



Magistrates Court of Western Australia Criminal Jurisdiction

Fact Sheet 46 – The National Domestic Violence Order Scheme (NDVOS)

This fact sheet explains the National Domestic Violence Order Scheme (NDVOS)

What is the National Domestic Violence Order Scheme?

The National Domestic Violence Order Scheme came into effect on 25 November 2017 following the proclamation of the Domestic Violence Order (National Recognition) Act 2017.

Under the Scheme, domestic violence orders issued by a court or police officer anywhere in Australia on or after 25 November 2017 will automatically be **recognised and enforceable by police throughout the country**. Details of the order will be sent to a national database accessible to police in all states and territories.

In Western Australia, domestic violence orders are referred to as Family Violence Restraining Orders, or FVRO's, under the Restraining Orders Act 1997. If your FVRO was made or confirmed after 25 November 2017 you do not need to do anything for it to be nationally recognised. Details of the order will be sent to a national database accessible to police in all states and territories.

Active FVRO's and Violence Restraining Orders that relate to family and domestic violence made before 25 November 2017 in WA may be brought within the Scheme via an application to a Magistrates Court. Information about how to apply for an order made before 25 November 2017 to be nationally recognised is provided below.

How to apply for an order made before 25 November 2017 to be nationally recognised

If you require your restraining order to be recognised nationally, you can apply to have it 'declared' to be a nationally recognised order. This can be done by lodging an Application for National Recognition of Restraining Order, with a supporting affidavit at your nearest WA Magistrates Court. The application will be listed for you to appear before a Magistrate who will decide whether to declare the order to be nationally recognised.

These forms and are available from the Magistrates Court website:

www.magistratescourt.wa.gov.au.

Will the person bound be notified of the hearing?

The person bound by the order will not be notified of the application and will only be notified that the order has been declared to be nationally recognised if you ask for this to occur. If you request that the person bound receive this notification, the court will advise the person by mail that the order is now nationally recognised.

Can other restraining orders be lodged with the NDVOS?

Restraining orders that do not relate to family and domestic violence cannot be declared to be nationally recognised under this scheme.

Declaration of interstate orders

If you have an interstate domestic violence order that was issued before 25 November 2017 and are now located in WA, you can apply to your nearest WA Magistrates Court to have it declared to be a nationally recognised order. This applies to orders made in all states and territories except Victoria; all active Victorian orders (family violence safety notices and family violence intervention orders) are automatically recognised without need for a separate application to a court.

If you require your interstate domestic violence order to be recognised nationally, you can apply to have it 'declared' to be a nationally recognised order. This can be done by lodging an **Application for National Recognition of Restraining Order**, with a supporting **affidavit** at your nearest WA Magistrates Court.

If possible, you should attach a copy of your interstate order and any related documentation that is available (for example, evidence that the interstate order has been served on the person bound). The application will be listed for you to appear before a Magistrate who will decide whether to declare the order.

These forms and are available from the Magistrates Court website:

www.magistratescourt.wa.gov.au.

Application to vary or revoke eastern states orders

Under the Scheme, WA courts have the power to vary or revoke an order made in another state or territory that is nationally recognised. An Application to Vary or Cancel a Recognised Interstate Order can be made to any WA Magistrates Court.

These forms and are available from the Magistrates Court website:

www.magistratescourt.wa.gov.au.

The court may refuse to consider an application to vary or cancel an interstate order if it is not satisfied that there is a legitimate reason for the application being made in WA. In addition, a court can refuse to hear an application if circumstances have not changed and the application is effectively an appeal against the making of the original order.

If the court decides to hear the application, it will be listed for you to appear before a magistrate to hear why you wish to vary or revoke the order. Other parties to the order will be served with a summons to attend should they wish to do so. If the court does vary or revoke the order parties will be notified of the outcome.

Further Information

For further information about any of the court processes referred to on this page please contact your nearest Magistrates Court.

For further information about the National Domestic Violence Order Scheme, please visit the WA NDVOS website www.justice.wa.gov.au/ndvos or the national NDVOS website www.ag.gov.au/ndvos.

This is a guide only. The content is subject to change.

If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.