFICE OF DOMESTIC VIOLENCE
PROJECT COORDINATOR**

26B. Interpretation

In this Part—

“Coordinator” means the Domestic Violence Project Coordinator appointed under section 26C.

26C. Appointment

- (1) There shall be a Domestic Violence Project Coordinator.
- (2) The Coordinator shall be appointed by the Minister in writing.

26D. Functions

The Coordinator has the following functions in relation to domestic violence:

- (a) to monitor and promote compliance with the policies of the Territory and Commonwealth governments;
- (b) to assist government agencies and non-government organisations involved in—
 - (i) law enforcement; or
 - (ii) the provision of health, education, crisis or welfare services to victims or perpetrators of domestic violence or otherwise relating to the incidence or prevention of domestic violence;to provide services of the highest standard;
- (c) to assist and encourage the agencies and organisations referred to in paragraph (b) to provide appropriate educational programs;
- (d) to facilitate cooperation among the agencies and organisations referred to in paragraph (b);
- (e) to assist in the development and implementation of policies and programs as directed by the Council;
- (f) to carry out such other functions as the Domestic Violence Prevention Council directs.

26E. Powers

The Coordinator has power to do all things necessary or convenient to be done in connection with the performance of his or her functions.

26F. Terms of office

The Coordinator holds office, subject to this Part—

- (a) for such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for reappointment; and

- (b) on such terms and conditions (if any) in relation to matters not provided for by this Act as are specified in the instrument of appointment.

26G. Resignation

The Coordinator may resign by giving a signed notice of resignation to the Minister.

26H. Termination of appointment

The Minister may terminate the appointment of the Coordinator—

- (a) for misbehaviour or physical or mental incapacity; or
- (b) in accordance with the instrument of appointment.

26I. Acting Coordinator

(1) The Minister may, in writing, appoint a person to act as the Coordinator—

- (a) during a vacancy in the office of the Coordinator, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Coordinator is for any reason unable to perform the functions of the office.

(2) A person appointed to act as the Coordinator during a vacancy in the office of Coordinator shall not so act continuously for more than 12 months.

(3) Anything done by or in relation to a person purporting to act pursuant to an appointment under subsection (1) is not invalid on the ground that—

- (a) the appointment was ineffective or had ceased to have effect; or
- (b) the occasion to act had not arisen or had ceased.

26J. Legal immunity

(1) No action, suit or proceeding lies against a person who is or has been—

- (a) the Coordinator; or
- (b) a person acting under the direction or authority of the Coordinator;

in relation to an act done or omitted to be done in good faith in the performance, or purported performance, of a function of the Coordinator under or in relation to this Act or another law.

(2) Subsection (1) does not affect any liability that the Territory would have, but for that subsection, in respect of the act or omission.

PART IV—MISCELLANEOUS

28. Service other than personal service

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.

29. Service of documents by police

(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.

30. Restriction on publication of reports of proceedings

(1) Subject to this Act, a person shall not disseminate to the public or to a section of the public, by any means, an account of any proceedings, or of a part of any proceedings, under this Act that 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.

30A. Limits of restriction on publication

(1) Section 30 does not prevent a party to proceedings under this Act from informing another person of the contents of an order made in those proceedings.

(2) Section 30 does not prevent—

- (a) any information from being disseminated with the permission of the Court in writing, in accordance with any conditions imposed by the Court;
- (b) any information from being communicated to a court or tribunal under subsection 68J (1) or (2) of the *Family Law Act 1975* of the Commonwealth;
- (c) any pleading, transcript of evidence or other document from being communicated to—
 - (i) persons concerned with other proceedings in a court or tribunal, for use in connection with those proceedings;
 - (ii) persons concerned with disciplinary proceedings of a legal practitioner, for use in connection with those proceedings; or
 - (iii) a body that grants legal aid, for the purpose of deciding whether to provide legal aid in a particular case;
- (d) any matter from being published in law reports or other technical or professional publications; or
- (e) any matter from being disseminated to a person in connection with the person's professional practice.

(3) The Court shall not give permission to disseminate information that would identify a person referred to in subsection 30 (1) unless it is satisfied that—

- (a) it is in the public interest;
- (b) it will promote compliance with the order; or
- (c) it is necessary or desirable for the proper functioning of this Act.

(4) In subsection (2)—

“Court” includes an officer of the Court acting in the proceedings.

31. Appeals

(1) Part XXI of the MC (CJ) Act 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.

(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.

32. Application of Crimes Act 1900 etc.

Nothing in this Act shall be taken to affect the operation of subsection 547 (1) of the *Crimes Act 1900* or Part X of the *Magistrates Court Act 1930*.

33. Approval of crisis support organisations

(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*.

34. Disclosure of information to an approved crisis support organisation

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.

SCHEDULE 1A

Subparagraph 4A
(1) (c) (ii)

1. An offence listed in the following table:

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

Column 1 Provision	Column 2 Description of offence
12	Murder
15	Manslaughter
19	Intentionally inflicting grievous bodily harm
20	Recklessly inflicting grievous bodily harm
21	Wounding
22	Assault with intent to commit certain indictable offences
23	Intentionally or recklessly inflicting actual bodily harm
24	Assault occasioning actual bodily harm
25	Unlawfully or negligently causing grievous bodily harm
26	Common assault
27	Acts endangering human life
28	Acts endangering the health, safety or physical wellbeing of another person
29	Culpable driving of a motor vehicle
30	Threatening to kill
31	Threatening to inflict grievous bodily harm
32 (1) (a)	Making a demand with a threat to kill or inflict grievous bodily harm
32 (2) (a)	Making a demand with a threat to endanger health, safety or physical wellbeing
33	Possession of an object with intent to use it to kill or cause grievous bodily harm
34	Forcible confinement or imprisonment
34A	Stalking
36	Abduction of a young person
37	Kidnapping
92A	Inflicting grievous bodily harm on a person with intent to engage in sexual intercourse
92B	Inflicting actual bodily harm on a person with intent to engage in sexual intercourse
92C	Unlawful assault or threatening to inflict grievous or actual bodily harm with intent to engage in sexual intercourse

Domestic Violence Act 1986

SCHEDULE 1A—continued

Column 1 Provision	Column 2 Description of offence
92D	Sexual intercourse without consent
92E	Sexual intercourse with a young person
92F	Inflicting grievous bodily harm with intent to commit an act of indecency
92G	Inflicting actual bodily harm with intent to commit an act of indecency
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

2. An offence against Part VIII of the *Crimes Act 1900* that relates to an offence listed in the Table in item 1.

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

Between
and

No. of 19
(*applicant*)
(*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—continued

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

* Delete for interim protection order.

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

* Delete for variation of interim protection order.

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)				
<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)	—

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>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)	—
<i>Domestic Violence (Amendment) Act (No. 2) 1997</i>	37, 1997	16 July 1997	Ss. 1-3: 16 July 1997 Remainder: 17 Oct 1997 (see <i>Gazette</i> 1997, No. S310)	—
<i>Domestic Violence (Amendment) Act (No. 3) 1997</i>	65, 1997	9 Oct 1997	Ss. 1-3: 9 Oct 1997 Remainder: 1 Nov 1997 (see <i>Gazette</i> 1997, No. S332)	—
<i>Legal Practitioners (Consequential Amendments) Act 1997</i>	96, 1997	1 Dec 1997	Ss. 1 and 2: 1 Dec 1997 Remainder: 1 June 1998 (see s. 2 (2))	—
(Reprinted as at 1 June 1998)				
<i>Domestic Violence (Amendment) Act 1998</i>	37, 1998	14 Oct 1998	Ss. 1-3: 14 Oct 1998 Remainder: 19 Oct 1998 (see <i>Gazette</i> 1998, No. 41, p. 925)	—
<i>Domestic Violence (Amendment) Act (No. 2) 1998</i>	68, 1998	23 Dec 1998	Ss. 1-3: 23 Dec 1998 Remainder: 23 Dec 1998 (see <i>Gazette</i> 1998, No. 51, p. 1116)	—

NOTE—continued**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; Nos. 24, 65 and 96, 1997; No. 37, 1998; No. 68, 1998; No. 51, 1996
S. 4	am. Act No. 30, 1990; No. 65, 1997 rs. No. 37, 1998
S. 4A	ad. Act No. 37, 1998
S. 5	am. Act No. 30, 1990 rs. No. 37, 1998
S. 6	am. Act No. 44, 1991 rs. No. 37, 1998
S. 7	am. Act No. 30, 1990; No. 44, 1991; No. 37, 1998
S. 7A	ad. Act No. 30, 1990 am. No. 37, 1998
S. 8	am. Act No. 46, 1995; No. 37, 1998
S. 8A	ad. Act No. 3, 1996 am. No. 37, 1998
S. 8B	ad. Act No. 37, 1998
S. 9	am. Act No. 30, 1990; No. 37, 1998
S. 10	am. Act No. 30, 1990; No. 3, 1996; No. 65, 1997; No. 37, 1998
S. 10A	ad. Act No. 30, 1990 am. No. 37, 1998
S. 11	am. Act No. 30, 1990 rs. No. 37, 1998
S. 12	am. Act No. 30, 1990; No. 44, 1991; No. 37, 1998
S. 13	am. Act No. 37, 1998
S. 14	am. Act No. 30, 1990; No. 3, 1996; No. 37, 1998
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; No. 37, 1998
S. 17	am. Act No. 65, 1997; No. 37, 1998
Ss. 17A-17C	ad. Act No. 65, 1997
S. 18	am. Act No. 44, 1991; No. 3, 1996 rep. No. 37, 1998
S. 19	am. Act No. 36, 1990; Nos. 9 and 44, 1991; No. 74, 1996
Ss. 19A-19C	ad. Act No. 37, 1998
S. 19D	ad. Act No. 37, 1998 am. No. 68, 1998
S. 19E	ad. Act No. 37, 1998
Part IIA (ss. 19F-19N)	ad. Act No. 68, 1998
Ss. 19F-19N	ad. Act No. 68, 1998
Part III (ss. 20-26)	rep. Act No. 9, 1992
Part III (ss. 20-25, 25A,	ad. Act No. 37, 1997

Domestic Violence Act 1986

NOTE—continued

Table of Amendments—continued

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

Provision	How affected
26, 26A)	
S. 20	rs. Act No. 30, 1990 rep. No. 9, 1992 ad. Act No. 37, 1997
Ss. 21-23	rep. Act No. 9, 1992 ad. Act No. 37, 1997
S. 24	am. No. 38, 1989 rep. Act No. 9, 1992 ad. Act No. 37, 1997
S. 25	rep. Act No. 9, 1992 ad. Act No. 37, 1997
S. 25A	ad. Act No. 37, 1997
S. 26	am. Act No. 30, 1990 rep. Act No. 9, 1992 ad. Act No. 37, 1997
S. 26A	ad. Act No. 37, 1997
Part IIIA (ss. 26B-26J)	ad. Act No. 37, 1997
Ss. 26B-26J	ad. Act No. 37, 1997
S. 27	am. Act No. 37, 1992; No. 81, 1994; No. 37, 1996 rep. No. 37, 1998
S. 29	am. Act No. 44, 1991
S. 30	am. No. 38, 1989; Act No. 81, 1994; No. 37, 1998
S. 30A	ad. Act No. 30, 1990 rs. No. 3, 1996; No. 37, 1998
Ss. 33, 34	ad. Act No. 34, 1992
S. 31	am. Act No. 46, 1995; No. 37, 1998
Schedule 1A	ad. Act No. 24, 1997 am. No. 37, 1998
Schedule 2	am. Act No. 44, 1991; No. 37, 1992; No. 37, 1998