

Protection order

Under the National Domestic Violence Order Scheme, protection orders made in any Australian jurisdiction on or after 25 November 2017 are automatically recognised and enforceable nationally.

Protection orders made before 25 November 2017 (except Victorian protection orders and New Zealand protection orders registered in Victoria, which are recognised retrospectively) are not automatically recognised and enforceable in other jurisdictions. All jurisdictions have legislation to enable protection orders made before 25 November 2017 to become nationally recognised by being ‘declared’ as a protection order recognised under the scheme. The protected person may apply to any local court in Australia for such a declaration.

While there are differences in the nature and scope of domestic and family violence legislation across Australian States and Territories, all contain provisions for certain courts in each jurisdiction to make civil orders (usually on application by police or an individual) specifically to protect victims – or persons at risk – of domestic and family violence occurring in the context of a range of relationships, including those between current or former intimate partners.

The objects of these orders, generally, is to protect **victims** from future domestic and family violence. They recognise that: a range of behaviours – physical and non-physical – can constitute domestic and family violence; that most often these are patterns of behaviour occurring over time rather than one-off incidents; and that victims and other affected parties are likely to require protection over extended periods. The wording and conditions of orders vary widely within and across jurisdictions depending on the facts of the particular case and the circumstances and experiences of the parties involved.

The terms used to identify these orders also vary across jurisdictions and these terms are set out in the table below:

Jurisdiction	Relevant legislation	Commonly-issued orders
Australian Capital Territory	Family Violence Act 2016 (ACT)	family violence order
New South Wales	Crimes (Domestic and Personal Violence) Act 2007 (NSW)	apprehended domestic violence order
Northern Territory	Domestic and Family Violence Act 2007 (NT)	domestic violence order
Queensland	Domestic and Family Violence Protection Act 2012 (Qld)	domestic violence order

South Australia	<i>Intervention Orders (Prevention of Abuse) Act 2009 (SA)</i>	intervention order
Tasmania	<i>Family Violence Act 2004 (Tas)</i>	family violence order
Victoria	<i>Family Violence Protection Act 2008 (Vic)</i>	family violence intervention order
Western Australia	<i>Restraining Orders Act 1997 (WA)</i>	family violence restraining order

For convenience, this bench book uses the collective term, 'protection order', except where it is necessary to refer to an order issued under specific legislation, for example in the case summaries.

It is important to note that when a person in whose favour a protection order has been made makes an application for the registration of that order in another state or territory, the applicant must detail the precise nature – including the name – of the order previously made. Wording or conditions that differ from what may be considered standard in the other state or territory do not prevent registration of the order.