

Recognition of interstate orders

All Australian states and territories have passed legislation giving effect to the National Domestic Violence Order (DVO) Scheme. Under the scheme, all protection orders made in any Australian jurisdiction on or after 25 November 2017 are automatically recognised and enforceable nationally, without any further action by the protected person.

Prior to the commencement of the scheme, protection orders were only enforceable in the state or territory in which they were issued. For the order to be enforceable in another state or territory, the protected person had to manually apply to have the order registered in that individual state or territory.

In all jurisdictions except Victoria, protection orders issued prior to 25 November 2017 are not automatically nationally recognised, but can be 'declared' as a recognised order by a court to ensure the order is enforceable and applicant is protected nationwide, rather than just in the state or territory in which the order was issued (and any additional jurisdiction in which the order was previously registered). The protected person may apply to any local court in Australia for such a declaration.

Protection orders which were issued in Victoria prior to 25 November 2017 and which were still active at 25 November 2017 are automatically nationally recognised, without the need for the protected person to obtain a declaration. However, interstate orders that were registered in Victoria prior to 25 November 2017, rather than issued there, are not automatically nationally recognised and require declaration.

Protection orders issued in New Zealand on or after 25 November 2017 are not automatically nationally recognised in Australia, but can be registered in any Australian local court. Once registered, the New Zealand protection order is recognised and enforceable throughout Australian jurisdictions in the same way as Australian protection orders issued on or after 25 November 2017, or which have been declared.

Below is a table identifying the legislation in each state or territory that gives effect to the scheme, and under which an application to have a protection order issued before 25 November 2017 'declared' may be made.

For an overview [click here](#).

National recognition of protection orders: provisions under state/territory domestic and family violence legislation

Jurisdiction	Protection order issued on or after 25 November 2017 recognised under:	Protection order issued prior to 25 November 2017 may be declared under:

Australian Capital Territory (ACT)	Part 9 <i>Family Violence Act 2016</i> (ACT)	Part 9 (Div 9.6) <i>Family Violence Act 2016</i> (ACT)
New South Wales (NSW)	Part 13B <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW)	Part 13B (Div. 6) <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW)
Northern Territory (NT)	Chapter 3A <i>Domestic and Family Violence Act 2007</i> (NT)	Chapter 3A (Part 3A.6) <i>Domestic and Family Violence Act 2007</i> (NT)
Queensland (Qld)	Part 6 <i>Domestic and Family Violence Protection Act 2012</i> (Qld)	Part 10 (Div. 3) <i>Domestic and Family Violence Protection Act 2012</i> (Qld)
South Australia (SA)	Part 3A <i>Intervention Orders (Prevention of Abuse) Act 2009</i> (SA)	Part 3A (Div. 6) <i>Intervention Orders (Prevention of Abuse) Act 2009</i> (SA)
Tasmania (Tas)	<i>Domestic Violence Orders (National Recognition) Act 2016</i> (Tas)	Part 6 <i>Domestic Violence Orders (National Recognition) Act 2016</i> (Tas)
Victoria (Vic)	<i>National Domestic Violence Order Scheme Act 2016</i> (Vic)	Part 7 <i>National Domestic Violence Order Scheme Act 2016</i> (Vic) Note: Victorian courts may still declare orders issued in other jurisdictions prior to 25 Nov 2017 as “recognised” in Victoria. Orders issued prior to 25 Nov 2017 in Victoria are automatically nationally recognised.
Western Australia (WA)	<i>Domestic Violence Orders (National Recognition) Act 2017</i> (WA)	Part 6 (Div. 3) <i>Domestic Violence Orders (National Recognition) Act 2017</i> (WA)

Further Resources:

Australian Capital Territory	https://www.courts.act.gov.au/magistrates/o/courts/protection/How-to-register-an-order-from-another-State,-Territory
New South Wales	https://www.lawaccess.nsw.gov.au/Pages/representing/lawassist_avo/lawassist_gettingavo_home/lawassist_pino
Northern Territory	https://nt.gov.au/law/courts-and-tribunals/domestic-violence-orders/dvo-now-enforced-nationally
Queensland	https://www.courts.qld.gov.au/going-to-court/domestic-violence/national-domestic-violence-order-scheme

South Australia	http://www.courts.sa.gov.au/RepresentYourself/InterventionOrders/Pages/default.aspx
Tasmania	https://www.justice.tas.gov.au/national-domestic-violence-order-scheme
Victoria	https://www.mcv.vic.gov.au/intervention-orders/family-violence-intervention-orders/interstate-intervention-orders-fv
Western Australia	https://www.magistratescourt.wa.gov.au/_files/Civil_Factsheet_46.pdf