



Domestic Violence Orders (DVOs)

If someone is acting in a violent, threatening, or abusive way towards you, you can apply for a domestic violence order (DVO) for your protection.

What is a DVO?

A DVO is a protection order made by the Court to protect you, your family, and/or your property from domestic and family violence.

What is domestic and family violence?

In the Northern Territory (NT), domestic and family violence is defined under DVO law as:

- *Conduct causing harm*, such as physical or sexual assault;
- *Damaging property*, including causing injury or death to an animal;
- *Intimidation*, including causing you to fear that violence will be committed against you, your family, and/or your property;
- *Harassment*, including regular and unwanted contact in person or through technology such as phone, email, and social media;
- *Stalking*, including deliberately following, watching, or staying near you on at least two (2) occasions with the intention of causing you harm or to fear harm;
- *Economic abuse*, such as hiding or controlling money; or
- Attempting or threatening to commit any of the above violence.

Who can apply for a DVO?

An application for a DVO can be made by:

- An adult or young person (aged 15-18) who is in a domestic or family relationship with the Defendant;
- Any adult acting on behalf of another adult or child who is in a domestic or family relationship with the Defendant; or
- A police officer.

What is a domestic or family relationship?

Under the DVO law, a domestic or family relationship includes:

- Romantic partners, including any people who are or were married, de facto, engaged, dating, or in a casual relationship;
- Family relatives such as parents, step-parents, siblings, cousins, and in-laws;
- Relatives according to Aboriginal tradition or contemporary social practice;
- People who live or have lived together, including housemates; and
- People who are in a carer's relationship, whether paid or unpaid.

Key terms:

- **Applicant:** the person who is applying for a DVO
- **Breach:** to break or disobey the orders (rules) of a DVO
- **Court:** the Local Court
- **Defendant:** the person whose behaviour the Applicant is seeking to stop or prevent
- **Interim DVO:** a temporary DVO
- **Protected Person:** the person/s who will be protected by the DVO

How can a DVO protect me?

A DVO is a type of restraining order – it aims to prevent and can penalise unwanted behaviour.

A DVO can include different kinds of orders to stop domestic and family violence, depending on your circumstances. While the Court can make any orders necessary for the protection of the Protected Person/s, there are three (3) common types of DVOs:

- **Full non-contact** – restrains the Defendant from having any contact with the Protected Person/s
- **Non-intoxication** – restrains the Defendant from having any contact with the Protected Person/s while they are intoxicated
- **Non-violence** – restrains the Defendant from committing any future domestic and family violence against the Protected Person/s

A DVO can also include orders about a tenancy, including changing a tenancy agreement so that one person will move out.

The standard length of a DVO is 12 months, however, it can be longer or shorter.

Key features:

- It is free to apply for a DVO
- DVOs are nationally recognised – they are enforceable in all Australian States and Territories
- A DVO can have more than one (1) Protected Person
- A firearms licence, permit or certificate of registration is automatically revoked when a DVO is made (and suspended by an interim DVO)
- Breach of a DVO is a criminal offence and is punishable by a fine or maximum two (2) years imprisonment

What is the difference between a DVO and a PVRO?

If you are experiencing violence and are not in a domestic or family relationship with the person committing the violence, you can apply for a personal violence restraining order (**PVRO**) for your protection.

While PVROs operate in very similar ways to DVOs, there are important differences:

- While a DVO can have multiple Protected Persons, a PVRO can only have one (1) Protected Person.
- While DVO matters proceed through the Court, there is a requirement to attend mediation in PVRO matters.
- Only adults (18+) can apply for a PVRO.

How can I get a DVO?

Step 1: Are you in immediate danger?

If you, your children, and/or your property are in immediate danger because of the Defendant, you should call NT Police immediately on 000.

NT Police can make an interim DVO to ensure a person's safety in urgent circumstances or because it is not otherwise practical to obtain a DVO through the Court (such as during a weekend).

If you are not in immediate danger, you, another person, or your lawyer can apply to the Court for a DVO.

To apply for a DVO, you must complete a written application. This is called an 'Application for Domestic Violence Order' and can be found in person at the Court registry or on the Court website at www.localcourt.nt.gov.au.

Step 2: Service

The police or Court (by process server or Court bailiff) will serve (give to) the Defendant a copy of the DVO application with the date and address of the first Court event.

Step 3: Court

The first Court event is called a mention. At the mention, the Court will want to confirm that service has happened and hear whether the Defendant agrees to the DVO.

If the Defendant does not attend the mention, the Court may make a DVO in their absence or adjourn (delay) the matter for a later date.

Outcomes

If the Defendant agrees to the conditions of the DVO, the Court may make a final DVO.

Undertaking

- Instead of a DVO, the Defendant may make a promise to the Court about their future behaviour towards the Protected Person/s; this is called an 'Undertaking'.
- If the Defendant does not follow the Undertaking, the Applicant can reapply for a DVO. The Defendant can also be found in contempt of Court (punishable by a fine or imprisonment).

If the parties cannot reach an agreement

- The DVO matter will proceed to a case management inquiry (**CMI**) and then a hearing at a later date.
- In the meantime, the Court will decide whether an interim DVO is necessary for the protection of the Protected Person/s.
- At the hearing, the Court will hear evidence from the parties (or their lawyer/s) about why a DVO should or should not be made. To make a DVO, the Court must be satisfied on reasonable grounds that the Protected Person/s fear the commission of domestic and family violence by the Defendant.
- The Court will then decide whether to make a DVO, either immediately following the hearing or at a later date through written reasons.

I have a DVO, but the Defendant has breached it – what do I do?

It is a criminal offence to breach a DVO; breaches are punishable by a fine or imprisonment for up to two (2) years.

All breaches should be reported to NT Police, and you should seek legal advice about your DVO to confirm it is the right order for you.

I have a DVO, but it is not right for me – can I change it?

If you have a DVO but you want to change the orders ('vary the DVO') or cancel the DVO entirely ('revoke the DVO'), you must apply to the Court. You should seek legal advice before making an application to the Court to change your DVO.

It is important to remember that only the Court can change a DVO. Even if both you and the Defendant agree to change or cancel the DVO, you must apply to the Court to make this binding. If your DVO is a Police DVO, the Police must also agree to the proposed change/s.

How can I stay safe?

Whether you have a current application for a DVO or already have a DVO, you should plan what you will do to keep yourself, your family, and your property safe if the Defendant commits further domestic and family violence.

For help preparing a safety plan, you can call 1800 RESPECT or seek assistance from a domestic, family, and sexual violence support service.

Do you need legal advice or assistance? You can contact TEWLS for a free appointment.

Ph: 1800 234 441 (freecall) or (08) 8982 3000 | E: admin@tewls.org.au

W: www.tewls.org.au | A: 17 Lindsay Street, Darwin NT 0800



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