

# Crimes (Domestic and Personal Violence) Regulation 2019

[2019-386]



New South Wales

## Status Information

### Currency of version

Historical version for 28 March 2020 to 17 September 2020 (accessed 24 November 2024 at 15:32)

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.

### Notes—

- **Editorial note**

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes. Text of the legislation is not affected.

This version has been updated.

### 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 28 March 2020

# Crimes (Domestic and Personal Violence) Regulation 2019



New South Wales

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# Crimes (Domestic and Personal Violence) Regulation 2019



New South Wales

## 1 Name of Regulation

This Regulation is the *Crimes (Domestic and Personal Violence) Regulation 2019*.

## 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

### Note—

This Regulation repeals and replaces the *Crimes (Domestic and Personal Violence) Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10(2) of the *Subordinate Legislation Act 1989*.

## 3 Definition

(1) In this Regulation—

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

### Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(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 create 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 notices for apprehended violence orders**

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

## **6 Repeal and savings**

- (1) The *Crimes (Domestic and Personal Violence) Regulation 2014* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Crimes (Domestic and Personal Violence) Regulation 2014*, had effect under that Regulation continues to have effect under this Regulation.

## **Schedule 1 Application notices for apprehended violence orders**

(Clause 5)

### **Form 1 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)—

Contact details—

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

Name of first person—

Address—

Date of birth/Age—

Name of any other person—

Address—

Date of birth/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—

Date of birth/Age—

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 or Children’s 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**

**Note—**

This section is not required to be completed if this application is made by the police.

- |   |   |                              |                             |
|---|---|------------------------------|-----------------------------|
| 1 | Is there an existing commercial relationship between you and the defendant? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|   | If the answer is “Yes”, give details—                                       |                              |                             |
| 2 | Do you owe the defendant any money?   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|   | If the answer is “Yes”, give details—                                       |                              |                             |
| 3 | Do you owe any other financial debt to the defendant?                       | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|   | If the answer is “Yes”, give details—                                       |                              |                             |
| 4 | Does the defendant owe you any money?                                       | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|   | If the answer is “Yes”, give details—                                       |                              |                             |
| 5 | Does the defendant owe any other financial debt to you?                     | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|   | 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 applicant asks that the court make the following orders against the defendant for a period of [*insert number*] months—

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

**Orders about behaviour**

- 1 The defendant must not do any of the following to the protected person(s) or anyone the protected person(s) has a domestic relationship with—
- (a) assault or threaten them, and
  - (b) stalk, harass or intimidate them, and
  - (c) intentionally or recklessly destroy or damage any property that belongs to or is in the possession of them.

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

**Orders about contact**

- 2 The defendant must not approach or contact the protected person(s) in any way, unless contact is through a lawyer.
- 3 The defendant must not approach—
- (a) the school or any other place the protected person(s) might go to for study, or
  - (b) any place the protected person(s) might go to for childcare, or
  - (c) any other place listed here—
- 4 The defendant must not approach or be in the company of the protected person(s) within at least 12 hours after drinking alcohol or taking illicit drugs.
- 5 The defendant must not try to find the protected person(s), except as ordered by a court.

**Orders about family law and parenting**

- 6 *This order is not applicable to apprehended personal violence orders.*

**Orders about where defendant cannot go**

- 7 The defendant must not live at—
- (a) the same address as the protected person(s), or
  - (b) any place listed here—
- 8 The defendant must not go into—
- (a) any place where the protected person(s) lives, or
  - (b) any place where the protected person(s) works, or

(c) any place listed here—

9 The defendant must not go within [*insert number*] metres of—

(a) any place where the protected person(s) lives, or

(b) any place where the protected person(s) works, or

(c) any place listed here—

**Order about weapons**

10 The defendant must not possess any firearms or prohibited weapons.

**Other orders**

11 [*List other orders*].

**Signature of the applicant—**

Date—

**Form 2 Application for apprehended domestic 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)—

Contact details—

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

Name of first person—

Address—

Date of birth/Age—

Relationship to defendant—

Name of any other person—

Address—

Date of birth/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—

Date of birth/Age—

Telephone number—

Address—

Central Name Index (where known)—

**NOTICE TO DEFENDANT**

You are directed to attend the Local Court or Children’s 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 and the duration sought

The applicant is seeking an apprehended domestic violence order for a period of *[insert number]* years.

The reasons the applicant is making an application for an apprehended domestic violence order and seeks the period specified above are as follows—

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

#### Note—

This section is not required to be completed if this application is made by the police.

- 1 Are you currently involved in any legal proceedings under the *Family Law Act 1975* of the Commonwealth that may be relevant? Yes  No

If the answer is “Yes”, give details—

- 2 Has the court made a property order or are property orders currently being sought under the *Family Law Act 1975* of the Commonwealth that may be relevant? Yes  No

If the answer is “Yes”, give details—

- 3 Has the court made a parenting order under the *Family Law Act 1975* of the Commonwealth that affects this application? Yes  No

If the answer is “Yes”—

On what basis was the parenting order made—

Why should the court intervene with that parenting order—

The applicant asks that the court make the following orders against the defendant—

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

#### Orders about behaviour

- 1 The defendant must not do any of the following to the protected person(s) or anyone the protected person(s) has a domestic relationship with—
- (a) assault or threaten them, and
  - (b) stalk, harass or intimidate them, and
  - (c) intentionally or recklessly destroy or damage any property that belongs to or is in the possession of them.

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

#### Orders about contact



- 2 The defendant must not approach or contact the protected person(s) in any way, unless contact is through a lawyer.
- 3 The defendant must not approach—
  - (a) the school or any other place the protected person(s) might go to for study, or
  - (b) any place the protected person(s) might go to for childcare, or
  - (c) any other place listed here—
- 4 The defendant must not approach or be in the company of the protected person(s) within at least 12 hours after drinking alcohol or taking illicit drugs.
- 5 The defendant must not try to find the protected person(s), except as ordered by a court.

**Orders about family law and parenting**

- 6 The defendant must not approach or contact the protected person(s) in any way, unless contact is—
  - (a) through a lawyer, or
  - (b) to attend accredited or court-approved counselling, mediation and/or conciliation, or
  - (c) ordered by this court or another court about contact with the child/children, or
  - (d) as agreed in writing between the defendant and the parent(s) about contact with the child/children, or  
  
as agreed in writing between the defendant, the parent(s) and the person with parental responsibility for the child/children about contact with the child/children.
  - (e) **Note—**  
  
Order 6(e) is an alternative to order 6(d).

**Orders about where defendant cannot go**

- 7 The defendant must not live at—
  - (a) the same address as the protected person(s), or
  - (b) any place listed here—
- 8 The defendant must not go into—
  - (a) any place where the protected person(s) lives, or
  - (b) any place where the protected person(s) works, or
  - (c) any place listed here—
- 9 The defendant must not go within [*insert number*] metres of—
  - (a) any place where the protected person(s) lives, or
  - (b) any place where the protected person(s) works, or

(c) any place listed here—

**Order about weapons**

10 The defendant must not possess any firearms or prohibited weapons.

**Other orders**

11 [*List other orders*].

**Signature of the applicant—**

Date—