**POLICE APPLICATION FOR URGENT VARIATION**

Pursuant to Practice Direction 30

*Domestic and Family Violence Act 2007, Section 82R*

Case No:

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| 1. **PARTIES TO THE APPLICATION** | | | |
| Police Officer | Name:  Date of Birth:  Address: | | |
| Applicant on Current DVO | Name:  Date of Birth:  Address: | | |
| Respondent on Current DVO | Name:  Date of Birth:  Address: | | |
| Protected Persons on Current DVO | Name:  Date of Birth:  Relationship: | Name:  Date of Birth:  Relationship: | |
|  | Name:  Date of Birth:  Relationship: | Name:  Date of Birth:  Relationship: | |
| 1. **CURRENT ORDERS** | | | |
| Date current order made **\_\_\_\_\_\_\_\_\_\_\_\_\_** Case Number (if known) **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  Attach a copy of the order. (If you do not have a copy of the order, you may obtain one from the Local Court.) | | | |
| 1. **REASON FOR THE APPLICATION** | | | |
| I, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, a member of the Police Force of the Northern Territory, am satisfied that: (tick boxes as appropriate)  due to urgent circumstances, it is not practicable to obtain an order varying a Court DVO under Division 1 of the Domestic and Family Violence Act 2007;  due to urgent circumstances, the terms of a Police DVO should be varied before the confirmation hearing;  there has been a substantial change in the relevant circumstances since the DVO was made or varied (the basis for my belief is outlined below); | | | |
| 1. **BASIS FOR URGENCY** | | | |
| Outline the reasons why this should be dealt with urgently: | | | |
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| 1. **CHANGE IN CIRCUMSTANCES** | | | |
| Outline what are the substantial changes in relevant circumstances: | | | |
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| 1. **ORDERS TO BE VARIED** | | | |
| If you seek for the current orders to be replaced with new orders, place a tick in the box next to the order you would like the Court to make and indicate whether this order is to apply to the adults only or all of the protected persons (including children). You may also seek your own custom orders or variations in the space provided below. | | | **Who is to be protected?** Tick one or both |

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| **MANDATORY PROHIBITION** | | |
| **1.**  The respondent is prohibited from committing domestic violence against each protected person | **Adult** | **Child** |
| **NON-CONTACT ORDERS** | | |
| **2.**  Approaching, contacting or remaining in the company of the protected person/s directly or indirectly (contact includes by mail, phone, text messages, email, social media or other forms of communication)  **EXCEPT: 2(a)**  **for the adult protected person**, via or in the presence of a solicitor, family dispute resolution practitioner, third party nominated by the protected person, Children’s Contact Centre worker, for the purposes of these proceedings, making arrangements for the children or property of the parties, or in accordance with a Parenting Plan, or Family Law Order  **2(b)**  **for the non-adult (children) protected persons**, in the presence of a Children’s Contact Centre worker or a third party nominated by the Adult protected person, for the purposes of spending time with the children of the parties, or in accordance with a Parenting Plan, or Family Law Order\* |  |  |
| **3.**  Approaching, entering or remaining at any place where the protected person/s is living, working, staying, visiting or located;  **EXCEPT: 3(a)**  **for the adult protected person,** via or in the presence of a solicitor, family dispute resolution practitioner, third party nominated by the protected person, Children’s Contact Centre worker, for the purposes of these proceedings, making arrangements for the children or property of the parties, or in accordance with a Parenting Plan, or Family Law Order  **3(b)**  **for the non-adult (children) protected persons,** in the presence of a Children’s Contact Centre worker or a third party nominated by the Adult protected person, for the purposes of spending time with the children of the parties, or in accordance with a Parenting Plan, or Family Law Order\*  **3(c)**  to attend (insert address)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ only when in the company of a police officer to collect personal property belonging to the respondent |  |  |
| \* The effect of these orders are that the defendant will only be able to spend supervised time with the children unless a Parenting Plan or a Family Law Order says otherwise. | | |
| **NON-CONTACT WHILE INTOXICATED ORDERS** | **Adult** | **Child** |
| **4.**  Approaching, contacting or remaining in the company of the protected person/s directly or indirectly when consuming alcohol or another intoxicating drug or substance or when under the influence of alcohol or another intoxicating drug or substance;  **5.**  Approaching, entering or remaining at any place where the protected person/s is living, working, staying, visiting located if consuming alcohol or another intoxicating drug or substance or when under the influence of alcohol or another intoxicating drug or substance; and  **6.**  Must submit to a breath test and/or breath analysis and/or drug test when requested by a police officer in relation to this order. |  |  |
| **NON-VIOLENCE ORDERS** | **Adult** | **Child** |
| **7.**  causing harm or attempting or threatening to cause harm to the protected person/s |  |  |
| **8.**  causing damage to property, or attempting or threatening to cause damage to property of the protected person/s |  |  |
| **9.**  intimidating or harassing or verbally abusing the protected person/s |  |  |
| **10.**   stalking the protected person/s |  |  |
| **11.**  exposing a protected person or children of the protected person to domestic violence | | |
| **12.** locating or attempting to locate the protected person or children of the protected person, or any child who usually resides with the protected person | | |
| **PREMISES EXCLUSION ORDERS** | | |
| **13.**  The respondent must vacate the premises located at (insert address) \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ within \_\_\_\_day/s, and the respondent is restrained from returning to the said premises, unless accompanied by a police officer to retrieve the respondent’s personal property | | |
| **14.**  The respondent is restrained from approaching within \_\_\_\_ metres of the premises located at (insert address) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | |
| **INTIMATE IMAGES** | | |
| **15.**  The respondent must immediately destroy any intimate image of the protected person in the respondents possession and control and must not share, publish, distribute or obtain any intimate image/s of the protected person | | |
| **OTHER ORDERS SOUGHT** | | |
| (Outline any other orders sought)  **16.** | | |

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| 1. **OTHER COURT PROCEEDINGS OR ORDERS** |
| You should inform the Court if there are any other relevant court proceedings, undertakings or orders. If there are current orders or undertakings that involve the defendant or protected persons, you must provide a copy of those orders or undertakings. If you do not have a copy of those documents, please provide a brief outline of what they say. |
| **Type of Order** |
| Family Law Orders  Child Protection Orders  Domestic Violence Orders  Undertaking  Bail Conditions  Other Order |
| **Date and details of order:**  **Copy Attached** |
| **Other Current Proceedings** |
| Federal Circuit Court  Family Court  Criminal Court  Domestic Violence  Child Protection  Other Proceedings |
| **Date of next court event and details of proceedings:** |
| 1. **APPLICATION** |
| This Application was made by:  telephone  fax  email  on the ..........………………...... day of ................…………......... 20.………………., at ………………......... o'clock  to .......................……………………........................ a Judge of the Northern Territory Local Court.  ............................……………………………  Judge to sign his/her copy  ............................……………………………  Member of Police Force  to sign his/her copy |
| 1. **ORDER (if application is successful)** |
| I, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, a Judge of the Northern Territory Local Court, having heard an application for a variation of an order under section 66 by a member of the Police Force of the Northern Territory of Australia, vary the order as follows: |
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| The reasons for varying the order are that on the hearing of the application I am satisfied that: |
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| I further order that **THE** **RESPONDENT IS SUMMONED TO APPEAR** at the following time to be further dealt with according to law and to show cause why this variation of an order should not be confirmed.  **THIS APPLICATION WILL BE FURTHER DEALT WITH**  **by the Local Court at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the Northern Territory**  **on the \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_ am./pm**  .............................………………………………  Judge to sign his/her copy |
| 1. **ORDER (if application is unsuccessful)** |
| I, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, a Judge of the Northern Territory Local Court, having heard an application for a variation of an order under section 35 of the Act by a member of the Police Force of the Northern Territory of Australia have refused that application for the following reasons: |
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| 1. **NOTICE TO PARTIES** |
| I, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, a member of the Police Force of the Northern Territory, have undertaken the following (select the applicable): |
| If the DVO is confirmed with variation:  Completed a form of Order in accordance with the variations ordered by the Court and provided a copy of the Order to the Court; and  Provided the Protected Person with a copy of the varied order  on\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_ at \_\_\_\_\_\_\_\_ am/pm; and  Provided the Respondent with a copy of the varied order (including the summons)  on\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_ at \_\_\_\_\_\_\_\_ am/pm  The police officer should also lodge a declaration of service with the court. |
| If the DVO is confirmed without variation:  Informed the Protected Person of the order and the reasons for it  on\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_ at \_\_\_\_\_\_\_\_ am/pm  Informed the Respondent of the order and the reasons for it  on\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_ at \_\_\_\_\_\_\_\_ am/pm |
| If the DVO is revoked:  Informed the Protected Person of the revocation order and the reasons for it  on\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_ at \_\_\_\_\_\_\_\_ am/pm  Informed the Respondent of the revocation order and the reasons for it  on\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_ at \_\_\_\_\_\_\_\_ am/pm |
| Notice to Parties completed in accordance with the requirement of the Act:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (Signed by Police Officer) (Name and Police Registration Number) |
| 1. **IMPORTANT NOTICE TO THE RESPONDENT** |
| If you do not appear at the above-mentioned time and place, the order may be confirmed in your absence. If you do not comply with the order as varied you could be found guilty of an offence punishable by 2 years imprisonment or a fine of $62,800 for a first offence; for a second or subsequent offence, if the non-compliance results in harm to the protected person, you would be liable to a mandatory term of imprisonment (detention if Respondent is a young person) for not less than 7 days or more than 2 years.  A domestic violence order made in the Northern Territory is a nationally recognised DVO and is enforceable in all States and Territories in Australia and also may be registered and enforced, without notice to the respondent, in New Zealand. |