

FORM 9

NORTHERN TERRITORY OF AUSTRALIA

Domestic & Family Violence Act

Section 65

Case No:

**URGENT APPLICATION FOR VARIATION OF ORDER UNDER
SECTION 65**

APPLICANT:

DEFENDANT:

PROTECTED PERSON(S):

I, a member of the Police Force of the Northern Territory, state that.....(person on whose behalf application is made) of(address), a person in a domestic relationship with the person in relation to whom the order(s) specified below is made, on the..... day of20., at..... in the Northern Territory, did request me to seek a variation of the following order(s). I am satisfied there has been a substantial change in circumstances.

DETAILS OF ORDERS TO BE VARIED:

Attach a copy of the order. (If you do not have a copy of the order, you may obtain one from the Court of Summary Jurisdiction.)

VARIATION OF EXISTING ORDER:

- (1) *If a new order is to be added to the existing order, write out the new order.*
- (2) *If an existing order is to be omitted, write out that order.*

(3) *If an existing order is to be changed, write out the order as it should read.*

(Delete whichever does not apply)

There are in existence the following orders under this Act, the *Family Law Act 1975* of the Commonwealth or another Act, affecting the defendant and the person for whose benefit the order is sought:

SUBSTANTIAL CHANGES IN CIRCUMSTANCES:

State the substantial changes in circumstances.

.....

Application made by telephone on the day of 20....., at o'clock to a Magistrate of the Northern Territory of Australia.

.....
Magistrate to sign his/her copy

.....
Member of Police Force
to sign his/her copy

ORDER

I,, having heard an application for a variation of an order under section 64 by a member of the Police Force of the Northern Territory of Australia, vary the order as follows:

The reasons for varying the order are that on the hearing of the application I am satisfied that:

I further order that this variation of an order is returnable on the day of 20....., at am./pm. at the Court of Summary Jurisdiction at in the Northern Territory of Australia to deal with the application, and be further

dealt with according to law and to enable the defendant to be summoned to appear before the Court to show cause why this order should not be confirmed.

.....
Magistrate to sign his/her copy

OR I, having heard an application for a variation of an order under section 64 of the Act by a member of the Police Force of the Northern Territory of Australia have refused that application for the following reasons:-

(Reasons for refusal).....
.....

SUMMONS TO DEFENDANT

AND the defendant is summoned to appear at the above-mentioned time to be further dealt with according to law and to show cause why this variation of an order should not be confirmed.

- Applicant informed of terms of variation of order.
- Defendant informed of terms of variation of order (including summons).

.....
Magistrate to tick
as applicable
and sign his/her copy

.....
Member of the Police Force
to tick as applicable
and sign his/her copy

NOTICE TO DEFENDANT: If you do not appear at the above-mentioned time and place, the variation of 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 \$44,000 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 defendant is a young person) for not less than 7 days or more than 2 years.

A domestic violence order made or varied in the Northern Territory may be registered and enforced, without notice to you, in a State or another Territory of the Commonwealth or in New Zealand if there is a law in force in the relevant jurisdiction to provide for the registration and enforcement of the order.

NOTES:

- (1) Only members of the Police Force can make applications under section 64.
- (2) For the purposes of the Act, a person is in a domestic relationship with another person if he or she –
 - (a) is or has been a relative of the other person (see section 3 of the *Domestic & Family Violence Act*), including –
 - (i) a spouse, including a spouse of the person according to Aboriginal tradition, a former spouse of the person, a de facto partner of the person and a former de facto partner of the person; or
 - (ii) a relative according to Aboriginal tradition or contemporary social practice;
 - (b) has or had the custody or guardianship of, or right of access to, the other person, or is or has been subject to the custody or guardianship of the other person or that other person has or has had a right of access to the person;
 - (c) ordinarily or regularly resides or has resided with the other person, or with another relative, of the other person;
 - (d) is or has been a relative of a child of the other person; or
 - (e) has or has had an intimate personal relationship with the other person.
 - (f) has or has had a carers' relationship with the other person.
- (3) Here list the details of existing orders affecting the defendant and the person for whose benefit the order is being sought that the person knows of, e.g. home detention orders, other domestic violence orders under this Act or orders under any other Act.

NOTE: In the case of any of the following matters under the *Family Law Act 1975* of the Commonwealth, you need only list them if they require or authorise contact between a child and the person for whose benefit the order is being sought or the defendant: parenting orders, parenting plans, recovery of children orders, specific issues orders, injunctions under section 68B or 114 of that Act, undertakings accepted by the Family Court or recognisances entered into pursuant to an order under that Act.
