

# Crimes (Domestic and Personal Violence) Regulation 2014

[2014-259]



New South Wales

## Status Information

### Currency of version

Historical version for 5 March 2015 to 2 December 2016 (accessed 28 November 2024 at 12:26)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 5 March 2015

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New South Wales

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# Crimes (Domestic and Personal Violence) Regulation 2014



New South Wales

## 1 Name of Regulation

This Regulation is the *Crimes (Domestic and Personal Violence) Regulation 2014*.

## 2 Commencement

This Regulation commences on 20 May 2014 and is required to be published on the NSW legislation website.

## 3 Definition

(1) In this Regulation:

**the Act** means the *Crimes (Domestic and Personal Violence) Act 2007*.

(2) Notes included in this Regulation (other than in Schedule 1) do not form part of this Regulation.

## 4 Records required to be kept

If a person is detained under Part 11 of the Act, the police officer detaining the person, or a police officer accompanying that police officer, must make a document recording the following information in accordance with section 90D of the Act:

- (a) the name and date of birth of the person being detained,
- (b) the name and rank of the police officer detaining the person and any accompanying police officer making the record,
- (c) the grounds on which the person is detained,
- (d) where the person is detained,
- (e) the following times in relation to the detention:
  - (i) the date and time the detention commences,
  - (ii) any time taken to transfer the detained person,

(iii) the date and time the detention ends,

(f) a description of any personal property of the detained person of which the police officer has taken possession as a result of any search of the detained person.

## **5 Form of application notice for apprehended personal violence order**

For the purposes of section 50 (2) of the Act, the form set out in Schedule 1 is prescribed.

## **Schedule 1 Application notice for apprehended personal violence order**

(Clause 5)

### **Application for apprehended personal violence order**

*Crimes (Domestic and Personal Violence) Act 2007*

#### **Details of the applicant (the person making the application)**

Name:

Police application number (if application made by police):

#### **Details of the protected person or persons (the persons to be protected by the order)**

Name of first person:

Address:

Age:

Name of any other person:

Address:

Age:

#### **Note—**

The address at which a protected health care provider resides must not be stated in this application unless the protected health care provider consents to the address being included or, if the application is made by a police officer, the police officer is satisfied that the defendant knows the address.

#### **Details of the defendant (the person against whom the order is sought)**

Name:

Telephone number:

Address:

Central Name Index (where known):

#### **NOTICE TO APPLICANT**

It is an offence under the *Crimes (Domestic and Personal Violence) Act 2007* to make a statement in this application that you know is false or misleading in a significant respect.

The maximum penalty for that offence is imprisonment for 12 months and/or a fine of \$1,100.

#### **NOTICE TO DEFENDANT**

You are directed to attend the Local Court of NSW on:

Date:

Time:

Place:

If you fail to attend, the court may make orders against you or issue a warrant for your arrest to bring you before the court.

### Reasons for making this application

The applicant is making an application for an apprehended personal violence order for the following reasons:

### Further information about the relationship between the applicant and the defendant

1 Is there an existing commercial relationship between you and the defendant? Yes  No

If the answer is "Yes", give details:

2 Do you owe the defendant any money? Yes  No

If the answer is "Yes", give details:

3 Do you owe any other financial debt to the defendant? Yes  No

If the answer is "Yes", give details:

4 Does the defendant owe you any money? Yes  No

If the answer is "Yes", give details:

5 Does the defendant owe any other financial debt to you? Yes  No

If the answer is "Yes", give details:

6 Has there ever been a court case or legal proceedings involving you and the defendant? Yes  No

If the answer is "Yes", give details:

### The standard orders that the applicant asks the court to make

The applicant asks that the court make the following orders against the defendant for a period of *[insert number]* months:

1 (a) The defendant must not assault, molest, harass, threaten or otherwise interfere with a protected person or any person with whom a protected person has a domestic relationship.

1 (b) The defendant must not engage in any other conduct that intimidates a protected person or a person with whom a protected person has a domestic relationship.

1 (c) The defendant must not stalk a protected person or a person with whom a protected person has a domestic relationship.

### Additional orders that the applicant asks the court to make (tick if required)

2 The defendant must not reside at the premises at which a protected person may from time to time reside, or at the following specified premises:

3 The defendant must not enter the premises at which a protected person may from time to time reside or work, or the following specified premises:

4 The defendant must not go within *[insert number]* metres of the premises at which a protected person may from time to time reside or work, or the following specified premises:

- 5 The defendant must not approach or contact a protected person by any means whatsoever, except through the defendant's lawyer or other legal representative.
- 6 The defendant must surrender all firearms and firearms licences to police.
- 7 The defendant must not approach the school or other premises at which a protected person may from time to time attend for the purpose of education or child care or at the following specified premises:
- 8 The defendant must not approach a protected person or any premises or place at which a protected person may from time to time reside or work within *[insert number]* hours of consuming intoxicating liquor or illicit drugs.
- 9 The defendant must not destroy or deliberately damage or interfere with the property of a protected person.
- 10 That the court extend the operation of the order to include the following person or persons with whom a protected person has a domestic relationship:  
  
Name:  
Age:

**Signature of the applicant:**

Date: