



Northern
Territory
Government

Domestic Violence Orders

Information for defendants

Acknowledgements

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- ▶ Department of Justice
- ▶ Domestic Violence Legal Service (Darwin)
- ▶ Northern Territory Legal Aid Commission

This booklet is also available online through the Department of Children and Families at: http://www.childrenandfamilies.nt.gov.au/Domestic_and_Family_Violence/Publications/ and the Department of Justice at <http://www.nt.gov.au/justice/publications.shtml>

Domestic violence law

The object of the *Domestic and Family Violence Act* is to keep people safe and protected from domestic and family violence. The law aims to reduce and prevent violence and to make people who commit domestic and family violence take responsibility for their behaviour and actions.

Disclaimer

This publication contains information regarding domestic and family violence, but it is not legal advice. It is important to speak to a lawyer if you need legal advice about domestic or family violence.

This publication includes information about some of your rights and obligations under the *Domestic and Family Violence Act*. It may refer to legislation that has been amended or repealed. When reading this publication you should always refer to the latest legislation.

Enquiries and feedback concerning this publication should be addressed to:

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Some legal words explained

Adjourn:	Put off a court matter to another day specified by the court.
Applicant:	The person who is applying for a DVO. This is usually the person seeking protection, but can sometimes be the Police or a person making an application on the protected person's behalf.
Breach:	Break, or not follow all conditions of the order.
Confirms:	To make valid or binding by a formal or legal act.
Contempt of court:	Disrespect for the rules of a court of law.
Consent:	Agree.
Defendant:	The person who the application/DVO is made against.
Domestic Violence Orders (DVO):	An order made by the Magistrates Court or in some cases the Police to protect a person, their property, and in some cases their children from domestic violence.
Expire:	Run out. The DVO has reached the end of its specified period.
Interim:	Temporary.
Matter:	An issue being considered by the court.
Protected person:	The person who the order protects.
Reasonable belief:	Is more than a suspicion; it may involve personal knowledge from observing or having direct knowledge about something.
Revoke:	Stop or get rid of the order.
Summons:	A notice requiring a person to go to court.
Undertaking:	Promise to the court.
Vary:	Change the conditions of the order.



Domestic and Family Violence - mandatory reporting explained

Since 12 March 2009, all adults in the Northern Territory are required by law to report domestic and family violence to the Police if they believe someone has or is likely to suffer serious physical harm from domestic or family violence and/or someone is under serious or imminent threat because domestic/family violence has been, is being or is about to be committed.

What type of harm do you need to report?

Serious physical harm means a person is being hurt in a way that puts their life in danger or could leave them with serious injuries that could last for a long time. If you hold a reasonable belief that this kind of harm is happening, has happened or is likely to happen, you need to make a report.

How to report?

The law requires that reports be made to Police. If it is an emergency you should call **000**; for all other reports call **131 444**. These numbers work across the Northern Territory. Police will make a decision about how they respond based on the information provided. You can ask someone you trust to make a report for you, or help you to make a report, for example a Health Worker, Nurse, or someone from your local school.

What if it's not safe to report?

People are not expected to put themselves or anyone else in danger to make a report. The law allows you to delay reporting until it is safe for you to do so. You can delay making a report if you are helping the victim leave a dangerous situation or hold a reasonable belief that someone will be placed in danger if the report is made now. However, you are still required to make a report to Police when it is practical and safe to do so.

What if someone else has already made a report?

You do not need to make a report if you hold a reasonable belief that someone else has reported the harm or belief about the circumstances.



What happens if I do not report domestic or family violence?

If the Police have sufficient evidence of a person not reporting domestic or family violence, they may charge them under the mandatory reporting provisions (section 124A) of the *Domestic and Family Violence Act*. If a person is convicted of this offence, they may be fined.

What about client confidentiality?

The legal obligation to make a report overrides client confidentiality.

If you are talking to someone about domestic or family violence you should be aware that they must make a report if they believe serious physical harm has happened, is happening or is likely to happen.

What about women abusing men?

The legislation is not gender specific about who is the victim or the offender and does not discriminate between men and women. If you believe serious physical harm has happened or is about to happen, and a domestic/ family relationship exists between the people, you must tell the Police.

Do I have to report domestic/ family violence every time it occurs?

You must report your concerns on each separate occasion you believe that serious physical harm has happened or someone is under a serious or imminent threat because of domestic/family violence.

What happens if children are involved?

The *Care and Protection of Children Act* also includes mandatory reporting if someone believes, on reasonable grounds, that a child has suffered or is likely to suffer harm. Witnessing domestic/ family violence has an impact on children and could be a child protection concern which has to be reported to the Police (000 for Emergencies; 131 444 for other reports) or the Department of Children and Families Central Intake Team on 1800 700 250.

Domestic Violence Orders (DVOs)

What is domestic/ family violence?

Domestic/ family violence includes any of the following behaviours:

- Conduct causing harm. This could include hitting with an object, punching, slapping, pulling hair, biting, throwing things at you, sexual or other assault.
- Damaging property. This includes causing the injury or death of an animal
- Intimidation. This includes the person causing you to fear that violence will be committed against you
- Harassment. This includes the person regularly contacting you by email, phone, letters, text messages, social media, or in person when they have been asked to stop, giving or sending offensive materials to the person.
- Stalking. Stalking means deliberately following, watching or waiting for a person on at least two separate occasions with the intention of causing harm to the person or causing the person to fear harm
- Economic (financial) abuse. This includes things such as pressuring the person to hand over their bank card, not letting the person have access to money, or unreasonably selling the other person's property without their consent.

Domestic/ family violence also includes attempting or threatening to do any of these things, or getting another person e.g. family member or friend to do any of these things.

What is a DVO?

A DVO is made by the Magistrates Court, or in some cases, the Police. The order is made to try and protect a person, their property and in some cases, their children and other relatives from domestic/ family violence. A DVO does this by setting out rules, restraints or conditions that the defendant has to follow.

What conditions can a DVO contain?

The court can make different types of DVOs depending on the situation. It is important that you ask the Police, your lawyer, or the court for the type of order you think will keep you safe.

Some examples of the types of conditions you can ask for are:

- That the defendant must not contact or approach you. This includes through text messages, email, letters, social media (e.g. Facebook), or through family members
- That the defendant must not contact or approach you when he / she has been drinking alcohol or taking drugs
- That the defendant must not assault you, but can still have contact with you
- That the defendant vacates the premises where you live. The court can order the return of personal property, or allow the defendant to attend the property for the sole purpose of collecting belongings
- That the defendant will attend counselling or rehabilitation. This order will only be made if the defendant agrees.

Who can apply for a DVO?

Any of the following people can apply to the court for a DVO:

- An adult or young person who is in a domestic/ family relationship with the defendant;
- An adult acting on behalf and with the consent of another adult or a child who is in a domestic/ family relationship with the defendant;
- A Police officer.

A young person is someone between the ages of 15 and 18. The court will only allow a young person to apply for a DVO on their own behalf if the court is satisfied the young person understands what the order means, why they are applying for it and its effect.

What is a domestic/ family relationship?

The meaning of 'domestic/ family relationship' is broad and includes the following types of relationships:

- People who are, or have been married, including traditional marriage in accordance with Aboriginal or Torres Strait Islander custom
- People who are, or have been in a de facto relationship, including same-sex relationships
- Relatives, including mothers, fathers, sisters and brothers, aunts and uncles, cousins, step parents and in-laws
- People who are, or have been, in a guardianship / custody or similar parental relationship with a child; examples may include step-parents or people in a de facto relationship where there is a child from a previous marriage or relationship
- Relatives according to Aboriginal tradition or contemporary social practice
- People who are, or have been, dating, including short-term or casual relationships, or are engaged to each other. They do not have to have had a sexual relationship and can be of the same or opposite sex
- People who live together or have lived together in the past. This includes housemates and former housemates. A person can also apply for a DVO against someone in a family relationship with a person they have lived with, for example, the mother of a former housemate
- People who are or have been in a carers relationship. This means that one of the people is dependent on the ongoing care – whether it be paid or unpaid – of the other person.

What is the document I have been given?

If someone wants a DVO to be made against you, you need to be told about this.



DVO application

If you have been given an application for a DVO by a Police officer or a court bailiff and you are listed as the defendant on that application, it means that someone is making an application for a DVO against you.

The application will set out why the person is asking for the DVO and the type of orders they are seeking from the court. The application will also tell you when it will be heard by the court.

If you ignore the application and miss the court date, the court can make a DVO against you without you being there.

Police DVO

In some cases, the Police can make an order without applying to the court. The Police DVO is temporary. It is in place until the court either confirms it or makes changes.

If you are given a Police DVO, the order acts as a summons for the matter to be heard by the court. The Police DVO will have a court date written on it at the bottom of the page. You will need to attend court on this day. If you don't attend court, the court can confirm the order for a set period of time, for example 12 months, but this may be longer.


Interim DVO

In some cases, the court may make an interim DVO against you before they decide whether to make the DVO final or not. Usually this will be because they think the other person needs the protection of the order straight away.

An Interim DVO will have an application attached with a court date. If you want to have your say about whether or not the DVO should be made final, it is important you go to court on that date.

If you have children, property, or a business with the protected person that the interim order has not taken into account, then it is very important that you let the Magistrate know. If you do not go to court the order may be made final without you being there.

A Police or an Interim DVO, take effect as soon as you are given a



copy of it or a Police officer explains it to you. Once it is in place you must follow the conditions, as if you do not you can be charged with breaching the order. You should get legal advice if you are given a DVO application, Police DVO or Interim DVO.

Going to court

When you go to the Magistrates Court on the day and the time stated on the application, Interim DVO, or Police DVO, you should check the court list to see which court room you will need to be in. If you cannot find your name on the list, ask the court registry staff for help.

If you have a lawyer representing you in court you should make sure they have clearly explained the process to you. If there is something you do not understand, it is very important you ask your lawyer about it. Your lawyer will do the talking for you in the court so it is important you have given them your side of the story.

If you do not have a lawyer representing you, you can ask to speak to a duty lawyer from NT Legal Aid Commission or an Aboriginal Legal Aid Service such as NAAJA or CAALAS at the court. The lawyer may be able to give you some information or advice, but they may not be able to represent you in court.

If your matter is in court for the first time and you have not had a chance to speak to a lawyer, you can ask for your matter to be adjourned for one or two weeks so you can get some legal advice.

If the Police have made the application for a DVO against you, on behalf of someone else (the protected person), you can ask to speak to the Police officer or prosecutor who is at the court to let them know what you wish to do on the day. See *'What are my options?'* below

You should wait in or near the court room for your matter to be called. It is a good idea to tell court staff who you are. If you miss your name being called and are not in the court at the time, the Magistrate may make the DVO in your absence.

If you are unable to attend court, you should notify the court in writing with reasons for your absence requesting that the matter be adjourned to a date that you can attend; otherwise the DVO may be made in your absence.

What are my options?

You have several options in relation to dealing with an application for a DVO. You should get legal advice about your options and the consequences of each before you make a decision about what to do.

Consent to the DVO

Your first option is to consent or agree to the DVO being made against you. You can choose to do this 'without admissions'. This means you do not agree with what the applicant says about you, but you agree to the order being made.

It is very important you do not consent unless you fully understand the conditions you are agreeing to and the consequences of breaching them.

If a final DVO is made against you, your firearms licence and any gun registrations you have will be revoked immediately.

Consent to the DVO, but with some changes


Another option is to consent to a DVO being made against you, but ask for some changes to be made to the order. For example, you might agree to an order saying you will not have contact with the protected person directly, but ask that the court put an exception in saying you are still allowed to, contact the other person through a third party e.g. a family member, lawyer or children's contact centre to make arrangements to see your children.

You should think about what sort of orders you would be willing to consent to and explain this to the Police officer or lawyer representing the applicant. If the applicant is representing themselves, it is best to wait until you are speaking to the Magistrate and explain your position then.

If a final DVO is made against you, your firearms licence and any gun registrations you have will be revoked immediately.

Not consent to the DVO

Another option is to disagree with the order being made against you. If you do not agree with the order being made the Magistrate will adjourn the matter to another date for a hearing.



You will need to attend at court on the hearing date and explain to the court why you do not think the DVO should be made against you. The applicant and/or protected person will also have to attend to explain to the court why they consider the order should be made.

You may be required to file written statements or affidavits with the court before the hearing date. These documents are called 'evidence'. At the hearing you will be able to ask the applicant and/or protected person questions about the evidence he or she gives to the court. If you are representing yourself, you may have to ask the questions through the Magistrate instead of asking the applicant and/or protected person directly.

At the end of the hearing the Magistrate will decide whether or not to make the DVO final.

It is a good idea to get legal advice if your matter is listed for a hearing.

Make an undertaking to the court

Instead of consenting to a DVO, you may wish to make a promise to the court, called an undertaking, about your behaviour towards the protected person in the future. This promise is usually in writing and for a period of 12 months, but it can be for a longer or shorter period of time. If the applicant and the court agrees to you making an undertaking, the undertaking is placed on the court file and the application for a DVO is withdrawn.

If you do not follow an undertaking, the applicant may reapply for a DVO. You may also be found in contempt of court. This is a serious offence and you should seek legal advice if this happens.

Children

If you and the protected person have children together, it is important that you tell the Magistrate this. You also need to make sure that the children are not at risk of harm and the DVO is written in a way that ensures you will still be able to make arrangements to spend time with the children.

If you have Family Law Orders or a parenting plan in place in relation to your children, you need to give a copy of this to the court if the applicant has not already done so.

How long is the order in place?

Usually a DVO will be in place for 12 months. The applicant can ask for the DVO to be in place for a longer or shorter period of time. The date the DVO expires will be written on the order.

A DVO has been made against me. Does this mean I have a criminal record?

No. Having a DVO made against you is not a criminal offence. It does not form part of your criminal record. It is, however, a criminal offence to breach a DVO. If you are found guilty of breaching a DVO, that will go on your criminal record.

Breaching a DVO

There are severe penalties for breaching a DVO. For a first offence, the Magistrate can sentence you to jail for up to two years, or fine you up to 400 penalty points (\$54,800 as at 1 July 2011). If you are convicted of breaching a DVO a second time or more, and the breach results in harm being caused to the protected person, the Magistrate has to sentence you to jail for no less than seven days and potentially up to two years.


What about firearms?

If an interim DVO or Police DVO is made against you, your firearms licence and any gun registrations you have will be suspended immediately. If the order is not made final, your firearms licence and gun registrations will be reinstated once the DVO ends.

If a final DVO is made against you, your firearms licence and any gun registrations you have are automatically cancelled. You will not be able to get a firearms licence until five years after the DVO expires. You will be given the opportunity to legally dispose of the firearms. Alternatively they can be handed in or may be seized by police for destruction.

Can I get the order changed?

You can apply to the Magistrates Court to have the order changed or stopped at any time before it expires. There is a form you will need to fill out available from the court.



The court will not hear your application to have the order changed or stopped unless you can show that circumstances which existed when the order was made have substantially changed. An example of a substantial change of circumstances could be if you have successfully completed counselling or rehabilitation.

You should get some legal advice before making an application to change or stop a DVO.

What if the protected person contacts me?

You can get charged for breaching a 'no contact' DVO even if the protected person contacts you first. If the protected person contacts you, end the conversation straight away, such as by hanging up the phone or walking away if they approach you.

If you do not want to change the order, and you do not want the protected person to contact you, then you should tell the Police about the unwanted contact. If the unwanted contact amounts to domestic/ family violence, you may want to talk to a lawyer about making an application for a DVO against the protected person.

Remember, you cannot change the DVO just by coming to a personal agreement with the protected person. If you and the protected person both want to change the order, you need to apply to the court to have the order changed. Only the court, or in some circumstances a Police officer, can change the DVO. It is very important to follow the DVO until it is changed or stopped by the court, or else you could be charged with breaching it.

What if the protected person moves interstate?

If a DVO is made against you in the Northern Territory and the protected person moves to another state or territory he or she may register the order in that state or territory. If the order is registered and you fail to comply with it you may be charged with breaching the order.

What if a DVO was made interstate?

A DVO made interstate may be enforced by Police if it has been registered in the Northern Territory or if the Police are satisfied an order exists, for example if they have seen a copy of the order.

Useful contacts

Territory Wide Services

Police – Emergency **000**
 Police – Assistance Line for
 Non-emergencies **131 444**
 1800 RESPECT **1800 737 732**
 MensLine Australia **1300 78 99 78**
 Relationships Australia NT

1300 364 277

Lifeline **131 114**
 Kids Helpline **1800 55 1800**
 Family Relationship Centre

1800 650 276

EASA Employee Assistance
 Service NT **1800 193 123**
 Interpreting and Translating
 Service NT **1800 676 254**
 Victims of Crime NT **1800 672 242**
 Witness Assistance Services

1800 659 449

NT Legal Aid Commission
 (Telephone Information Service)
1800 019 343

Department of Children & Families
 – Central Intake Team (24/7) **1800 700250**
www.stopfamilyviolence.nt.gov.au

Darwin

Police

NT Police Family Violence Unit **8999 0865**

Counselling

Darwin CatholicCare NT **8944 2000**
 Palmerston CatholicCare NT **8932 9977**
 Dawn House
 (Domestic Family Violence Counsellor)
8945 1388
 Relationships Australia NT **8923 4999**
1300 364 277

Family Relationship Centre **8923 1400**
1800 650 276

Anglicare NT **8946 4800**
 (Resolve Counselling Service) **1800 898 500**
 Somerville Community Services **8920 4100**
 CAAPS (Council for Aboriginal Alcohol Program
 Services) **8922 4852**

Sexual Assault Services

Ruby Gaea (Darwin Centre Against Rape)
8945 0155
 Sexual Assault Referral Centre
8922 6472

Crisis Accommodation

Salvation Army
 (Catherine Booth House) **8981 5928**
 Dawn House
 (Women's Shelter) **8945 1388**
 DAIWS – Darwin Aboriginal and Islander
 Women's Shelter **8945 2284**
 YWCA – Casey House
 (Youth Refuge) **8948 2044**
 YWCA – Domestic and Family Violence Centre
8932 9155

Anglicare NT
 (Youth Housing Program) **8985 0000**

Medium Term Accommodation

YWCA – Oakley House (Young Mothers And
 Pregnant Women) **8945 3774**
 YWCA – Stanley House (Single Young Women
 15-24 yrs) **8945 3774**

Community Health Centres

Casuarina Community Care Centre
8922 7301
 Danila Dilba Aboriginal Health Service
8942 3444
 Palmerston Community Care Centre
8999 3344

Legal Services

Domestic Violence Legal Service	8999 7977
North Australian Aboriginal Family Violence Legal Service	1800 041 998
NAAJA North Australian Aboriginal Justice Agency	8982 5100
NT Legal Aid Commission	
Darwin	8999 3000
Palmerston	8999 4750
Top End Women's Legal Service	8982 3000

Alice Springs

Police

NT Police Family Violence Unit	8951 1858
Tangentyere Night Patrol	8953 3110

Information Services

Women's Information Services	8951 5174
	1800 508 051

Counselling

CatholicCare NT	8958 2400
Relationships Australia NT	8950 4100
Family Relationship Centre	8950 4100
Domestic Violence Services Domestic and Family Violence Counsellor	8952 6075
NPY (Ngaanyatjarra Pitjantjatjara Yankunytjatjara) Women's Council	
Domestic Violence Service	1800 180 840

Sexual Assault Services

Sexual Assault Referral Centre and Counsellor	8955 4500
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Crisis Accommodation

Alice Springs Women's Shelter	8952 6075
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Community Health Centres

Central Australian Aboriginal Congress (Emotional and Social Wellbeing)	8951 4457
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Legal Services

Central Australian Women's Legal Service	8952 4055
	1800 684 055
Central Australian Aboriginal Legal Aid Service	8950 9300
	1800 636 079
Central Australian Aboriginal Family Legal Unit	8953 6355
	1800 088 884

East Arnhem

Domestic Violence Services

Domestic and Family Violence Counsellor	8987 0403
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Counselling

Anglicare NT (Resolve Counselling Service)	8987 2711
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Crisis Accommodation

Crisis Accommodation Gove	8987 1166
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Legal Services

NAAJA – North Australian Aboriginal Justice Agency	8939 2300
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Jabiru

Counselling

Kakadu Health Service	8979 9999
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Community Health Centre

Jabiru Community Health Centre	8979 2018
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Katherine

Police

NT Police Family Violence Unit	8973 9668
Kalano Community Patrol	8972 2086

Counselling

CatholicCare NT	8971 0777
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Domestic Violence Services

Domestic and Family Violence
Counsellor **8971 0777**

Sexual Assault Services

Sexual Assault Referral Centre **8973 8524**
Sexual Assault Counsellor **8971 0777**

Crisis Accommodation

Katherine Women's Crisis Centre
8972 1332
Anglicare NT (Youth Crisis Accommodation)
8971 2155

Health Services

Katherine Community Health Centre
8973 8570

Sunrise Health Service **8971 1120**
Wurli Wurlinjang Health Service
8971 0044

Legal Services

Katherine Women's Information
and Legal Service **8972 1712**
1800 620 180

North Australian Aboriginal
Family Violence Legal Service **8973 8704**
NAAJA – North Australian Aboriginal
Justice Agency **8972 5000**
NT Legal Aid commission **8973 8704**

Tennant Creek

Police

NT Police Family Violence Unit **8962 4444**
Ali Curung Night Patrol **8964 1955**
Julalikari Night Patrol **8962 2747**

Domestic Violence Services

Tennant Creek Women's Domestic
Violence Counsellor **8962 3123**
1800 114 904

CatholicCare NT **8962 3065**

Sexual Assault Services

Sexual Assault Referral Centre **8962 4100**
Sexual Assault Counsellor **8962 4100**

Crisis Accommodation Tennant Creek
Women's Refuge **8962 1940**
Julalikari Youth Supported
Accommodation Service **8962 2699**

Health Services

Tennant Creek Community
Health Centre **8962 4230**

Anyinginyi Health Centre **8962 2385**
Piliyintinji-ki Stronger Families
(Women's Services) **8962 2074**

Legal Services

NT Legal Aid Commission
Tennant Creek **8962 4362**
Central Australian Aboriginal
Legal Aid Service **8950 9300**
1800 636 079

Central Australian Aboriginal
Family Legal Unit **8962 2100**

Community Based Women's Safe Places

Ali Curung **8964 1967**
Angurugu **8987 6726**
Beswick / Wugularr **8975 4464**
Borrooloola **8975 8738**
Elliott **8969 2097**
Gunbalanya **8972 1332**
Hermannsburg **8954 9151**
Kalkarindji **8975 1179**
Lajamanu **8975 0373**
Maningrida **8979 5861**
Milikapiti **8970 9007**
Nauyu (Daly River) **8978 1342**
Ngukurr **8975 4434**
Peppimenarti **8978 2028**

Ramingining	8979 7879
Ti-Tree	8956 9019
Wurruumiyanga (Nguui)	8970 9161
Yarralin	8977 1080
Yendumu	8956 4138

Services to Assist Men

Territory Wide Services

Police – Emergency	000
Police – Assistance for	
Non-emergencies	131 444
MensLine Australia	1300 78 99 78
Relationships Australia NT	1300 364 277
EASA – Employee Assistance Service NT	1800 193 123

Darwin

Relationships Australia NT	8923 4999
Anglicare NT (Resolve Counselling Service)	8946 4800
CatholicCare NT	8944 2000
CAAPS – Council for Aboriginal	
Alcohol Program Services	8922 4852
DAIWS (Indigenous Men's Service Project)	0447 430 209
	8947 0322
Community Corrections	8939 0113
Danila Dilba Aboriginal Health Service	
(Men's Clinic)	8942 2186
St Vincent De Paul – Bakhita Centre	
(Accommodation for Males)	8985 5333

Katherine

CatholicCare NT	
(Men & Families Program)	8971 0777
St Vincent De Paul – Ormonde House	
(Accommodation for Males)	8972 2299

Jabiru

Kakadu Health Service Family Violence	
Coordinator	8979 9919

Nhulunbuy

Anglicare NT (Resolve Counselling Service)	8987 2711
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Tennant Creek

CatholicCare NT	8962 3065
Anyinginyi Health Centre	8962 2385
Piliyintinji-ki Stronger Families	
(Men's Services)	8962 2028

Alice Springs

CatholicCare NT	8958 2400
Relationship Australia NT	8950 4100
Department of Justice	
(Cross Borders Program)	8951 5437
Central Australian Aboriginal Congress	
Male Health Branch	8951 4567
Violence Intervention	
Program	8951 4459

Men's Places

Angurugu	8987 6050
Finke / Apatula	8956 0475
Maningrida	8979 5523
Nguui	8978 3909
Ngukurr	8975 4363
Pmara Jutunta	8956 9066
Ramingining	8979 7857
Yuendumu	8956 1469

