

1990 - No. 86

CRIMES ACT 1900 - REGULATION
(Crimes (Apprehended Violence) Regulation 1990)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Crimes Act 1900, has been pleased to make the Regulation set forth hereunder.

JOHN DOWD
Attorney General.

Citation

1. This Regulation may be cited as the Crimes (Apprehended Violence) Regulation 1990.

Commencement

2. This Regulation commences on 18th February 1990.

Definition

3. (1) In this Regulation, "the Act" means the Crimes Act 1900.

(2) In this Regulation, a reference to a Form is a reference to a form set out in Schedule 1.

Forms

4. (1) For the purposes of section 562B of the Act:

(a) a complaint concerning an apprehended domestic violence offence or concerning apprehended domestic harassment or molestation may be made in Form 1; and

(b) a complaint concerning any other apprehended personal violence offence or apprehended harassment or molestation may be made in Form 2; and

(c) a court may make an apprehended violence order in Form 3.

(2) In subclause (1), a reference to apprehended domestic harassment or molestation is a reference to apprehended harassment or molestation (as referred to in section 562B (1) (b) of the Act) where the complainant and the person complained of stand in a relationship described in one or more of paragraphs (a) - (e) of the definition of "Domestic violence offence" in section 4 (1) of that Act.

SCHEDULE 1 - FORMS

Form 1

(C1.4)

CRIMES ACT 1900 PART 15A

Complaint under section 562B

(Apprehended domestic violence offence or apprehended domestic harassment or molestation)

On (date) at

in the State of New South Wales,
the complainant, being:

* a member of the Police Force stationed at
.....

* a person in need of protection

on oath complains that:

* the person in need of protection, namely

.....
(name)

has reasonable grounds to fear the commission of a domestic violence offence or conduct amounting to harassment or molestation against him/her

* he/she has reasonable grounds to fear and does in fact fear the commission of a domestic violence offence or conduct amounting to harassment or molestation against him/her

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by of
..... (address)

who is:

- * a person who is or has been married to the complainant/person in need of protection; or
- * a person who is living with or has lived with the complainant/person in need of protection as his wife or her husband, as the case may be, on a bona fide domestic basis although not married to him or her; or
- * a person who is living with or has lived ordinarily in the same household as the complainant/person in need of protection (otherwise than merely as landlord); or
- * a person who is or has been a relative (within the meaning of section 4 (6) of the Crimes Act 1900) of the complainant/person in need of protection; or
- * a person who has or has had an intimate personal relationship with the complainant/person in need of protection.

because of the following circumstances:

.....
.....
.....
and the complainant seeks the following order(s):

.....
.....
and such other orders as the court sees fit, placing prohibitions and restrictions on the behaviour of the person against whom the order is sought.

SWORN at
in the State of
New South Wales
before me,

.....
A Justice of the Peace

* delete if inapplicable.

Form 2

(C1.4)

CRIMES ACT 1900 Part 15A

Complaint under section 562B

(Apprehended personal violence offence or apprehended harassment or molestation: non-domestic situation)

On (date) at
in the State of New South Wales,
the complainant, being:

* a member of the Police Force stationed at
.....

* a person in need of protection
on oath complains that:

* the person in need of protection, namely

.....
(name)

has reasonable grounds to fear the commission of a personal violence offence or conduct amounting to harassment or molestation against him/her

* he/she has reasonable grounds to fear and does in fact fear the commission of a personal violence offence or conduct amounting to harassment or molestation against him/her

by of
..... (address)

because of the following circumstances:
.....
.....

and the complainant seeks the following order(s):
.....
.....

and such other orders as the court sees fit, placing prohibitions and restrictions on the behaviour of the person against whom the order is sought.

SWORN at
in the State of
New South Wales
before me,

.....
(Complainant)

.....
A Justice of the Peace

* delete if inapplicable.

Form 3

(C1.4)

CRIMES ACT 1900 PART 15A

Order prohibiting or restricting behaviour

On 19 , the Court at
having heard and determined a complaint by
of that the commission of a
DOMESTIC/PERSONAL violence offence or conduct amounting to
molestation or harassment of (protected person),
by (defendant),
of (address)
who is *
was feared made the following orders imposing prohibitions and restrictions
on the behaviour of the defendant for a period of
.....
.....

.....
Registrar/Clerk of the Court
at
on

* (state relationship (if any) to protected person).

NOTES

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SCHEDULE 1 – FORMS

EXPLANATORY NOTE

The object of this Regulation is to prescribe forms which may be used for lodging a complaint about apprehended personal violence offences or about apprehended harassment or molestation and the form that an order prohibiting or restricting behaviour of a defendant in such a case may take.
