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NSW Police Force

Domestic and Family Violence Guidelines

Version 1.0
2025

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Summary

These Guidelines outline all relevant NSW Police Force policies, practices and procedures relating to domestic and family violence (DFV). The Guidelines embody NSW Police Force policy and act as the main document available to the public. They provide guidance, practice standards, legislative interpretation on police powers and actions used by the NSW Police Force when dealing with domestic and family violence incidents.

You are encouraged, whether you may be experiencing domestic and family violence yourself, or know of someone who is, to contact support services on the following numbers:

- Triple Zero for emergencies and urgent matters - 000
- Police Assistance Line for non-urgent matters – 13 444
- Crime Stoppers – 1300 333 000
- 1800 RESPECT - 1800 737 732
- Men's Referral Services - 1300 6491
- Lifeline - 13 11 14

More help is available. Please download the Empower You app to see a list of local DFV support services or see [here](#).



The Guidelines are a living document and will be updated on a regular basis to reflect changes to legislation and to NSW Police Force policy.

Document control sheet

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Purpose

The NSW Police Force response to DFV is constantly evolving to meet established and emerging threats and practices.

The Guidelines reflect NSW Police Force policy and is the key publicly available document. They provide information for stakeholders and the community of NSW regarding the roles and responsibilities of the NSW Police Force in responding to and managing DFV incidents.

Scope

These Guidelines outline the NSW Police Force response to DFV and contain a set of strategies, tools and policing practices that are followed by police when exercising the powers of their office.

Commissioner's Foreword

Combatting the scourge of domestic and family violence poses a great challenge to society, as it does to police. The NSW Police Force is committed to improving its response to domestic and family violence and reducing its prevalence for the betterment of the community.

From a policing perspective, domestic and family violence is the greatest single source of work for general duties police, who responded to over 500 domestic and family violence incidents on average each day. The scale of the task at hand is significant but surmountable.

The NSW Police Force's vision statement, *Our Focus Our Future*, defines the purpose of the organisation; to work with the community to reduce violence, crime and fear. A critical piece in the organisation's vision is a focus on victims of silent crimes and central to that are victims of domestic and family violence.

Accordingly, in 2022 the NSW Police Force embarked on the Domestic and Family Violence Reform Project to overhaul the manner in which the organisation responds to domestic and family violence and improve outcomes for victims. The reform project is heavily tied to recommendations made by the Auditor General's office in April 2022 about the NSW Police Force response to domestic and family violence.

The key objectives of the reform project include a focus on resourcing the prevention, early intervention, response and recovery of domestic and family violence; providing a capable and coordinated response to incidents of domestic and family violence; collaborating meaningfully with partners to assist victim recovery from domestic and family violence; and the establishment of service delivery standards and evaluative measures across workplace culture, training, community and inter-agency engagement, incident reporting, investigations and prosecutions. In effect, the reform project will result in significant improvements in police resources, processes, training and support.

In September 2023, the Domestic and Family Violence Command was established to drive the strategic response to domestic and family violence. The Domestic and Family Violence Command provides quality assurance and governance oversight for domestic and family violence incidents to ensure the policing response in the field is best practice.

The updated Domestic and Family Violence Guidelines combine the previous Domestic and Family Violence Policy and Code of Practice in a single overarching document to explain the roles and responsibilities of the NSW Police Force when responding to domestic and family violence. The Domestic and Family Violence Guidelines serve as a representation of NSW Police Force policy and is our primary public document offering details for stakeholders and the community on the NSW Police Force approach to managing domestic and family violence incidents.

Commissioner of Police

Executive Sponsor's Foreword

The NSW Police Force is committed to proactively disrupting domestic and family violence to promote victim safety. We continue to implement new strategies to reduce reoffending and strengthen offender accountability.

Operation Amarok has been established and is just one of many strategies used to address domestic and family violence in the community. The strategies employed in Operation Amarok have been developed around identifying higher risk offenders and deploying direct interventions that aim to reduce the incidence of serious harm or death to current or future victims. The operation has seen outstanding results over its course of deployment.

On 1 July 2024, legislation to criminalise coercive control came into effect. NSW is the first Australian state or territory to have a dedicated stand-alone offence of coercive control and as a result, the NSW Police Force have developed and delivered new and enhanced domestic and family violence training over the past 12 months. This training includes mandatory courses on the new coercive control offence as well as increased focus on victim care to avoid re-traumatisation and the most appropriate policing response to prevent recidivist offending and re-victimisation.

As part of the Domestic and Family Violence Reform Project, the NSW Police Force is preparing for mass technological upgrades, which will result in a significantly more efficient policing response in an administrative sense and an improved outcome for victims. The NSW Police Force is also engaged in relatively new programs to trial better victim support at police stations and reduced financial abuse that occurs through transaction messaging.

Addressing a domestic and family violence crime requires the navigation through a wide range of legislation and related procedures. It also requires the police to partner strongly with other government, non-government, and community organisations to find lasting effective solutions.

The Domestic and Family Violence Guidelines have been informed through consultation with these agencies as well as front-line officers to ensure we are working collaboratively towards the goal of reducing domestic and family violence in the community of NSW.

Peter McKenna APM
A/Deputy Commissioner,
Executive Sponsor for Domestic and Family Violence

Definitions and Descriptions

Commonly used acronyms in the DFV Guidelines

ACLO	Aboriginal Community Liaison Officer
ADVO	Apprehended Domestic Violence Order
APVO	Apprehended Personal Violence Order
APRO	Ancillary Property Recovery Order
ASD	Aboriginal Strategic Direction
CAD	Police Computer Aided Dispatch (CAD) system
CALD	Culturally and Linguistically Diverse
CPU	Crime Prevention Unit
CRP	Central Referral Point
DCJ	Department of Communities and Justice
DFV	Domestic and Family Violence
DFVC	Domestic and Family Violence Command
DV	Domestic violence
DVEC	Domestic Violence Evidence in Chief
DVSAT	Domestic Violence Safety Assessment Tool
GDs	General Duties Police
GLLO	LGBTQIA+ Liaison Officer
LCP	Local Coordination Point
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning, Asexual
LSS	Local Support Services
MCLO	Multicultural Community Liaison Officer
MobiPOL	Handheld device used by police to record investigations in the field.
NGO	Non-Government Organisation
ODPP	Office of the Director of Public Prosecutions
OIC	Officer in Charge
PAC/PD	Police Area Command (Metro)/Police District (Regional)
PINOP	Person/s in need of protection (also referred to as protected person/s)
ROSH	Risk of Significant Harm
SAM	Safety Action Meeting
SHLV	Staying Home Leaving Violence Program
WebCOPS	Computerised Operational Policing System
WDVCAS	Women's Domestic Violence Court Advocacy Service
YO	Youth Officer
YOA	YOA – Young Offenders Act 1997

Terms and definitions

Domestic abuse¹

Domestic abuse is any behaviour (including actions) in a domestic relationship that;

- is violent,
- is threatening,
- is coercive or controlling, and/or
- makes a person fear for their own safety or the safety of others.

When a behaviour involved in a criminal offence is also domestic abuse, it will be a domestic violence offence.

¹ S6A Crimes (Domestic and Personal Violence) Act 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.6A>

Behaviours covered under the definition of domestic abuse

The legal definition of domestic abuse covers many different types of behaviour. It can involve a single behaviour or repeated behaviours including:

- Behaviour that is physically abusive or violent,
- behaviour that is sexually abusive, coercive or violent,
- behaviour that is economically or financially abusive,
- behaviour that is verbally abusive,
- behaviour that shames, degrades or humiliates,
- behaviour that is intimidation,
- behaviour that is stalking, or that directly or indirectly harasses a person, or monitors or tracks a person's activities, communications or movements, whether by physically following the person, using technology or in another way,
- behaviour that damages or destroys property,
- behaviour that causes death or injury to an animal, or otherwise makes use of an animal to threaten a person,
- behaviour that prevents the second person from doing any of the following or otherwise isolates the person—
 - making or keeping connections with the person's family, friends or culture,
 - participating in cultural or spiritual ceremonies or practice,
 - expressing the person's cultural identity,
 - behaviour that deprives the second person of liberty, restricts the second person's liberty or otherwise unreasonably controls or regulates a person's day-to-day activities.

Domestic relationship²

A person has a *domestic relationship* with another person if the person—

- a) is or has been married to the other person, or
- b) is or has been a de facto partner of that other person, or
- c) has or has had an intimate personal relationship with the other person, whether or not the intimate relationship involves or has involved a relationship of a sexual nature, or
- d) is living or has lived in the same household as the other person, or
- e) is living or has lived as a long-term resident in the same residential facility as the other person and at the same time as the other person (not being a facility that is a correctional centre within the meaning of the Crimes (Administration of Sentences) Act 1999 or a detention centre within the meaning of the Children (Detention Centres) Act 1987), or
- f) has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the other person (subject to section 5A), or
- g) is or has been a relative of the other person, or
- h) in the case of an Aboriginal person or a Torres Strait Islander, is or has been part of the extended family or kin of the other person according to the Indigenous kinship system of the person's culture.

Two persons also have a domestic relationship with each other for the purposes of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) if they have both had a domestic relationship of a kind set out in subsection (1)(a), (b) or (c) with the same person.

Special provisions—carers and their dependants³

- 1) A person (a dependant) who has or has had a relationship with another person involving the person's dependence on the ongoing paid care of the other person (a paid carer) is treated as having a domestic relationship with the paid carer only for the purposes of the protection of the dependant.
- 2) Accordingly—

² S5 Crimes (Domestic and Personal Violence) Act 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.5>

³ S5A Crime (Domestic and Personal Violence) Act 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.5A>

- a) a paid carer and a dependant are to be treated as having a domestic relationship for the purposes of any offence committed by a paid carer against a dependant, but not for the purposes of an offence committed by a dependant against a paid carer, and an apprehended domestic violence order may be made against a paid carer for the protection of a dependant (or for the protection of two or more persons at least one of whom is a dependant), but not against a dependant for the protection of a paid carer.

Intimate relationship

An intimate relationship includes an intimate personal relationship with another person, whether or not the intimate relationship involves or has previously involved a relationship of a sexual nature.⁴ Examples of an intimate relationship include, married or engaged to be married, separated, divorced, de facto partners, couples promised to each other under cultural or religious tradition, or who are dating. An intimate partner falls into these categories.

An intimate partner is defined as:⁵

- (a) is or has been married to the first person, or
- (b) is or has been a de facto partner of the first person, or
Note— “De facto partner” is defined in the Interpretation Act 1987, section 21C.
- (c) has or has had an intimate personal relationship with the first person, whether or not the intimate relationship involves or has involved a relationship of a sexual nature.

Non-intimate relationship

A non-intimate relationship includes all other relationships, including parent/child, siblings, flatmates, ongoing paid or unpaid carer of the other person, long-term resident in the same residential facility as the other person, a relative of the other person, extended family or kin of the other person according to the Indigenous kinship system of the person's culture.

Coercive control

Coercive control is a course of abusive behaviours by an adult offender that seeks to coerce or control the independence of an individual.

The offence of coercive control came into force on 1 July 2024. The offence is included in Section 54D of the *Crimes Act 1900* (NSW).

A coercive control offence is committed when an adult engages in a course of conduct, consisting of physical and/or non-physical abusive behaviour against a current or former intimate partner that is designed to coerce or control the other persons. The behaviour would cause a likely cause a reasonable person to fear violence or adversely affect their capacity to function in day-to-day activities.

Abusive behaviours include, but are not limited to;

- violence or threats against, or intimidation of, a person, or
- coercion or control of the person against whom the behaviour is directed.
- engaging in, or threatening to engage in,
 - behaviour that causes harm to a child if a person fails to comply with demands made of the person,
 - behaviour that causes harm to the person against whom the behaviour is directed, or another adult, if the person fails to comply with demands made of the person,
 - behaviour that is economically or financially abusive,
- behaviour that shames, degrades or humiliates,

⁴ S5(c) *Crimes (Domestic & Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.5>

⁵ S54C *Crimes Act 1900* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#sec.54C>

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- behaviour that directly or indirectly harasses a person, or monitors or tracks a person's activities, communications or movements, whether by physically following the person, using technology or in another way,
- behaviour that causes damage to or destruction of property,
- behaviour that prevents the person from doing any of the following or otherwise isolates the person—
 - making or keeping connections with the person's family, friends or culture,
 - participating in cultural or spiritual ceremonies or practice,
 - expressing the person's cultural identity,
- behaviour that unreasonably causes injury or death to an animal, or otherwise makes use of an animal to threaten a person,
- behaviour that deprives a person of liberty, restricts a person's liberty or otherwise unreasonably controls or regulates a person's day-to-day activities.

Some examples of this type of behaviour include but are not limited to:

- Constantly and unreasonably insulting and criticising a person.
- Sharing private information without authorisation or frequently making jokes that harm their self-esteem and dignity.
- Physically hurting a person in any way, throwing or breaking items, or driving recklessly to make someone feel unsafe.
- Threatening to withdraw visa sponsorship unless demands are met, threatening to take a child out of the country.
- Unreasonably taking away or limiting a person's access to their phone so they can't contact family and friends.
- Making unreasonable rules about what clothing they can wear, preventing the person from leaving the house or going out alone.
- Unreasonably not allowing them to work outside the home to earn money.
- Installing tracking devices on or in a person's car without their knowledge, to monitor their movements.

The abusive behaviours must occur in NSW or in NSW and another Australian jurisdiction. Only abusive behaviours committed after 1 July 2024 will be considered when prosecuting this offence. Offences that occur before 1 July 2024, can be prosecuted under other legislation.

[More information on coercive control can be found on the Department of Communities and Justice website.](#)

High Risk Offenders

The *Crimes (High Risk Offenders) Act 2006* (NSW) provides for the extended supervision and continuing detention of high-risk sex offenders and high-risk violent offenders, to ensure the safety and protection of the community.

The Supreme Court may make an order for the supervision in the community of an offender the Supreme Court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a "serious violent offence" or "serious sex offence" if not supervised under the order.

A "serious violence offence" is a serious indictable offence that is constituted by a person engaging in conduct that causes the death of another person or grievous bodily harm to another person, with the intention of causing, or while being reckless as to causing, the death of another person or grievous or actual bodily harm to another person.⁶ A "serious violence offence" includes strangulation.

Senior Police Officer

A police officer of or above the rank of Sergeant.

⁶ S5A(1) (a) *Crimes (High Risk Offenders) Act 2006* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2006-007#sec.5A>

Child

Means a person under the age of 16 years.⁷

Young offender

A young offender is a child aged between 10 and 17 (inclusive) who has committed or is alleged to have committed an offence. Young offenders are able to be dealt with under the Young Offenders Act 1997.⁸

Safer Pathway

Safer Pathway is the NSW whole-of-government response designed to provide accessible and effective domestic violence support services to victims. Within Safer Pathway, relevant government and non-government agencies work together to identify people experiencing domestic and family violence, and to offer them support to increase their safety.

Safer Pathway includes the following five key components:

1. A state-wide network of support services – Women's Domestic Violence Court Advocacy Services (WDVCAS) (for female victim-survivors) and Local Support Services (LSS) (for male victim-survivors).
2. Safety Action Meetings (SAMs).
3. A Domestic Violence Safety Assessment Tool (DVSAT)
4. A Central Referral Point (CRP)
5. Information sharing legislation that allows service providers to share information about victim-survivors and perpetrators.

Domestic and Family Violence Command

The Domestic and Family Violence Command (DFVC) focusses on the reduction of repeat DFV and provides a strategic and operational response to support the NSW Police Force.

The role of the DFVC includes:

- Implement and monitor the quality control and governance of high-risk DFV incidents within NSW.
- Provide operational and legal advice and guidance on best practice and related issues to NSW Police Force officers in the field.
- Coordinate all NSW Police Force responses to requests for DFV information from government and non-government agencies.
- Develop and maintain relationships with government and non-government partner agencies to ensure projects, policies and initiatives align with the objectives and expectations of the NSW Police Force.
- Develop and provide training to the NSW Police Force workforce and other agencies responding to DFV.

⁷ S3 Crimes (Domestic and Personal Violence) Act 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.3>

⁸ S4 Young Offenders Act 1997 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1997-054#sec.4>

Roles and responsibilities

ROLE	RESPONSIBILITIES
GENERAL DUTIES (GDs)	GDs officers are, in most cases, the first officers to respond to DFV incidents. GDs will commence an investigation into any offence that may have occurred. GDs officers may also apply for an Apprehended Domestic Violence Order (ADVO) on behalf of the victim and family members in need of protection.
MOBILE SUPERVISOR	The Mobile Supervisor provides in field assistance and support to police responding to incidents of DFV. The mobile supervisor will, where practicable, attend all DFV incidents.
TEAM LEADER/SHIFT SUPERVISOR	Team Leaders/Shift Supervisors provides supervision, support and mentoring to police responding to DFV incidents ensuring timely police attendance at all DFV matters. The shift supervisor quality reviews all DFV events.
COMMAND INSPECTOR /DISTRICT INSPECTOR	Command Inspector (PACs) and District Inspectors (PDs) are members of the senior management team at the PAC/PD. Command/District Inspectors can provide access to specialist resources including Forensic Services Group and detectives, to assist in the investigative process.
CRIME COORDINATOR	Crime Coordinators lead the PAC/PD Crime Prevention Unit (CPU) and the coordination and functions of its staff. Crime Coordinators evaluate all reported crimes allocated to the PAC/PD.
CRIME MANAGER	The Crime Manager (Inspector) is responsible for the strategic management of all criminal investigations, crime reduction strategies and pro-active operations. The Crime Manager chairs their local SAM.
DOMESTIC VIOLENCE (DV) TEAM LEADER	The Domestic and Family Violence Team Leader ensures the efficient management of the PAC/PD's response to DFV. The Team leader manages the Command's DV Team, provides quality assurance and has responsibility of offender management and victim support.
DOMESTIC VIOLENCE (DV) OFFICERS	The DV Officers maintains an awareness of NSW Police Force DFV legislation, policy and procedures to support and guide the PAC/PD's response to DFV. DV Officers assist victims and children of DFV through referral to appropriate community support services and application of tools (DVSAT/SAM/Child Wellbeing Unit and Department of Communities and Justice).
DOMESTIC VIOLENCE (DV) OPERATIVES	DV Operatives proactively identify, disrupt and monitor repeat DFV offenders.
CRIMINAL INVESTIGATORS (DETECTIVES)	Detectives (Criminal Investigators) provide advice and guidance support to front line police and will investigate serious or complex DFV matters.
POLICE PROSECUTORS	The Police Prosecutor presents the police (prosecution) evidence before the Local Court and ensures the efficient operation of these courts from a police perspective.
COMMANDER – PAC/PD	The Commander is the most senior officer at the PAC/PD. They are responsible for ensuring the effective and efficient response and management of DFV across the command.

1. What is domestic and family violence?

DFV is behaviour within a domestic relationship, which is violent, threatening, coercive or controlling and causing a person to live in fear for their own or someone else's safety.⁹ It can manifest as part of a pattern of ongoing controlling or coercive behaviour and occurs in both intimate and non-intimate relationships. These behaviours are classified as domestic abuse and are considered a domestic violence offence when perpetrated against a person with whom the other person has or had a domestic relationship.¹⁰

DFV takes many forms including emotional and psychological abuse, intimidation, harassment, stalking, physical assault, coercive control, and sexual assault. DFV includes animal abuse targeting pets and damaging personal or joint property.

Some DFV incidents can be fatal, and this fatality is a tragic consequence of some relationships where there is escalating violence. The term domestic violence homicide refers to the unlawful killing of a of a current or former intimate partner, a family member or other person where there is a domestic relationship. The NSW Police Force is unwavering in its commitment to addressing this escalating violence by protecting victims and intervening in offender behaviours that may lead to this lethal outcome.

1.1 Who experiences DFV?

DFV is often underreported and affects people and families throughout all communities. DFV can happen to anyone, regardless of age, gender, race, culture, socioeconomic status, ability, or sexual orientation. The *Crimes (Domestic and Personal Violence) Act 2007* (NSW) recognises that DFV is predominantly perpetrated by men against women and children. This has been informed by knowledge of DFV as a gendered harm whereby men are more likely to be perpetrators of DFV, and women more likely to be victims.¹¹ Although this recognition is made by the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), the NSW Police Force recognises DFV does not discriminate who is impacted by its devastating effects and will approach all victims of DFV with equal respect.

The NSW Police Force recognises that DFV is one of the most serious issues affecting Aboriginal and Torres Strait Islander (First Nations) communities and can have devastating impacts on the health, social and emotional wellbeing of these communities. It is acknowledged that First Nations people are overrepresented as both victim-survivors and perpetrators of DFV with Aboriginal women being eight times more likely to be recorded as a victim when compared with non-Aboriginal women.¹² NSW Police Force officers are aware of the complexity of kinship ties in Aboriginal communities and are mindful of cultural differences.

All NSW Police Force officers are sensitive to the different needs of all communities when responding to DFV including diverse cultural and linguistic communities, sexually diverse communities, the elderly and those with a disability and mental health conditions. The organisation is committed to reducing the barriers to reporting and promoting the wellbeing of these DFV victims. The [NSW Police Force Aboriginal Strategic Direction 2024](#) is the corporate policy that guides police on their management of Aboriginal and Torres Strait Islander engagement in partnership with First Nations communities across the state

⁹ NSW Domestic and Family Violence Plan 2022-2027 <https://dcj.nsw.gov.au/documents/service-providers/domestic-and-family-violence-services/NSW-Domestic-and-Family-Violence-Plan-2022-2027.pdf>

¹⁰ S11 Crimes (Domestic and Personal Violence Act) 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.11>

¹¹ S9(3) (b) Crimes Domestic and Personal Violence Act 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.9>

¹² BOCSAR - NSW Recorded Crime Statistics July 2023 to June 2024 - <https://bocsar.nsw.gov.au/topic-areas/domestic-violence.html#:~:text=Domestic%20violence%20assault%20victims,be%20recorded%20as%20a%20victim>

Children and young people living in homes where DFV occurs face risks of both emotional harm and physical injury. These risks persist whether they witness the violence directly, try to intervene to protect a parent, are in another room, or are absent during the assault. Additionally, they may suffer significant impacts if they experience direct abuse. When exposed to ongoing violence, the effects are can be even more profound.

All victims of DFV are treated with dignity by the NSW Police Force and receive a comprehensive response regardless of the type of relationship they are or have previously been in, ensuring their unique needs and experiences are considered.

2. Investigating domestic and family violence incidents

The role of the NSW Police Force when investigating DFV is to ensure a safe and secure community and to uphold the laws of NSW and Australia. The NSW Police Force is committed to thoroughly investigating all DFV incidents.

2.1. Police response to domestic and family violence

Police will respond to all DFV incidents reported to them, regardless of who made the report; where, when, why or how it was made. The action taken will be based on an assessment of the incident and whether a domestic violence offence has been committed, irrespective of whether the person in need of protection (PINOP) makes a verbal complaint, record or written statement.

In meeting this policy of mandated action, police will:

- Investigate all DFV incidents.
- Take immediate action to identify, protect and support the PINOP.
- Be sensitive to the individual circumstances of each incident.
- Arrest offenders where it is lawfully appropriate to do so.
- Commence criminal proceedings where there is sufficient evidence to do so regardless of whether an arrest has been made.
- Ensure all DFV victims are referred to the Central Referral Point (CRP) in accordance with Safer Pathway reforms when a DFV report is made. Domestic violence victims are given the opportunity to be referred onto appropriate support agencies through the Local Coordination Point (LCP) or a local specialist service if an LCP is yet to be established.
- Record all DFV incidents reported to them with a view to identifying repeat offenders, monitoring trends, and identifying persons who are either at risk or high risk of offending or re-offending.

The reluctance of a victim or other party to assist the police with their investigation will not prevent the investigation from commencing or continuing. While the wishes of a victim are not binding, visibility of the victim and their needs and wishes will be considered in the investigative process, and any reasons for reluctance should be explored and addressed.

2.2. Police response to persons in need of protection?

Calls for assistance

All information provided is extremely important to the safety of victims and police. If Triple Zero (000) is called for immediate assistance in the case of an emergency, the operator will ask a number of questions including:

- Your location or address
- Type of premises, e.g. house, unit and on which level
- What is actually happening now?
- Do you know of any firearms in the premises or that the other person may keep somewhere else?
- Where is the offender now, e.g. Are they still at the location?
- How many children are present and where are they?
- Has any alcohol or drugs been consumed?
- Does any person have a medical or psychiatric history?
- Is there an enforceable AVO in place?
- Relationship of the persons, if known

If the matter is not urgent all persons can telephone or attend a local police station and speak to a police officer at the station or the DV Officer.

Safety and welfare of all persons

The primary responsibility for police is the safety of attending police and any/all persons who are present at the incident, especially children. To ensure the safety and welfare of all persons present, police will:

- Make an immediate assessment of the scene and locate all people, including children, to check on their welfare.
- Enquire about the presence or ownership of firearms.
- Obtain urgent medical treatment if it is required.
- Speak to all parties in private where possible, including children, to identify PINOPs, witnesses, and offenders, and obtain an individual account of the incident.

When making the report

The NSW Police Force understands the first contact a person has with police can influence their experiences and impressions of the justice system and their future decisions. When a victim attends a police station to make the report, police will speak with them in private where possible. Police will always endeavour to speak to a victim away from the alleged perpetrator.

Police will treat all PINOPs with compassion and reassurance, explaining police and court procedures. Assistance from other members of the NSW Police Force such as DV Officers, specialist officers, or another agency will be obtained where appropriate and/or necessary.

Use of interpreters

The NSW Police Force will utilise the services of certified interpreters if the person, including alleged perpetrators or victims, they are communicating with:

- Is unable to communicate in English,
- has a limited understanding of English,
- is more comfortable communicating in their own language,
- is deaf, hearing impaired or speaking impaired, or
- is a child and the appropriate adult or support person requires one or wants one.

[See section on interpreters for more information](#)

Trauma informed and victim-centric approach to investigations

The NSW Police Force will act with empathy when engaging victims by active listening, being non-judgemental and showing cultural sensitivity. They reduce re-traumatisation by focusing on victims' safety, rights and well-being by explaining what to expect, providing clear communication and instruction.

Trauma informed:

- Understanding that a DFV victim is likely to have experienced trauma and that every individual responds to trauma differently.
- Being responsive and accommodating to the impacts of trauma on the victim.
- Taking action to provide the victim with a sense of physical, psychological, and emotional safety.
- Providing opportunities for victims to build a sense of control and empowerment.
- Awareness of the possibility of re-traumatisation during the investigation process and responding appropriately.

Victim-centric:

- Prioritising victim's needs and welfare, making investigative decisions that relate to the victim, or taking any action that may impact the victim.
- Acknowledging that the victim is the most important person in a police response to DFV, and in doing so empowers the victim and reduces any ongoing trauma that may result from the incident or the policing response to it.

3. Children and domestic and family violence

Children who are exposed to violence in the home, whether a child witnesses DFV, attempts to intervene to protect a parent, if they are in another room or not present when an assault occurs, face significant impacts. This is exemplified if they are exposed to this abuse on an ongoing basis. Children and young people don't have to see violence to be affected by it.

Some of these children and young people then act in anti-social ways which may result in police being called in to respond to their behaviour.

3.1. Police response when children are present

When police attend a DFV and children are present, then the attending police officer(s) will use their professional judgement to make an assessment to determine whether the child or young person is at 'risk of significant harm'.

Under Section 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW), police are mandatory reporters. A mandatory reporter is an individual required by law to report to DCJ Child Protection when they have reasonable grounds to suspect that a child, or a class of children, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of or from the person's work.

Police will immediately make a report if they suspect a child or young person is at imminent risk of significant harm, and they meet the statutory threshold of risk of significant harm.

3.2. Children and ADVOs

Under Section 38 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), the courts and police must consider any children (under 16 years of age) when making an ADVO for a PINOP who is 18 years or older. Where a child has a domestic relationship with an adult PINOP, they must be included as a PINOP on the ADVO application, unless the courts or police can justify the exclusion of children from the order.¹³ This ensures that the protections afforded to the PINOP also apply to the children.

The court relies on the information in the application to make this determination. It is of paramount importance that police include details of all children of the relationship between the parties and if they were present or not, or normally reside where the incident outlined in the application occurred.

If a defendant breaches an ADVO protecting a child, then police will consider whether this breach places the child at risk of significant harm in which case they will be required to make a report to the Child Protection Helpline. A breach of an ADVO is a criminal offence, and as such, may place the child at greater risk of harm if the defendant has no respect for court orders, or the safety and wellbeing of the victim or children.

¹³ S38(2) *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.38>

4. Identifying the DFV offender

As first responders to DFV incidents, correctly identifying the DFV offender will optimise victim safety and wellbeing. It also ensures police hold offenders to account for their actions. The NSW Police Force acknowledges that there are many terms used amongst the DFV sector and in literature to determine who is the DFV offender and who is the victim of abusive behaviours and/or violence in a DFV relationship.

DFV incidents can become complex due to the unpredictability of each situation, the unique interpersonal relationships involved and the associated risk factors for victims and police. This complexity may extend to how police determine who is the DFV offender and victim in domestic violence matters.

Every DFV incident will be investigated through a trauma informed approach with the intention of identifying whether any domestic violence offence has been committed. Investigating police will consider all evidence available including but not limited to; whether there is any prior history of DFV and/or ADVOs, any power imbalances and manipulation, witness statements, physical evidence, how fearful each person is and whether there are any injuries.

4.1. Misidentification

The NSW Police Force recognise that misidentifying a victim can have serious consequences. The outcome of a police investigation may be used by external agencies or in legal proceedings. It is vital that the outcome of the investigation is accurately recorded in the police report to avoid a person being incorrectly identified, as this may adversely impact further actions and outcomes.

NSW Police Force officers undergo training to reduce assumptions about people in various situations by understanding the impact of unconscious and confirmation biases on their decision-making. The NSW Police Force is dedicated to ongoing collaboration with DFV agencies on this subject, as well as increasing the capability of its officers.

4.2. Cross applications

On occasion, both parties may request investigating police commence proceedings against the other party in a DFV incident. Generally, this practice is not recommended, however it is unavoidable in certain circumstances. Upon an investigation being completed, it may be suspected or believed by police that both parties have committed a domestic violence offence. In this circumstance police have a legislated responsibility to make application for an ADVO against both parties unless there is good reason not to.

To make an informed decision police will consider all evidence available as well as legislative requirements.

5. Victims of domestic and family violence

A victim may face a variety of barriers when seeking support for DFV due to various aspects of their lived experience. There are many factors that determine if a victim will report DFV to police and the subsequent action they will take. These include but are not limited to:

- Fear of retaliation and escalation of abusive behaviours.
- Perceived needs of children
- Emotional bonds to the perpetrator
- Shame and embarrassment
- Fear they will not be believed by police.
- Denial and minimization of the abuse
- Lack of resources such as money, housing and childcare.
- Distrust in police.

The NSW Police Force recognises that victims of DFV come from a range of diverse communities across NSW and understand the need for an intersectional approach to investigate these incidents. Victims from these communities experience increased levels of risk and additional barriers when reporting to police and seeking support.

The organisation is committed to identifying perpetrators exhibiting abusive behaviours and to providing an accessible, inclusive, and non-discriminatory response, meeting the needs of minority and diverse communities.

6. NSW Police Force commitment to victims of DFV

The NSW Police Force plays a vital role in responding to and providing support for victims. This engagement is crucial and can have a lasting effect on what the victim discloses, and whether they report domestic violence incidents in the future.

The NSW Police Force recognises the importance of building rapport with victims, how trauma affects victims and avoiding re-traumatisation. By prioritising victim-centric trauma informed approaches towards investigations and victim interactions, the NSW Police Force is able to provide more effective support and foster better relationships with victims and their families.

A single agency cannot effectively respond to DFV alone and a comprehensive, interagency approach is essential for supporting victims. The NSW Police Force collaborates with justice agencies to provide referrals and improve outcomes for victims including referring victims to appropriate support services who can interrupt the cycle of abuse and provide necessary advice and support.

6.1. Charter of Victims Rights

The [Charter of Victims Rights](#) set out in the *Victims Rights and Support Act 2013* (NSW) establishes the standards for the appropriate treatment of victims of crime. It is overseen by the Commissioner of Victims Rights and applies to all government agencies and non-government agencies and private contractors funded by the state who provide services to victims of crime.

Under The Charter, a victim includes a person who, as a direct result of a criminal offence suffers physical or emotional harm or loss or damage to property. Where a criminal offence results in the death of a person, members of that person's immediate family are also included as a victim/s of crime.

The Charter of Victims rights ensures victims:¹⁴

- are treated with courtesy, compassion, cultural sensitivity and respect,
- are provided with information about, and how to access, welfare, health and counselling services available to them;
- have privacy and protection from an offender during court proceedings;
- are given information about the investigation, prosecution and trial process.
- are given information about bail conditions and release/escape or absence from custody,
- have the right to a victim impact statement;
- have property held by the state returned to them;
- have the ability to make a financial claim for assistance for victims of sexual or personal violence; and
- have the ability to initiate a complain when the Charter is breached.

6.2. Victim follow up

NSW Police Force will provide appropriate and timely follow up to a victim within seven days of reporting to police face-to-face. The requirement to provide appropriate and timely follow up to a victim aligns to the [NSW Police Force Customer Service Charter](#) as well as the [Charter of Victims Rights](#).

6.3. Referrals to services

No one agency in isolation can provide an effective response to DFV and a multi service approach is needed to provide the most effective support to victims. Referrals to the appropriate support service can assist in breaking the cycle of violence and provide advice and support to assist victims in the future. All NSW Police Force officers should maintain knowledge of local DFV support services in their area of work.

¹⁴S6 Victims' Rights and Support Act 2013 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2013-037#sec.6>

An automatic referral process is actioned following the completion of the DVSAT for all DFV incidents responded to by the NSW Police Force. Referrals are made to Safer Pathway service providers being the WDVCS for women, children and non-binary and LSS for men.

6.4. Empower You

The NSW Police Force has designed the Empower You app to support DFV victims. The app has the following functions and information:

- Ability to keep a time and date diary of DFV incidents with the ability to take photos, audio and video files through the app as well as upload existing files from the photo gallery. The user is able to share these diary entries with police or a trusted person via email. This is particularly helpful in coercive control investigations to gather evidence to establish a repeated pattern of behaviour.
- Contact details for human services supporting victims of DFV that can be filtered by Local Government Area. These contact details are updated on the app regularly.
- Frequently asked questions section provides general information on DFV including information relating to reporting incidents and going to court.
- Facilitates an encrypted safety network of friends and family electronically through the 'Send an SMS' function that allows a victim to send their location via GPS coordinates.

The app is available in 11 different languages on both the Apple App Store and Google Play Store.



Empower You 12+

NSW Police Force

★★★★★ 4.9 • 20 Ratings

Free



6.5. Specialist officers for communities

Role of specialist officers in DFV

There are specialist officers who can work closely with DV Officers to provide the following support:

- Assess the victim's situation and unique needs.
- Assistance in explaining court proceedings. They are able to attend court with the victim and DV Officers as an additional support person.
- Making the appropriate referrals to relevant community agencies including the provision of follow up information to victims.
- Arranging certified interpreters to facilitate communication between victim and police.
- Providing advice to victims around making formal reports.
- Provide language assistance to explain ADVO conditions to victims and determine if further support is required. A qualified interpreter will be used to translate/interpret an ADVO if required.
- Facilitating contact between police and victim, where the victim is reluctant to speak to police and continuing this link if the matter is on-going.

- Developing information sessions for local community groups to increase education and understand of DFV.

Aboriginal Community Liaison Officers (ACLO)

ACLOs are employed at specific PAC/PDs where there are higher populations of Aboriginal people. ACLOs are not police officers; they are field-based unsworn employees, and their role is to liaise, develop and maintain open communication with the Aboriginal community. The ACLO assists in the development of crime prevention initiatives within their community and are also required to assist with the facilitation of community workshops to inform the community of policing issues and to inform the community of the [NSW Police Force Aboriginal Strategic Direction 2024](#). ACLOs are able to support the DV Officer in the field and at court with Aboriginal victims of DFV.

Multicultural Community Liaison Officer (MCLO)

MCLOs are the civilian staff in the NSW Police Force operating from PACs/PDs to help CALD communities build trust and confidence in police. Their role includes strengthening the links between police and CALD communities to ensure that police in NSW are confident and capable of working with cultural diversity and able to respond effectively to policing needs of the whole community at the local level. They help deliver the commitments of the NSW Police Force in planning for and meeting the needs of diverse communities under the [NSW Police Force Multicultural Policing Strategy 2021-2025](#).

LGBTQIA+ Liaison Officers (GLLOs)

GLLOs are police officers located throughout the state assisting in building the overall capacity of local commands to respond to the needs of sexuality and gender diverse and intersex communities. GLLOs undertake training which covers key policing responses to homophobic/transphobic violence, DFV in same sex relationships and by transgender and intersex people, among other topics. They work with other specialist liaison officers to support a comprehensive response to the problem of DFV experienced by LGBTQIA+ people.

Special Victims Liaison Officers (SVLOs)

The role is primarily focused on promoting a victim centric approach within a command and is tasked with making contact and managing high risk, reluctant and vulnerable victims of serious crimes who need additional support. This may include victims of sexual assault, serious domestic violence offences (including coercive control), as well as other offences, and work closely providing investigative advice to your domestic violence and crime prevention unit staff.

6.6. Use of professional interpreters

Interviews in situations of DFV and sexual assaults are most often stressful for all involved. As stress is increased the ability to communicate in English when it is a victim's second language, decreases. It is necessary to use professional interpreters to facilitate communication to and from officers and victims, witnesses, and offenders in all domestic violence situations.

All members of the NSW Police Force must use professional certified interpreters to communicate with people who are not able to speak or understand English or who are deaf and hard of hearing. Certified professionals must be used in operational situations where information being received or given is relevant to an investigation, a legal proceeding or will have an impact on someone's legal rights.

Family members and friends should not be used to assist with interpreting. Under no circumstances should children and offenders be used to interpret in situations.

There may be some situations where it is appropriate to use the language assistance of someone who is not a certified professional. There may be extreme situations where it is necessary to use whoever is available. For example, if a victim has been near fatally injured and is attempting to say something to officers; or where a child may be in fear and trying to talk to officers. This comes with a

proviso that if this does occur, then when the person or child is safe, the information will be sought again by police through a professional interpreter.

Police will ensure availability and access to Easy English versions of information including Fact Sheets that detail important information on the justice system.

Police will arrange an interpreter, including Auslan interpreters, for the first day in court for the victim of a DFV incident, and for a defendant in a criminal matter. This arrangement is agreed between the NSW Police Force, DCJ and Multicultural NSW.

7. Mitigating victim risk

7.1. Domestic Violence Safety Assessment Tool (DVSAT)

The Domestic Violence Safety Assessment Tool (DVSAT) is a risk assessment tool developed for police to identify the threat of future harm to domestic violence victims. It is made up of two parts and is applied to both 'intimate' and 'non-intimate' partner domestic violence incidents.

The DVSAT has been redesigned to increase its predictive value, improve wording of the questions and relevance. The revised tool automatically considers any previous offending history of the POI and PINOP. It has been reduced from 25 to 11 questions and contains one professional judgement question. Police can now also complete the DVSAT on their MobiPOL for 'DV common assault' and 'DV episode' incident types.

Professional judgement

Answering yes to the 'professional judgement' question 'Do you believe the victim is at Serious Threat and should be referred to a multiagency Safety Action Meeting (SAM)?' and outlining any concerns will upgrade victim's threat level to 'at serious threat'.

Professional judgement encompasses an officer's opinions and observations formed during an investigation. If there are factors that may impact on the level of safety to a victim and these factors would place them at serious threat, police should apply professional judgement.

Threat level

WebCOPs will automatically calculate the threat level for a victim. All victims assessed are automatically referred by WebCOPS to the CRP which receives and allocates victims' referrals to LCP being the Women's Domestic Violence Court Advocacy Program (WDVCAS) for women and Local Support Service (LSS) for men, based on the victims' gender and postcode.

7.2. What happens when a victim is assessed at serious threat?

In some cases, the WDVCAS/LSS and the DV Officer may agree that, after further investigation, the threat level to a victim-survivor can be downgraded to "at threat". This course of action requires the agreement of both the DV Officer and the WDVCAS or LSS. Conversely, the WDVCAS/LSS and DV Officer may determine that an "at threat" victim-survivor should be upgraded to 'at serious threat' and placed on the SAM agenda.

All victim-survivors, both "at threat" and "at serious threat", will be contacted by support worker (WDVCAS or LSS) and provided with information, referrals and supports, and safety planning.

7.3. Safety Action Meetings

SAMs aim to prevent or lessen serious threats to the life, health or safety of DFV victims including children. Information regarding the victim, children and the offender will be shared at these meetings. By sharing information, members put together a comprehensive picture of each victim's situation and develop a Safety Action Plan for the victim as well as create additional referral pathways to reduce the threat level.

SAMs are a key component of the Safer Pathways Program and are fortnightly meetings chaired by a senior NSW Police Force officer. They are attended by representatives from other government agencies including NSW Health, NSW Housing, NSW Department of Education, Corrective Services NSW, Child Protective Service and specialist domestic violence non-government organisations who provide services to support victims.

7.4. Aboriginal and Torres Strait Islander People

DFV is a significant issue affecting Aboriginal and Torres Strait Islander communities in NSW. Aboriginal and Torres Strait Islander people are disproportionately impacted by DFV, with higher

rates of victimisation and vulnerability due to historical, social, and economic factors. Some of these include:

- The breakdown of traditional social structures and loss of individual and community identity as a result of colonisation.
- Situational factors which contribute to the likelihood of violence poverty, unemployment, substance abuse and mental health conditions.
- Intergenerational trauma including separation from family, home and country.
- Experiences of discrimination.
- Precipitating causes, such as particular events that trigger a violent episode.

The NSW Police Force recognise and consider the complexity of kinship ties within Aboriginal and Torres Strait Islander communities throughout the investigation process and when supporting First Nations victims of DFV. This is in alignment with the definition at Section 5(h) of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) recognising DFV in Aboriginal and Torres Strait Islander communities impacts on a wide range of kin and community members.¹⁵

The [NSW Police Force Aboriginal Strategic Direction 2024](#) is the corporate policy that guides police on their management of Aboriginal and Torres Strait Islander engagement in partnership with First Nations communities across the state. Family safety and domestic violence is priority number four of the ASD and is consistent with Closing the Gap outcome 13: Aboriginal Families and Households are Safe.

Police understand the importance of forming strong relationships with First Nations service providers, agencies and local communities to enhance knowledge and skills when engaging with Aboriginal and Torres Strait Islander victims of DFV. It is important that these victims and offenders are connected to appropriate support services to promote and ensure safety.

7.5. Culturally and Linguistically Diverse (CALD) and emerging communities

CALD communities including newly arrived migrants, people whose first language isn't English, international students, refugees and people on temporary or spousal visas have unique circumstances that may complicate understanding of their behaviour and impact access to DFV services. Different cultures can differ in their attitudes towards gender roles, relationships, and family dynamics, which can impact views on the presence of DFV. Understanding DFV context in a CALD community is critical to effectively deal with, prevent, and reduce incidents from reoccurring.

Factors that may impact victims from CALD communities reporting DFV incidents to police include:

- Fear of authority and distrust of police and wider criminal justice system.
- Communication and language barriers.
- Fear of jeopardising residency status in Australia.
- Limited or no support networks including family and friends.
- Fear of losing a relationship/family if the offender is the victim's husband or wife.
- Fear of bringing shame and embarrassment to the family or the community.
- Previous experiences related to trauma impacting victim's mental health.
- Cultural or community norms that do not acknowledge DFV within relationships.

Some forms of DFV are more likely to be influenced by a person's visa status, and/or by religious, cultural or community contexts, for example:¹⁶

- Migrant/visa status is used to coerce or control such as threats of deportation, revocation of visa, destruction of passport.
- Dowry abuse
- Female genital mutilation

¹⁵ S5(h) *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.5>

¹⁶ <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/cald#data>

- Reproductive coercion and abuse
- modern slavery such as forced marriage or human trafficking

7.6. People with disability or mental illness

People with disability or mental illness are a particularly vulnerable group in the community and generally are less likely to report violence to the police. In many cases, people with disability or mental illness may depend on the perpetrator for assistance with dressing, eating and other essential activities of daily life, creating major barriers to leaving the violent relationship. Other barriers to leaving include fear of losing independence, fear of being institutionalised, fear of having no or adequate personal care assistance, fear of not being believed and a lack of autonomy to access to communication supports, transport, information services and money.

People with disability or mental illness who have limited mobility or who rely on assistive technology or personal paid carers may find they are unable to leave the relationship particularly if a perpetrator damages, removes, or destroys adaptive equipment that facilitates movement or communication.

Specific types of DFV experienced by people with disability or mental illness include:

- Denial of care or denial of assistance with essential activities of daily life.
- Destruction or withholding of adaptive equipment.
- Withholding or manipulating food or medication.
- Preventing or limiting access to communication devices.
- Threats of institutionalisation.
- Threats to report to DCJ Child Protection, meaning a fear of losing children.

DFV against people with a disability can occur in residential settings (including group homes, private residences or supported disability accommodation services), and boarding houses. Perpetrators of DFV can include paid and unpaid carers.

Police are cautious of undue influence, power imbalances and/or possible manipulation over a victim if an alleged offender is present. It is appropriate for police to remove the offender so the person with a disability feels safer to disclose information. Police will consider whether the person with disability requires additional communication support when making a report that will allow them to understand the information provided, the options provided to them, and to alert police to any additional support needs they might have.

7.7. Abuse against older people

Abuse of older people is defined as a single or repeated act, or lack of action, occurring within a relationship where there is an expectation of trust, and which causes harm or distress to an older person.¹⁷ Most forms of abuse of older people occur in the context of DFV due to the underlying abuse of power and control demonstrated by an intimate partner, relative or carer towards an older person. This can result in inhibiting the behaviour, actions and/or decision making of an older person and taking advantage of their vulnerabilities or lack of support.

Abuse of older people is any behaviour that causes physical, psychological/emotional, financial sexual or social harm to an older person. The abuse can occur within any relationship where there is an expectation of trust between an older person who has experienced abuse and the abuser.

Abuse in older people can occur in any of the following forms:

- Physical abuse: inflicting pain or injury, e.g., hitting or slapping, physical coercion, restraining, over medicating or refusing medication.

¹⁷ Preventing and responding to abuse of older people (Elder Abuse) – NSW Interagency Policy
<https://dcj.nsw.gov.au/documents/community-inclusion/seniors/nsw-interagency-policy-preventing-and-responding-to-abuse-of-older-people.pdf>

- Psychological/emotional abuse: Inflicting mental stress, causing fear or shame, intimidating, name calling, humiliation or making threats, including actions that cause fear of violence; preventing a person from having social contact with family members or friends.
- Financial abuse: Illegal or improper use of an older person's money or possessions. This includes misuse of a power of attorney, forcing an older person to change their will, and taking control of their finances against their wishes.
- Neglect: The intentional or unintentional failure to provide necessities of life and care; or the refusal to permit others to provide appropriate care.
- Sexual abuse: Forced sexual acts, unwanted sexual experiences, touching against a persons' will; being spoken to in a sexual way that was not wanted.

7.8. Sexuality, Gender Diversity and Intersex people – LGBTQIA+ communities

The occurrence of DFV occurs within same sex relationships and LGBTQIA+ people in relationships with people of another gender, as well as transgender and intersex people. LGBTQIA+ people of all genders experience DFV is a pattern of behaviours used to gain or maintain power and control over another person, as such DFV experienced by LGBTQIA+ people have much in common with violence experienced by non-LGBTQIA+ people.

LGBTQIA+ people can also experience unique tactics of abuse and may include:

- Threats to 'out' their partner to family and work colleagues or others in the community.
- Withholding of finances for medical services or items (like clothing) to prevent someone from expressing their gender.
- Ridiculing a persons' gender identify or body.
- Revealing or threatening to reveal the HIV status of a partner.
- Using homophobia, biphobia and transphobia as a means to assert power and control.
- Forced coercion into medical interventions and procedures.

Outing a person, or threatening to, amounts to harassment and is considered intimidation. Outing a person' is defined in the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) and expands the behaviours that allow police to apply for an ADVO, charge for intimidation and may contribute as part of coercive control conduct.

There are also additional barriers that may prevent LGBTQIA+ people from reporting DFV including lack of family support, concerns that they will experience homophobia, transphobia or biphobia, fear of discrimination basis of sex characteristics and/or HIV stigma, fear of being outed, distrust of the criminal justice system.

8. Perpetrator accountability

The NSW Police Force take a proactive approach to dealing with offenders. This approach requires police to not only respond to incidents of DFV and give strong consideration to arrest; but to develop strategies to reduce repeat offender behaviour and manage repeat and high-risk offenders.

The NSW Police Force is committed to using all lawful means to police DFV. This includes wherever possible, removing offenders from the vicinity of the victim, taking out an ADVO on behalf of victims and any children, investigating breaches of ADVOS, and developing solutions for managing repeat offenders.

ADVOS

When applying for an ADVO police will consider applying for exclusion conditions and property recovery orders in situations where the violence is escalating and the threat of danger to the victim, and/or children presents an increased risk of harm, and the victim is able to remain safely in their home.

ADVO compliance checks

ADVO compliance checks are used by the NSW Police Force to ensure offenders are complying with the conditions listed on the order. A compliance check is also used to check on the welfare and safety of the PINOP.

Bail compliance checks

Bail Compliance Checks are part of a targeted, intelligence led policing approach and are conducted to monitor compliance with conditions that are imposed when bail is granted.

Operation Amarok

Operation Amarok is a state-wide, intelligence-led, offender-focussed operation that aims to ensure the safety and wellbeing of DFV victims and the broader NSW community. Operation Amarok engages known DFV offenders, including recidivist offenders, identified as having the intent and capability to cause harm to their victims as well as locating wanted offenders and person/s with outstanding warrants.

Domestic and Family Violence Command

The DFVC is the conduit to develop the profiles of offenders referred for supervision orders under the *Crimes (High Risk) Offenders Act 2006* (NSW).

Young offenders

For offenders aged less than 18, refer to [NSW Police Force Youth Strategy 2023-2025](#) with respect to engagement of the young person.

Domestic Violence Electronic Monitoring (DVEM)

EM enables Corrective Services NSW (CSNSW) to track the location of a DFV offender and respond to any alarm activated by the offender entering an area in breach of bail, an ADVO, parole conditions or other supervision orders.

Section 16B of the *Bail Act 2013* (NSW) lists offences that a requirement to 'show cause' applies. From 1 July 2024, the show cause requirement applies to offenders charged with serious domestic violence offences. Section 16A (1) states a bail authority must refuse bail unless the accused 'shows cause' why his or her detention is not justified.

If a person who is charged with a serious domestic violence offence shows cause, the bail authority being a magistrate or police officer, must then make a risk assessment addressing any bail concerns before they can grant bail. If they then grant bail, the bail authority, **must** include a bail condition that

imposes electronic monitoring, **unless** the bail authority is satisfied sufficient reasons in the interest of justice exist, to justify not imposing the condition.¹⁸

Community Corrections can consider the use of EM for all medium to high risk DV offenders subject to a Parole Order or Intensive Corrections Order.

Serious Domestic Abuse Prevention Orders (SDAPOs)

SDAPOs are a legal tool designed to prevent repeat and high-risk domestic abuse by enabling courts to impose tailored conditions on individuals with a history of serious domestic violence. SDAPOs complement existing ADVOs by allowing for proactive, longer-term monitoring and intervention, including in cases where future victims may be at risk. These orders are sought by police and apply to individuals who meet strict eligibility criteria, including prior convictions or involvement in serious domestic abuse activity. SDAPOs aim to enhance community safety, particularly for current, former, and potential intimate partners.

¹⁸ S28B *Bail Act 2013* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2013-026#sec.28B>

9. The decision to prosecute

The NSW Police Force will thoroughly investigate all DFV incidents with a view to arrest and charge offenders. The decision to charge and prosecute a DFV offender rests with the Officer in Charge (OIC) of the investigation. If the matter is of a serious nature, the decision to prosecute may be referred to the Office of the Director of Public Prosecutions (ODPP) to ensure that serious cases are managed with the necessary legal expertise and oversight.

The decision to prosecute involves two questions:¹⁹

1. Can it be said that there is no reasonable prospect of conviction on the admissible evidence?
2. Is the prosecution in the public interest?

9.1. Prospects of conviction

To determine whether it can be said that there is no reasonable prospect of conviction requires evaluating the likely strength of the admissible evidence the prosecution would present to the court. Consideration should be given to the fact that the prosecution has to prove each element of the offence beyond a reasonable doubt.²⁰

The following matters should be taken into account when evaluating the strength of evidence:²¹

1. Are there reasonable grounds to believe any evidence might be excluded?
2. Whether the prosecution witnesses are available, competent, compellable and reliable.
3. The credibility and reliability of other admissible evidence in the prosecution case.

Consideration should also be given to:²²

1. Any inferences that may be drawn from circumstantial evidence.
2. Whether the prosecution is able to exclude beyond a reasonable doubt any reasonable hypothesis consistent with the accused being innocent
3. Any other matter that could impact on the prospects of conviction.
4. Any lines of defence open to or indicated by the accused.

9.2. Public interest

Once the prospects of conviction have been determined, consideration must be given to whether the decision to prosecute is in the public interest. Factors to consider include, but are not limited to, the prevalence of the offence committed in the community, impact of prosecution on the victim, sentencing options available if successful in conviction and if prosecution would be perceived as counterproductive.²³ The weight given to each factor is dependent on the circumstances of the case.

9.3. Insufficient evidence to commence a prosecution

If there is insufficient evidence to justify police laying charges, police may still proceed with an application for an ADVO in circumstances including but not limited to, when there are concerns for the safety of a victim.

9.4. Withdrawal of charges

Application by any party seeking the withdrawal of charges is conducted in accordance with the [Withdrawal Standard Operating Procedures](#).

Note: A victim who no longer wants to proceed with a matter is not a sufficient reason to have the matter withdrawn.

¹⁹ <https://www.odpp.nsw.gov.au/prosecution-guidance/prosecution-guidelines/chapter-1>

²⁰ <https://www.odpp.nsw.gov.au/prosecution-guidance/prosecution-guidelines/chapter-1>

²¹ <https://www.odpp.nsw.gov.au/prosecution-guidance/prosecution-guidelines/chapter-1>

²² <https://www.odpp.nsw.gov.au/prosecution-guidance/prosecution-guidelines/chapter-1>

²³ <https://www.odpp.nsw.gov.au/prosecution-guidance/prosecution-guidelines/chapter-1>

9.5. Retraction of a victim statement

The withdrawal of a truthful complaint of crime committed in a domestic environment usually stems from fear from further abuse or pressures from the alleged perpetrator, family or friends, which are consequent on the nature of the individual relationship and the characters of the people who are involved in it. Victims are encouraged to communicate their reasons with the officer in charge.

A victims' desire to retract their statement will not prevent the investigation from continuing as per the commitment by the NSW Police Force to thoroughly investigate all DFV incidents.

9.6. Complainants who admit to making false statements or fabricating evidence

After reporting an incident to police, a victim may claim they fabricated their initial complaint. Each of these claims will be investigated by police taking into consideration the dynamic nature of DFV and the possibility that the admission of fabrication is based upon fear, intimidation or pressures from others to withdraw their statement.

Prosecutions against the victim in the situations above are extremely rare and, by their very nature can be complex and will require sensitive handling. Investigating police will seek approval from the Crime Manager and obtain legal advice before any decision is made to initiate a prosecution of such persons.

The NSW Police Force will take all care to ensure that only persons who actually make false representations or accusations are prosecuted. The NSW Police Force considers it not in the public interest to prosecute a victim of domestic violence who lies to protect an offender.

10. Recording incidents of domestic and family violence

10.1. Body Worn Video (BWV)

BWV cameras support operational policing activities. BWV supports police investigations by recording visual and audio evidence of an incident or crime.

The *Surveillance Devices Act 2007* (NSW) allows police to use BWV in a broad range of situations. Police can record in public places, private dwellings and premises (e.g., businesses), and vehicles where they are lawfully entitled to be.

Members of the public will be advised by police they are being recorded if it is practicable to do so before or at the time of activating the recording, or afterwards as soon as is reasonably practicable.

Police should activate their BWV at DFV incidents. The benefits of using BWV at a DFV incident include:

- Capturing the first complaint (very brief version) from the victim.
- Capturing the scene and initial demeanour of the offender, victim (untreated injuries) and children.
- Capturing the admissions/denials and reaction of the offender to the allegation of a DFV offence having been committed.
- Capturing the arrest and removal of the offender from the scene

10.2. Domestic violence evidence in chief (DVEC)

The *Criminal Procedure Act 1986* (NSW), allows for video recorded statements, taken from domestic violence complainants, to be admitted as all or part of their evidence in chief during a defended hearing for charges and associated ADVO applications. Written statements do not need to be taken from complainants if a DVEC statement has been obtained unless police are made aware of additional evidence information.

Note: Police can obtain an audio only recording if this is all that the complainant will consent to.

This legislation has multiple advantages:

- Reduced trauma for complainants in recounting evidence in front of offenders.
- Reduced difficulty in remembering details of incidents at a later court date as the recording will be played before any additional oral evidence is given by the complainant.
- An increased ability of victims to give an accurate account of what happened at the scene of the offence.
- Bring the demeanour and experience of victim into the court room.
- Reduce or eliminate intimidation on the victim to change their evidence as the prosecutor will make the decision as to the playing of the recording.
- Increased pleas of guilty and increased conviction rates.
- Time savings.

Important: Sexual Assault Disclosures - It is not appropriate for the evidence of adult victims of sexual offences to be taken by way of DVEC recordings.

Legal preconditions to use DVEC

The legal conditions that must be fulfilled to ensure that a DVEC recording is valid and admissible are:

- The offence must be a domestic violence offence.
- The complainant must be a victim of that offence.
- The recording must be made as soon as practicable after the commission of the offence.
- The complainant must give informed consent for their statement to be recorded by way of DVEC.
- The complainant must state in the recording their name, age, that they will tell the truth and

that they understand that if they don't tell the truth they commit an offence.

10.3. Service of DVEC recording upon the defendant

The nature of service depends on whether police are serving an unrepresented defendant or if they are serving a legal practitioner (solicitor/barrister).

The defendant:

Police will, as far as is reasonably practicable, ensure that they provide a defendant with an opportunity to view the DVEC.

Defendants are to be served with AUDIO ONLY copies as soon as practicable. Police will never serve defendants with video copies.

The legal representative:

When directed by the court to do so, police will serve or disseminate a copy of the video recording on the defendant's legal representative.

Note: *It is an offence for ANY PERSON including, but not limited to, legal representatives AND police to give possession of a video recorded statement to a defendant or to permit the defendant to obtain a copy of the video recorded statement.*

10.4. Recording on WebCOPS

All reported DFV incidents are recorded in WebCOPS under the relevant incident category.

10.5. Verification/quality review of events

The responsibility of quality reviewing events rests with the Shift Supervisor and quality assurance rests with the DV Officer.

11. Apprehended Domestic Violence Orders (ADVOs)

An ADVO is a type of apprehended violence order (AVO) that relates to the protection of a person/s where a domestic relationship exists between the parties. An AVO is defined by the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) and includes definitions for an ADVO and an apprehended personal violence order (APVO). ADVOs are applied for and made under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), with the aim to protect a person from violence and reduce the risk of harm, by the police or courts by placing restrictions on the behaviours of the defendant.

There are three types of ADVOs:

- Provisional
- Interim
- Final

A provisional order is an urgent order that may only be applied for by a police officer to protect a person from immediate harm. An interim order serves as a temporary order made by a court whilst considering the matter and remains in force until a final order is made. A final order is also made by a court and is in place for a defined period of time. A final order is the court's determination that there are reasonable grounds to fear domestic violence. Conditions may differ between provisional and/or interim ADVOs that had been issued.

Service of ADVOs

Police will facilitate the service of an ADVO on the defendant.

11.1. ADVO prohibitions and restrictions

A court or authorised officer may impose prohibitions and restrictions that appear necessary or desirable to ensure the safety and protection of the PINOP and any children from defendants.

Order 1 is a mandatory condition and appears on all ADVOs.²⁴

1. The defendant must not do any of the following to <protected people>, or anyone <she/he/they> <has/have> a domestic relationship with:
 - A. assault or threaten <her/him/them>,
 - B. stalk, harass or intimidate <her/him/them>, and
 - C. intentionally or recklessly destroy or damage any property or harm an animal that belongs to or is in the possession of <protected person>.

Additional orders can be sought depending on the circumstances. For example, some restrictions put in place against the defendant may include:

- No longer allowed to reside at the family home.
- Not allowed to contact the protected person except through the use of a lawyer.
- Not allowed within a certain distance from the protected person/s residence, work or school.
- Not allowed to be in the company of protected person for at least 12 hours after taking alcohol or drugs.
- Not allowed to possess any firearms or prohibited weapons.
- Not allowed to try and locate the protected person/s.

11.2. Who may apply for an ADVO?

Any person may apply for an ADVO for their own protection or for those with whom they are in a domestic relationship. Police are the only parties who can apply for provisional orders, or orders for children where only children are listed as the protected person/s.

²⁴ https://www.police.nsw.gov.au/crime/domestic_and_family_violence/apprehended_violence_orders_avo

11.3. **ADVO guides**

To help protected persons and defendants understand the conditions on the ADVO, guides are available through the [NSW Police Force website](#) in text and audio formats in English, 32 community languages, Easy Read, and in a video in Auslan.

12. Police applications for Apprehended Domestic Violence Orders

12.1. When must police make an application for an ADVO?

Section 27 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), stipulates NSW Police Force officers must apply for a provisional ADVO if they suspect or believe that:²⁵

- A domestic violence offence, stalking, intimidation, or child abuse has recently been or is being committed, or is imminent, or is likely to be committed against the person for whose protection an order would be made; or
- A person has been charged with an offence, and the NSW Police Force officer has good reason to believe an order needs to be made immediately to ensure the safety and protection of the protected person, or to prevent substantial property damage to property of that person.

Police initiated ADVOS occur when a police officer applies for the order, not the victim. The reluctance of the victim to apply for an ADVO does not override a police officer's obligation to apply for an ADVO in circumstances where the officer believes that the requirements to apply for a provision ADVO have been met. Police may apply for an ADVO with or without the victim's consent.

Section 49 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), outlines that when a police officer does not have good reason to believe the order needs to be made immediately, the police officer can make a non-urgent application for an ADVO.²⁶

There are many advantages for the protected person when police make the application for an ADVO. These advantages are not usually available to a protected person when a private application is made. They include:

- Police preparing and submitting the application before the court.
- The protected person receives support and advice from a NSW Police Force DV Officer.
- The protected person is represented by a Police Prosecutor.
- The protected person will not need to engage a solicitor for the court process involving the ADVO application.

Note: *These Guidelines do not cover police applications for APVOs as there is no domestic relationship exists between the defendant and the PINOP.*

Under Section 38 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), the courts and police must consider any children (under 16 years of age) when making an ADVO for a PINOP who is 18 years or older. Where a child has a domestic relationship with an adult PINOP, they must be included as a PINOP on the ADVO application, unless the courts or police are satisfied that there are good reasons for not doing so. [See section on Children and DFV for more information.](#)

²⁵ S27 *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.27>

²⁶ S49 *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.49>

Mandatory requirement to include children as a PINOP on ADVO applications

Under Section 38 of *Crimes (Domestic and Personal Violence) Act 2007* (NSW), the courts and police must consider any children (under 16 years of age) when making an ADVO for a PINOP who is 18 years or older. Where a child has a domestic relationship with an adult PINOP, they must be included as a PINOP on the ADVO application, unless the courts or police are satisfied that there are good reasons for not doing so.

When making an ADVO for a PINOP the court must refer to Section 38(2). The court must include any child as a PINOP on the order if they have a domestic relationship with the adult protected person, unless there are good reasons for not doing so.

The court relies on the information in the application to make this determination. It is of paramount importance that police include details of all children of the relationship between the parties and if they were present or not, or normally reside where the incident outlined in the application occurred.

If a defendant breaches an ADVO, it is mandatory for police to create a Child at Risk incident in which case they will be required to make a report to DCJ, Child Protection Helpline.

A provisional order remains in force until:

- It is revoked at court, or
- An interim order or final order is made, or
- It is withdrawn or dismissed at court

12.2. Non-urgent applications for an ADVO

A non-urgent application for an ADVO will not be enforced until an interim or final order is made by the court. The level of urgency and seriousness of the matter are determining factors as to whether a police officer will apply for a provisional order or make a non-urgent application.

12.3. Service of ADVOs

Police will arrange of the service of ADVOs on the defendant.

12.4. Young persons and apprehended violence orders

Police must apply for an ADVO for the protection of victims who are under the age of 16 years of age, including in situations where a young person is the alleged perpetrator of the violence.

Police will focus on the protection of the victim even when responding to incidents of violence committed by a young person.

12.5. What happens if police do not make application for an ADVO?

A person seeking an ADVO may still make a private application by attending a Local Court and making an appointment with the registrar.

13. Going to court and Apprehended Domestic Violence Orders

Interim ADVO

If it appears necessary or appropriate in the circumstances, a Magistrate may make an interim order.

An interim order is a temporary order until the matter is finalised. An interim order will remain in force until it is withdrawn, dismissed, revoked or a final order is made by the court. For an interim order to be enforceable against a defendant, they must either be present in court at the time it was made or if they were not present in court, later served with a copy of the order.

When may the court grant an ADVO?

Section 16 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) provides the basis for when the court may make a final ADVO. A court may, on application, make an ADVO if it is satisfied on the balance of probabilities that a person who has or has had a domestic relationship with another person has reasonable grounds to fear and in fact fears:

- The commission by the other person of a domestic violence offence against the person, or
- The engagement of the other person in conduct in which the other person:
 - intimidates the person or a person with whom the person has a domestic relationship, or
 - stalks the person,
 - being conduct that, in the opinion of the court, is sufficient to warrant the making of an order.²⁷

The court does not require evidence that the protected person holds these above fears if one of the following applies:

- The person is a child, or the person is, in the opinion of the court, suffering from an appreciably below average general intelligence function, or in the opinion of the court:
 - The person has been subjected on more than one occasion to conduct amounting to a personal violence offence, and
 - There is a reasonable likelihood that the defendant may commit a personal violence offence against the person, and
 - The making of the order is necessary in the circumstances to protect the person from further violence, or
- The court is satisfied on the balance of probabilities that the person has reasonable grounds to fear the commission of a domestic violence offence against the person.²⁸

13.1. ADVO lengths

The default period for an ADVO is two years for defendants over 18 years of age when the application for the order was first made, and 12 months for defendants who were under 18 years of age when the application for the order was first made. A court can vary the length of an order to ensure the safety and protection of the protected person.

Indefinite orders:

Section 79B of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), allows for a court to make an indefinite order against a defendant who is 18 years or over. Police must satisfy the court that there is a significant and ongoing risk of death or serious physical or psychological harm to the protected person or their children, and that a fixed term order would be insufficient.

13.2. Role of the DV Officer in ADVO applications

The DV Officer will:

- Explain their role to the PINOP.

²⁷ S16 *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.16>

²⁸ S16 *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.16>

- Advise the PINOP of the court process and procedures.
- Identify if there are any safety concerns and ensure the PINOP is aware of support services available and how to access these services.
- Discuss with PINOP their circumstances and needs to ensure any orders requested in an ADVO are tailored to suit the individual circumstances.
- Communicate these needs and conditions sought to the Police Prosecutor.
- Explain that in certain circumstances, particularly if there are safety concerns, the Prosecutor may ask the court to make an ADVO without the consent of the PINOP.

13.3. Who must go to court?

Police initiated application

A Police Prosecutor will take carriage of the application for an ADVO. The applicant officer and the DVO will liaise with PINOP to provide instructions and information to the Prosecutor. If the PINOP is at court, they will mostly be outside of the courtroom or sitting in the public gallery. They may occasionally sometimes be asked to sit beside the Prosecutor who may speak to the PINOP to ensure they understand the conditions of the ADVO.

The practice from court to court varies. The PINOP will usually attend court on the first occasion to confirm instructions and to meet with court advocacy workers. In some courts the Magistrate may grant the PINOP permission not to appear on the first mention if it is not practicable for them to attend.

If the PINOP attends court for the first mention the Prosecutor will usually seek to have them excused from subsequent appearances unless the matter is set down for a defended hearing at which time the PINOP and witnesses will attend to give evidence.

The PINOP has the right to attend court if they choose so that they can fully participate in the judicial process.

It is important to note that the ADVO application is a police application. This means that police will seek ADVO conditions based on what will promote the safety of the PINOP and may not align with conditions the PINOP would like.

The defendant is required to attend court on each occasion. If the defendant has been served with the application and does not appear, an ADVO can be made in their absence.

Police do not attend court for non-police-initiated applications unless they have specific evidence to present.

See the [NSW Police Force Protected Persons AVO Information sheet](#) more information.

WDVCAS and the court process

All women, children and non-binary people have access to a WDVCAS worker who operate at most courts and organise resources to preserve the client's safety such as organising court safe rooms and liaising with the DV Officer/Court Sheriffs for the client when they are entering and leaving the court house.²⁹ The support service provided by a WDVCAS worker extends beyond ADVO list days to all DFV matters that might be before the court, including giving evidence for a domestic violence offence.

On an ADVO list day at court, a WDVCAS worker will ensure the client is aware of the process of the proceedings, the role of relevant personnel and the outcomes of the proceedings. They will ensure that ADVO conditions are appropriate and workable (in collaboration with the DV Officer, and if not, they will seek to have the orders amended.)

²⁹ <https://www.legalaid.nsw.gov.au/about-us/our-partners/womens-domestic-violence-court-advocacy-program>

The WDV CAS worker will ensure that the client is aware of the next court date, the outcomes of court matters and has received relevant court documents, including orders made and notices for her to attend court on future dates. In addition, the WDV CAS worker is to ensure appropriate referrals are made to meet the ongoing needs of the client and to keep accurate records of the services provided and court outcomes, as well as provide linkages with further support services that may be required.

The support service provided by WDV CAS workers extends beyond ADVO list days, to all DFV matters that may be before the court, including giving evidence for a domestic violence offence.

13.4. Compellable witness

In the confines of a criminal matter, a spouse or de-facto partner is a compellable witness. This means they will be called upon by the prosecution to provide evidence in the matter before the court. Where the victim is reluctant to provide information or details, police will still encourage and support them during the process.

13.5. Children and court

Children giving evidence

A child should not be required to give evidence in any matter unless the court is of the opinion that it is in the interests of justice for the child to do so.³⁰

Part 9 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) outlines additional measures to protect children if they are required during proceedings. Some of these include:

- Closing the court to the public.³¹
- A child witness can only be questioned by a defendant's legal practitioner or court appointed person. They cannot be questioned directly by the defendant when they are self-represented.³²
- Suppression of identifying details including residential address, names and other persons involved in the proceedings.³³
- The right to have a support person present when giving evidence.³⁴

The *Criminal Procedure Act 1998* (NSW) provides alternatives for a child to give evidence by means other than in a court room. Section 306ZK allows for a support person while children are giving evidence.

Young persons as defendants

ADVO applications naming a young person as the defendant are listed before the Children's Court.

ADVO proceedings operate somewhat differently in the Children's Court jurisdiction. More information on this practice can be found in the [Children's Court Practice Note no. 8](#).

³⁰ S41 *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.41>

³¹ S41AA *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.41AA>

³² S41A *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.41A>

³³ S43, S44 and S45 *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#pt.9>

³⁴ S49 *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.46>

14. Breach and interstate orders

A breach (contravention) of an ADVO involves an action by the defendant that breaches (breaks) the order/s specified in the ADVO.

Contravene ADVO is a criminal offence, and it is the responsibility of the defendant to comply with an order. The statute of limitations to commence a prosecution for contravening an AVO (ADVO or APVO) is six months.

All ADVO breaches should be reported to local police for investigation and possible charges if there is sufficient evidence. All emergencies where there is an immediate threat of harm should be reported to Triple Zero (000).

What police will do if they detect a breach?

Where sufficient evidence exist, police will exercise discretion in favour of prosecuting defendants.

Police will check for the existence of a Family Law Order. Where there is conflict between a Family Law Order and ADVO, the Family Law Order takes precedence. [More information can be found in Chapter 16 on Family Law Court Orders.](#)

Where a criminal offence (e.g. assault or intimidation) has been committed which also amounts to a contravention of the ADVO, police will charge for both offences.

Consent by the PINOP is not a defence

A PINOP cannot lawfully agree to a defendant breaching orders listed on an ADVO. It is always the responsibility of the defendant to comply with the order.

Section 14(7) of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) sets out that the protected person is not guilty of an offence if they are aiding, abetting, counselling or procuring the commission of an offence against a person who knowingly contravenes a prohibition or restriction specified in the ADVO made against the protected person.

14.1. Interstate orders

On 25 November 2017, amendments to the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), allowed the NSW Police Force to enforce domestic violence orders made on or after this date in other Australian states and territories. Any Domestic Violence Order made after this date will be recognised nationally and local police will enforce the conditions of the order, regardless of which state it was issued in. If an order was made prior to this date, it can be declared to any Local Court to become nationally recognised. This is known as the National Domestic Violence Order Scheme (NDVOS).³⁵

The amendments also allow other states and territories to vary or revoke orders made in NSW and make new orders for the same parties listed as part of the order. This means that an order made in NSW may be superseded by a new order or a variation/revocation made in another state or territory.

Police will treat a reported breach of an interstate domestic violence order (that has occurred in NSW) just like it was a reported breach of a NSW order.

Before charging an offender, police will need to ensure that the order is:

- An interstate domestic violence order,
- is current,
- has been served on the defendant,
- has a condition that relates to the report of the breach, and

³⁵ [https://www.ag.gov.au/families-and-marriage/families/family-violence/national-domestic-violence-order-scheme#:~:text=All%20Domestic%20Violence%20Orders%20\(DVOs,protect%20victims%20and%20their%20families.](https://www.ag.gov.au/families-and-marriage/families/family-violence/national-domestic-violence-order-scheme#:~:text=All%20Domestic%20Violence%20Orders%20(DVOs,protect%20victims%20and%20their%20families.)

- that there is a 'geographical nexus' with the offence.

Geographical nexus

Is a legal term that means that an offence can be prosecuted in NSW if there is a connection between the offence and the state, even if the offence was committed outside NSW.³⁶

If the offence is committed wholly or partly within NSW, it can be prosecuted under NSW legislation, regardless of whether the offence has any effect in the state.

If the offence is committed entirely outside NSW but has an effect within the state, it can still be prosecuted under NSW legislation.

The defendant and/or the victim were in NSW at the time of the offence

The offence should be investigated by the State or Territory where the acts constituting the offence occurred. If the matter is a "technology-facilitated" offence such as threatening phone calls or threatening messages via social media and either the defendant or the victim was in NSW when the offence occurred, the offence may be investigated and prosecuted by the NSW Police Force.

The defendant and victim were not in NSW at the time of the offence

NSW Police will obtain all necessary evidence including a statement from the victim. The matter will then be referred to the jurisdiction where the defendant was located at the time of the alleged breach.

What about domestic violence orders made before the introduction of the NDVORS?

Domestic violence orders made before the introduction of the scheme on 17 November 2017 will not automatically be recognisable Australia-wide. If a protected person wants such an order to be nationally recognised, they will need to make an application to the Registrar of their local NSW Court for their order to be "declared".

Can a protected person apply to a NSW Court to vary or revoke a nationally recognised domestic violence order?

The legislation allows for a protected person or a member of the NSW Police Force to apply for a variation or revocation of an interstate domestic violence order.

Protected persons who have an interstate domestic violence order

Protected persons should always keep a copy of their interstate order with them (either in hard copy or electronic form) and immediately report and record any details or evidence of an alleged breach.

If a protected person is seeking to vary or revoke an interstate order, it is recommended that they seek advice from their local WDVCS worker or DVO before making an application.

14.2. New Zealand Orders

New Zealand protection orders are only enforceable in NSW once they have been registered at a court in NSW. Once it is registered, a New Zealand order (including its duration) carries the same force as a NSW ADVO. The variation or revocation of a New Zealand order by a court in New Zealand after it has been registered in NSW, has no effect in NSW.

³⁶ S10(C) Crimes Act 1900 <https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#sec.10C>

15. Revoking, varying or appealing an Apprehended Domestic Violence Order

15.1. Variations and revocations of ADVOs

A police officer or an interested party can apply to have an ADVO varied or revoked. An interested party is defined as:³⁷

- Each protected person under the order.
- Each guardian of a protected person where there is an enforceable guardianship order under the *Guardianship Act 1987* (NSW).
- The defendant.

In the case of a protected person who is a child an interested party is defined as:³⁸

- A parent of a protected person under the order, and
- the Department of Family and Community Services (now DCJ Child Protection),
- the defendant.

If the protected person wants to remove a condition on an ADVO, they may apply to the court for a variation of the conditions or apply to have the entire order revoked.

If an interested party is making application to vary or revoke a police-initiated order, the court must decline to hear the application unless it is satisfied that the notice of the application has been served on police.

If a person pleads guilty or is found guilty of a serious offence, the court may vary a final or interim order, without a formal application before the court.

If police are making the variation or revocation application on behalf of the protected person, the police prosecutor will take carriage of the matter. A application to vary an order may be to strengthen the conditions on the order or remove some conditions.

In circumstances where an application to vary or revoke an ADVO is made against the advice of police, Police Prosecutors will justify to the court the reasons they oppose the application and allow the court to make a determination.

Police-initiated orders where children are named on the ADVO

If the police made the application for the original ADVO, an interested party requires the leave (permission) of the court to make an application to vary or revoke the ADVO. The court may grant leave if it is satisfied with any of the following:³⁹

- That there has been a significant change in circumstances since the order was made.
- That the application is proposed by the Department of Family and Community Services (DCJ) to align an ADVO to be consistent with a care plan.
- That it is otherwise in the interests of justice to do so.

The court must not grant leave if it believes a successful application would significantly increase the risk of harm to the children involved.

15.2. Appeals against an ADVO

An appeal regarding the Court's decision to make, revoke or vary an ADVO may be lodged by the defendant or applicant in the District Court to have the decision dismissed. Under Section 85 of the

³⁷ S72 Crimes (Domestic and Personal Violence) Act 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.72>

³⁸ S72 Crimes (Domestic and Personal Violence) Act 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.72>

³⁹ S72(B) S72 Crimes (Domestic and Personal Violence) Act 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.72>

Crimes (Domestic and Personal Violence) Act 2007 (NSW), an application for appeal does not automatically pause the operation of the ADVO and police will still enforce compliance with the orders listed.⁴⁰

15.3. Expired ADVOs

An expired order cannot be revoked.⁴¹

⁴⁰ S85 *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.85>

⁴¹ *Wass v Director of Public Prosecution (NSW); Wass v Constable Wilcock* [2023] NSWCA 71

16. Ancillary Property Recovery Orders

When a NSW court makes an ADVO, it can also make an Ancillary Property Recovery Order (APRO) under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW). An APRO allows either the protected person or defendant to recover personal property left at the premises occupied by the other party, whilst remaining compliant with the ADVO conditions.

A court or authorised officer may make a property recovery order only if they are satisfied that:⁴²

- A. The protected person has left personal property at premises which the defendant occupies, or
- B. the defendant has left personal property at premises which the protected person occupies.

An APRO may be made by the court or authorised officer when making an interim or final ADVO. The application can be made verbally without a physical application being put before the court. An APRO can only be issued whilst the ADVO proceedings are ongoing.

It is an offence to contravene or obstruct an APRO.⁴³

[For more information see the NSW Police Force APRO Information Sheet.](#)

16.1. What can an APRO authorise?

An APRO can:⁴⁴

- Direct the occupant of the premises to allow access to the premises for person to remove their property if it has been left there. This includes any police officer or other person authorised by the APRO to accompany the person.
- Provide access to the premises at a time arranged between the occupier and a police officer, regardless of whether the police officer is required to accompany the person recovering the property.
- Require the person who is removing the property from the premises to be accompanied by a police officer.
- Require the person who is removing the property from the premises to be accompanied by any other specified person.
- Specify the type or types of property to which the order relates.

16.2. What an APRO does not authorise?

An APRO does not authorise entry by means of force. It does not allow a person to take property that they do not own or have a legal right to possess, even if that property is specified in the order.

⁴²S37(1A) *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.37>

⁴³S37(6) *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.37>

⁴⁴S37(2) *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.37>

17. Parenting orders – Family Law Court

Parenting orders and parenting plans

One of the primary functions of the Family Court is to make parenting orders about children. Parenting orders can set out decision making responsibilities, living, and spending time with arrangements, as well as other arrangements for children. It can be based on an agreement between the parties, or a Judge, Federal Circuit Court Judge or Local Court Magistrate can make orders after a hearing.

Parenting plans are different from parenting orders. A parenting plan is a written agreement between the parties that sets out arrangements for children. It is not a court order, and it is not enforceable.

If a party alleges that a parenting order has been breached, they should obtain legal advice from a family law legal representative and information from the [Federal Circuit and Family Court of Australia](#).

17.1. How does an ADVO operate alongside an order made by the Family Court?

It is still possible for an ADVO and a parenting order made by the Family Court to operate at the same time. ADVOS taken out by the courts or police fall within the jurisdiction of the State of NSW and a parenting order made by the Family Court falls under the jurisdiction of the Commonwealth of Australia. A parenting order made by the Family Law Court allowing a child to spend time with a parent does not prevent an ADVO from being made or being enforced.

If a parenting order conflicts with a condition in an ADVO the family law court order will override that specific condition in the ADVO, if they say different things. For example, an ADVO states that the defendant must not go to the protected person's house. However, a parenting order states the defendant should pick up the children from the protected person's home at 3pm on Tuesdays and Fridays.

If the defendant goes to the protected person's house to pick up the children on the days and time listed on the parenting order, they will not be in breach of the ADVO. It would be considered a breach of their ADVO if defendant goes to the house at any other time or breaches any other part of the order on the days and times listed.

The applicant for an ADVO is obliged to inform the court about the existence of any parenting orders.⁴⁵ A protected person will need to advise any police officer who is applying for an order on their behalf, and it is recommended that police are provided a copy.

17.2. Revive, vary, discharge or suspend an existing parenting order

The Local Court has power under Section 68R of the *Family Law Act 1975* (Cth) to revive, vary, discharge or suspend a parenting order. This section allows a court of a State or Territory that has jurisdiction to make or vary an ADVO to revive, suspend, vary or discharge a parenting order, recovery order or injunction to the extent to which it provides for a child to spend time with a person that is listed in an ADVO.

This power may be executed if an order specifies a child must be returned to the care of the defendant and their return would place the child at risk of harm.

There may be new information about a recent violent incident which was not before the Family Court at the time it made the relevant orders. A request under this section may ensure the safety and welfare of a child is monitored if there is a history or allegations of violence, intimidation, abuse or inappropriate or the parties display risk-taking behaviour towards or involving children. This power may be exercised by the court on its own initiative or by the court on the application by any person.⁴⁶

⁴⁵ S42 Crimes (Domestic & Personal Violence) Act 2007 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.42>

⁴⁶ S68R(2) Family Law Act 1975 <https://www.legislation.gov.au/C2004A00275/latest/text>

Police involvement

Police do not have any specific power under the *Family Law Act 1975* (Cth) to enforce parenting orders. If a police station is nominated as the point where a child is exchanged, police can only observe and ensure that a breach of the peace or other criminal offence does not take place.

Police may involve themselves in family law disputes when:

- Undertaking a welfare check.
- Applying for an ADVO if the grounds have been satisfied. This includes when ADVO proceedings have commenced.
- A domestic violence offence or any other criminal offence has occurred.
- A child or young person is at immediate risk of serious harm.⁴⁷

NSW Police Force officers are not empowered to enforce parenting orders.

Only if a court has made a “recovery order” under Section 67Q of the *Family Law Act 1975* (Cth) specifying that force may be used are police able to take a child by force if necessary.

⁴⁷ S43 Children and Young Persons (Care and Protection) Act 1988 <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157#sec.43>

18. Police Powers

Powers that enable a police officer to enter and remain in a dwelling are contained in the *Law Enforcement Powers and Responsibilities Act (LEPRA) 2002* (NSW). These powers enable police officers to investigate a DFV offence and ensure the safety and wellbeing of persons present.

18.1. Entry to premises

LEPRA 2002 (NSW) provides the power for police to enter dwellings in certain circumstances to investigate DFV incidents.

- Section 9: Power to enter in emergencies.
- Section 10 Power to arrest or detain someone or execute warrant.
- Section 82: Entry by invitation
- Section 83: Warrant where entry denied or authority to remain refused.

18.2. Powers that may be exercised on entry into a dwelling by invitation or warrant

Section 85 *LEPRA 2002* (NSW) provides police additional powers upon entry to a dwelling including;

- to investigate whether a domestic violence offence has been committed, and
- to render aid to any person who appears to be injured, and
- to exercise any lawful power to arrest a person, and
- to prevent the commission or further commission of a domestic violence offence.

A police officer who enters a dwelling is to remain in the dwelling only as long as is necessary to take the actions required or permitted.⁴⁸

18.3. Seizure of firearms

A police officer who so enters a dwelling based on the powers in *Part 6 of LEPRA 2002* (NSW) MUST inquire as to the presence of any firearms in the dwelling and, if informed that there is or are a firearm or firearms, take all such action as is reasonably practicable to search for and to seize and detain the firearm/s.

18.4. Direction and detention

Police have powers to direct and detain defendants for the purposes of applying for and serving provisional ADVOs. Police have powers to give a direction to a defendant and if this direction is not complied with, police may detain a defendant at a police station or another place.⁴⁹

18.5. Power of arrest

Police may arrest a person if they reasonably suspect they have committed an offence.⁵⁰

⁴⁸ S85(3) *Law Enforcement (Powers and Responsibilities) Act 2002*

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2002-103#sec.85>

⁴⁹ S89 *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#pt.11>

⁵⁰ S99 *Law Enforcement (Powers and Responsibilities) Act 2002* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2002-103#sec.99>

19. Firearms and Weapons

LEPRA 2002 (NSW) places mandatory obligations on police to enquire, search and seize firearms in certain circumstances.

19.1. Searching for and seizing firearms and other weapons

<i>LEPRA</i>	Police obligation/action/requirement
Section 85(2)	Places a mandatory obligation on police who have entered a dwelling to investigate a DFV incident to inquire as to the presence of any firearms in the dwelling and, if police are informed firearms are present, police must take all such action as is reasonably practicable to search for and to seize and detain the firearm/s. Any firearms seized under these circumstances may be returned within 28 days. The licensee must make application in writing to the PAC/PD Commander for their consideration. ⁵¹
Section 86(1)	A police officer lawfully in a dwelling, exercising a power under Section 85(2) <i>LEPRA 2002</i> (NSW) must apply for a search warrant to enter and seize any firearm, if they are told there is no firearm in that dwelling but, believe on reasonable grounds that there is a firearm in the dwelling.
Section 86(2)	Requires police to apply for a search warrant if they believe on reasonable grounds, that a domestic violence offence is being, may have recently been committed, is imminent or likely to be committed in a place other than a dwelling, and they suspect any person concerned may have firearms in a dwelling. Section 86(2) relates only to domestic violence offences and not verbal arguments.
Section 87	Allows for police who are lawfully in a dwelling, to search for and seize a dangerous article or dangerous implement that may have been or may be used to commit a domestic violence offence.

19.2. Suspension of firearms licence

The *Firearms Act 1996* (NSW) provides grounds to support the suspension of firearms. Under Section 81 of the *Firearms Act 1996* (NSW), the Commissioner of Police has the ability to delegate certain functions to authorised persons. This includes delegating to a police officer, Public Service employee, or any other person prescribed by regulations.⁵²

Section 23(1) of the *Firearms Act 1996* (NSW) automatically suspends a person's firearms licence if an interim or provisional ADVO is made against the licence holder. The firearms licence is suspended until the order is confirmed or revoked.⁵³

Under Section 22(2) of the *Firearms Act 1996* (NSW), The Commissioner must suspend a persons' firearms licence if:

- the licensee has been charged with a domestic violence offence (within the meaning of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW)), or
- there is reasonable cause to believe the licensee has committed or has threatened to commit a DFV offence.⁵⁴

⁵¹ S212 Law Enforcement (Powers & Responsibilities) Act 2002 <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2002-103#sec.212>

⁵² S81 Firearms Act 1996 <https://legislation.nsw.gov.au/view/html/inforce/current/act-1996-046#sec.81>

⁵³ S23(2) Firearms Act 1996 <https://legislation.nsw.gov.au/view/html/inforce/current/act-1996-046#sec.23>

⁵⁴ S22(2) Firearms Act 1996 <https://legislation.nsw.gov.au/view/html/inforce/current/act-1996-046#sec.22>

The Commissioner may suspend a firearms licence if satisfied there may be grounds for revoking the licence under Section 22(1A) of the *Firearms Act 1996* (NSW) having regard to any criminal intelligence report or other criminal information held that the:⁵⁵

- The person is a risk to public safety, and the issuing of the licence would be contrary to public interest.
- A person issued with a notice suspending their firearms licence or, having had that licence confiscated cannot possess or use a firearm for the period specified in the suspension/confiscation notice.⁵⁶

19.3. Revocation of firearms licence

The Commissioner may revoke a licence if they are satisfied that it is not in the public interest for the licensee to continue to hold the licence.⁵⁷

A licence is automatically revoked if the licensee becomes the defendant in a final ADVO.⁵⁸

19.4. Surrender of firearms and licence

A person must surrender any firearms in their possession and their firearms licence if their licence is suspended, revoked or otherwise ceases to be in force.⁵⁹

When a licence is confiscated, the relevant officers must note the confiscation and the time frames for this confiscation on their BWV/MobiPOL device at the time of the seizure any firearms and suspension of the person's firearms licence.

19.5. Firearms permit

A firearms permit can be suspended or revoked for the same reasons as a firearms licence.⁶⁰

There are also additional circumstances for when a firearms permit can be revoked which include:

- It is not in the public interest for the permit holder to continue to hold the permit.⁶¹
- The Commissioner is satisfied that the permit holder no longer has a legitimate reason for possessing or using the firearm or the ammunition to which the permit relates.⁶²
- The holder becomes subject to an AVO.⁶³

19.6. Weapons

The following sections of the *Weapons Prohibition Act 1998* (NSW) address sections relevant to ADVOs.

- Section 17: If an interim order is made against an individual, any existing permit for a prohibited weapon held by that individual is suspended immediately.⁶⁴
- Section 18(1): A weapons permit is automatically revoked if the permit holder becomes subject to a weapons prohibition order or an apprehended violence order.⁶⁵
- Section 19: individuals whose permits are suspended including due to an interim or final ADVO to surrender any prohibited weapons they possess to the police.⁶⁶

⁵⁵ S22(1A) *Firearms Act 1996* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1996-046#sec.22>

⁵⁶ S22(3) *Firearms Act 1996* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1996-046#sec.22>

⁵⁷ Cl20 *Firearms Regulation 2017* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2017-0442#sec.20>

⁵⁸ S24(1) *Firearms Act 1996* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1996-046#sec.24>

⁵⁹ S25 *Firearms Act 1996* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1996-046#sec.25>

⁶⁰ S30(4) *Firearms Act 1996* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1996-046#sec.30>

⁶¹ Cl21(1)(a) *Firearms Regulation 2017* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2017-0442#sec.21>

⁶² Cl21

(1)(b) *Firearms regulation 2017* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2017-0442#sec.21>

⁶³ Cl21(1)(c) *Firearms regulation 2017* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2017-0442#sec.21>

⁶⁴ S17 *Weapons Prohibitions Act 1998* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1998-127#sec.17>

⁶⁵ S18 *Weapons Prohibitions Act 1998* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1998-127#sec.18>

⁶⁶ S19 *Weapons Prohibitions Act 1998* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1998-127#sec.19>

20. Information sharing and privacy

There is legislation and protocols that provide a legal basis and procedural frameworks for the collection, storage and sharing of information relating to victims and offenders involved in DFV incidents. This sharing of information facilitates an integrated approach to DFV between agencies. To ensure personal data is protected and not misused, certain legislation relating to privacy has been implemented as a protective measure.

Part 13A Crimes (Domestic and Personal Violence) Act 2007 (NSW)

Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), allows for the NSW Police Force to supply agencies providing DFV support services information about the victim or alleged perpetrator. It creates some exceptions to NSW privacy laws to allow NSW agencies and organisations to exchange information to respond appropriately to the needs of victims who are at threat of DFV. Sharing information under Part 13A enables direct referrals to support agencies to facilitate services for victims who are often in situations of great need and vulnerability.

If the NSW Police Force believes on reasonable grounds that a person is subject to a domestic violence threat, it can share personal and health information about that person and the perpetrator to the CRP or a LCP for contact purposes. Such disclosure requires the consent of the threatened person, but not the perpetrator.⁶⁷

If an application is made to the Local Court for an ADVO or an interim ADVO (and the interim order is made) the Local Court may disclose personal information or health information about the victim and defendant to the central referral point, unless the victim expressly objects to the disclosure. No consent is required from the defendant.⁶⁸

Sharing information when the provisions under Part 13A are not met

There may be some circumstances, where information about a perpetrator and a victim needs to be shared by agencies providing DFV supports services to the NSW Police Force, but the requirements of Part 13A are not met.

Personal and health information about a victim and a perpetrator can be shared by an agency to NSW Police Force without consent in accordance with existing exceptions to NSW privacy laws where:

- The agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.⁶⁹
- It is reasonably necessary for the purposes of law enforcement in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed.⁷⁰

More information is available in the [Domestic Violence Information Sharing Protocol](#).

Information Protection Principles (police obligations regarding privacy)

The Information Protection Principles are contained in the *Privacy and Personal Information Protection Act 1998 (PPIP Act)* (NSW) and are obligations for service providers collecting, using or sharing personal and health information of victims, perpetrators or other persons specified under this Act.

[See the NSW Police Force Privacy Management Plan for more information.](#)

⁶⁷ S98(D), *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.98D>

⁶⁸ S98(E), *Crimes (Domestic and Personal Violence) Act 2007* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080#sec.98E>

⁶⁹ S18(1)(c), *Privacy and Personal Information Protection Act 1998* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1998-133#sec.18>

⁷⁰ S23(7), *Privacy and Personal Information Protection Act 1998* <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1998-133#sec.23>

Sharing information where the victim is under 18 years of age

Chapter 16A *Children and Young Persons (Care and Protection) Act 1998* (NSW) allows for the exchange of information to prescribed bodies when a victim of domestic violence is under 18 years of age. An underlying principle of the Chapter is to prioritise the safety, welfare and wellbeing of a child or young person over protection of confidentiality or an individual's right to privacy. It allows prescribed bodies being both government and non-government, the authority to share relevant information about children and young people to collaboratively promote their safety, welfare and wellbeing. This information sharing does not require consent from the related person(s).⁷¹

Chapter 16A is applicable to the sharing about information about children if they are present during a DFV incident or if a child of one of the parties is involved in DFV.

DFV homicides

Police will notify DCJ of any known surviving children of a deceased or perpetrator regardless of if they reside with the parties or not.

20.1. NSW Police Force disclosing information

When police record information during an investigation they must comply with relevant legislation and NSW Police Force policy. With respect to DFV, NSW Police Force disclose information in the following circumstances:

- Disclosure of information obtained through the DVSAT to the LCP and CRP so victims can be linked with the most appropriate services.
- At SAMs meetings to develop Safety Action Plans in collaboration with other agencies.
- At an ADVO court listing as requested by the Court. However, any information that may disclose the location of the PINOP, if unknown to the defendant, is not to be disclosed.
- During statements and recorded interviews by:
 - Providing witness or victim with a copy of their signed statement if in writing.
 - Providing the defendant a copy of their own recorded interview.
 - Providing the defendant with an audio only copy of the DVEC recording.
 - Providing the defendant with a copy of any relevant statements of witnesses and victims where a brief is required.
 - A copy of police reports on WebCOPS only if an application is lodged to the Commissioner of Police through a Government Information Public Access (GIPA) request or a formal subpoena.

Members of the public can apply for an Information Access Application online through the [NSW Police Force Community Portal](#).

⁷¹ Chapter 16A *Children and Young Persons (Care and Protection) Act 1998* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157#ch.16A>

21. Application of the Young Offenders Act (YOA) 1997 (NSW)

Young offenders involved in DFV may be dealt with under the YOA depending on the seriousness of the offence, the degree of violence, the number of times the child has been dealt with under the YOA and the harm caused to any victim. The NSW Police Force must balance these considerations against the proactive stance on DFV and community expectations.

The YOA allows police to warn, formally caution or refer to youth justice conferences as an alternative to court action for a range of offences. However, the YOA does not apply to stalking, intimidation or breach ADVO but it may be applied to other domestic violence offences.

Dealing with these matters under the *Crimes (Domestic and Personal Violence Act) 2007* (NSW) ensures that these matters are dealt with appropriately. The YOA is designed to offer diversionary options for young offenders, but in cases of domestic violence the legislation acknowledges the need for a different approach.

The NSW Police Force recognises the advantage of dealing with young offenders involved in DFV matters under the YOA to:

- Retain family involvement in the process without placing the victim at risk.
- Allow young offenders to take responsibility for their offending behaviour and restore the damage done to the victim.
- Provide opportunity to address the offending behaviour, and
- decrease the number of young offenders attending court.

Taking out an ADVO against a young offender is also appropriate where it is necessary to protect the victim, however where exclusion conditions are necessary, duty of care towards the young offender will be taken, and all efforts given to ensure that the young offender is accommodated appropriately.

22. Members of the NSWPF involved in a DFV incident

22.1. The investigation

When a former or current member of the NSW Police Force is an involved party in a DFV matter, several additional considerations are required to be undertaken to manage any risks and / or potential conflicts of interest that may exist. These are in addition to the requirements in managing a DFV incident.

Upon notification or attendance at a DFV incident where an involved party is a current or former member of the NSW Police Force (involved member), the attending police are required to notify their Inspector on Duty. The Inspector will review the incident and speak with the involved parties to confirm whether there are any concerns regarding the attending PAC/PD investigating the incident.

A mandatory Conflicts of Interest Form and Situational Report will be completed by the Inspector for the attention of relevant Commanders, Region/Specialist Commanders, Professional Standards Managers, and the DFV Command. If any conflicts of interest are identified which cannot be managed, an appropriate Command that is not conflicted will assume responsibility for investigating the incident.

It is noted that if a member of the NSW Police Force is a Defendant in an ADVO/police-initiated ADVO application or is criminally charged, a misconduct matter will be created. This matter will be referred to the Complaint Management Team of the involved member's Command or the Professional Standards Command.

22.2. Access to firearms by police officers involved in DFV incidents

Where a current member of the NSW Police Force is involved in a DFV incident, their service firearm will be immediately secured (where they have been issued with one), and actions taken to seize personal firearms as per the powers outlined in Part 6 of LEPR 2002.

The mandatory Conflicts of Interest Form to be completed in these circumstances prompts the action and documentation of how an involved member's firearm is to be secured. This is a short term and immediate measure, until the Manager completes a risk assessment that enables the Commander to appropriately consider the risk of harm to all parties involved.

All DFV incidents involving a member of the NSW Police Force will be reviewed by an independent panel consisting of the Region Commander (Assistant Commissioner), Region Professional Standards Manager and the Commander (Superintendent) of the involved member to ensure appropriate conflict management and action has been taken.

A Manager must complete a risk assessment for all involved members in these circumstances. This documents the nature of the DFV incident, any previous DFV incidents the involved member has been in, the work status of the involved member, their role and duties, any risk mitigation strategies already put into place, and any other matters that they or the Commander deem relevant. Consideration must be given to the involved member's access to:

- NSW Police Force issued arms and appointments
- personally owned firearms
- firearms and other prohibited weapons via approved secondary employment
- NSW Police Force exhibits (which may include seized firearms)
- gun safe lockers

The Commander will review and make a determination as to the management of all identified risks.

If any changes arise regarding the matter (the involved member breaches their ADVO, is involved in further DFV incidents, are bail refused, etc), then a new risk assessment must be completed. Additionally, if an ADVO is made where the involved member is a Defendant, the *Firearm Act 1996*

(NSW) stipulates that firearms licences or permits will be suspended. This is applicable to personal firearms if they are owned by members of the NSWPF.

23. List of domestic and family violence support services

For all emergencies requiring urgent assistance from police, ambulance or fire please call Triple Zero – 000.

To report non-urgent matters to police, please call the Police Assistance Line (131 444) or to report a crime please call Crime Stoppers (1800 333 000). You can also seek assistance by contacting your local police station.

Below is a list of DFV support services. For a full list of services in your local area please download the Empower You app.



Service	Phone	Website
Lifeline	13 11 13	lifeline.org.au
A nationwide service for people experiencing emotional distress with access to 24-hour crisis support and suicide prevention.		
1800RESPECT	1800 737 732	1800respect.org.au
A free service, available 24 hours a day, seven days a week to support people impacted by domestic, family or sexual violence. Confidential information and counselling is offered.		
NSW Domestic Violence Line	1800 656 463	dcj.nsw.gov.au/children-and-families
Free counselling and referrals for women experiencing domestic and family violence including getting hospital care, safety planning, transport, support for children and understanding an AVO.		
Men's Line	1300 789 978	mensline.org.au
A free professional 24/7 telephone counselling support for men with concerns about mental health, anger management, family violence (using and experiencing), addiction, relationship, stress and wellbeing.		
Men's Referral Service – No to violence	1300 766 491	ntv.org.au/mrs
National counselling, information and referral service for men who use violence and abuse to change their behaviour.		
Women's Domestic Violence Court Advocacy Services	1800 938 227	legalaids.nsw.gov.au
Free services for women and non-binary people experiencing domestic and family violence available in every town across the state of NSW. Services include safety planning, support at court and information.		

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Service	Phone	Website
Domestic Violence Legal Advice Line	1300 888 529	legallaid.nsw.gov.au
A statewide specialist team of lawyers, domestic violence case workers, mental health workers and financial counsellors who can help clients who have experienced domestic and family violence with their legal and other needs. This may include getting an ADVO divorce, arrangements for children and child support as well as legal issues related to finances and housing.		
Women's Legal Service	1800 801 501	wlsnsw.org.au
A free confidential legal advice and referrals to women in NSW, with a focus on family law, parenting issues, domestic violence, sexual assault and discrimination.		
Witness Assistance Service	1800 814 534	odpp.nsw.gov.au/victims-witnesses/witness-assistance-service
A range of services to meet the needs of victims of crime and witnesses appearing in court matters prosecuted by the NSW ODPP. They can assist in areas include preparing for court, giving evidence and helping victims to know what to expect on a court day.		
LINK2HOME	1800 152 152	facs.nsw.gov.au/housing/help/ways-are-you-homeless
Information, assessments and referrals to homelessness support and accommodation services across NSW		
13 YARN	13 92 76	13yarn.org.au
A national crisis support line for mob who are feeling overwhelmed or having difficulty coping. Confidential one-on-one yarning opportunity with a Lifeline-trained Aboriginal and Torres Strait Islander Crisis Supporter who can provide crisis support 24 hours a day, seven days a week.		
Warringa Baiya – Aboriginal Women's Legal Service	1800 86 587	wirringabaiya.org.au
An Aboriginal and Torres Strait Islander service for women and children in NSW with a gender-specific service sensitive to their culturally diverse needs. Provides Aboriginal and Torres Strait Islander women victims-survivors of violence with access to appropriate legal representation, advocacy, advice, and referral.		
NSW Ageing a Disability Abuse helpline	1800 628 221	ageingdisabilitycommission.nsw.gov
Information, support or to report abuse, neglect and exploitation of older people and adults with disability in their family, home or community.		
Kids HelpLine	1800 55 1800	kidshelpline.com.au
Free support and counselling for people aged 5 to 25.		
ACON	1800 063 060	acon.org.au
A LGBTQIA+ health and HIV/AIDS organisation who offer a range of services that may be appropriate for people experiencing domestic violence such as information, referral, counselling or support. ACON services also include an Anti-Violence Project, Aboriginal project, a Same Sex Attracted Women's Project, an Alcohol and other Drugs Project, HIV services and a range of services.		
SpeakOut Association	(02) 9635 8022	speakout.org.au
Is an organisation for migrant and refugee women within NSW who are experiencing domestic and family violence or who are at risk of homelessness due to violence or abuse. Services include providing information, guidance and other direct services.		

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