



Personal Violence Restraining Orders (PVROs)

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

What is a PVRO?

A PVRO is a protection order made by the Court to protect you from personal violence.

You can apply for a PVRO if you have experienced, are experiencing, or are likely to experience personal violence.

What is personal violence?

In the Northern Territory (**NT**), personal violence is defined under PVRO 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 by phone, email, and social media;
- *Stalking*, including deliberately following, watching, 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 PVRO?

All adults (18+) in the NT can apply for a PVRO against any of the following people:

- A neighbour;
- A co-worker; or
- Any other type of personal or professional association.

A Defendant to a PVRO **must** be over 15 years old.

An application for a PVRO can be made by:

- The person seeking to be protected;
- Any adult on behalf of the person who will be protected (i.e. where the Protected Person is a child); or
- A police officer.

Key terms:

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

How can a PVRO protect me?

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

A PVRO can include different kinds of orders to stop personal violence, depending on your circumstances. While the Court can make any orders necessary for the protection of the Protected Person, common types of PVROs are:

- **Full non-contact** – restrains the Defendant from having any contact with the Protected Person
- **Non-violence** – restrains the Defendant from committing any future personal violence against the Protected Person

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

Key features:

- It is free to apply for a PVRO
- A PVRO can have only one (1) Protected Person and one (1) Defendant
- Before making a final decision about a PVRO, the Court is required to refer the matter to mediation, unless an exception applies
- A firearms licence, permit or certificate of registration is automatically revoked when a PVRO is made (and suspended by an interim PVRO)
- Breach of a PVRO 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 by someone you are in a domestic or family relationship with, for example a partner, family member, housemate, or carer, you can apply for a domestic violence order (**DVO**), for your protection.

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

- While a PVRO can have only one (1) Protected Person, a DVO can have multiple (i.e. children of the primary Protected Person).
- While in PVRO matters there is a requirement to attend mediation, there is no corresponding requirement for DVO matters.
- While only adults (18+) can apply for a PVRO, young persons (aged 15-18) can apply for a DVO.

How can I apply for a PVRO?

Step 1: Written Application

To apply for a PVRO, you must complete a written application. This is called an 'Application for Personal Violence Restraining Order' (Form 7G) and it can be found in person at the Court registry or on the Court website at www.localcourt.nt.gov.au.

You should seek legal help to prepare your PVRO application.

Step 2 - Service

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

Step 3 – First Court event

The first Court event is called a mention. At the mention, the Court will want to confirm service has happened and hear whether the Defendant agrees to the PVRO. The Court will also decide whether an Interim PVRO is necessary for your protection whilst your application is being decided.

Before the Court can make a final decision about your PVRO application, your matter **must** be referred to mediation at the Community Justice Centre, unless an exception applies (including a history of violence or previous unsuccessful mediation).

Step 4 – Mandatory mediation

A mediation is a meeting where parties try to settle their dispute with the assistance of an independent person (the mediator). It is less formal and quicker than appearing in Court.

Option 1 - Agreement

If the Defendant agrees to the PVRO, the Court may make a final PVRO.

Option 2 - Undertaking

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

Option 3 - If the parties cannot reach an agreement

- The PVRO matter will proceed to a case management inquiry (**CMI**) and then a hearing at a later date.

Step 5 – Hearing

If your application for a PVRO proceeds to a hearing, the Court will decide whether to make a PVRO for your protection.

At the hearing, the Court will hear evidence from the parties (or their lawyer/s) about why a PVRO should or should not be made. The Court will then decide whether to make a PVRO, either immediately following the hearing or later through written reasons.

Outcomes:

- The Court makes a PVRO
- The Defendant gives an Undertaking
- If not satisfied that a personal violence offence has or is likely to be committed, the Court may dismiss the application for a PVRO

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

It is a criminal offence to breach a PVRO; 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 PVRO to confirm that it is the right order for you.

I have a PVRO, but it's not right for me – can I change it?

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

It is important to remember that **only** the Court can change a PVRO. Even if both you and the Defendant agree to change or cancel the PVRO, you must apply to the Court to make this binding.

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

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